

EUSANCT Dataset¹

– Case Summaries –

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Introduction

The EUSANCT Dataset covers the period from 1989 to 2015 and consists of a case-level and a dyadic version. The first database contains 326 sanction threats and imposed sanctions by the European Union, the United Nations, the United States or a coalition of these senders.

The EUSANCT Dataset amends, merges and updates some of the most widely used sanction data resources that have been developed in recent years: the Threat and Imposition of Economic Sanctions (TIES) dataset (Morgan et al., 2009; 2014), the dataset by Hufbauer, Schott and Elliot (HSE) (Hufbauer et al., 1990; 2009), and the GIGA Sanctions Dataset (Portela and von Soest, 2012).²

We have used the TIES codebook by Morgan et al. (2009; 2014) as the baseline for the codebook of our dataset, but introduced new categories and altered some of the extant variable descriptions. In this codebook, we present these changes in detail. We code, *inter alia*, information on sanction threats and imposed sanctions for each individual sender which is a distinct feature of EUSANCT – including start and end dates, the identities of those who threatened and imposed sanctions, the (threatened) sanction types as well as the outcome of the respective case. Note that EUSANCT also includes and adopts variables used in other datasets, most notably the HSE effectiveness measure.

We used the existing datasets solely for the identification of relevant cases but not as a source of information. EUSANCT relies, in other words, on an independent coding of all included variables. By researching each individual case, we made sure to have a consistent coding across cases from different sources and to avoid duplicates of cases that are included in several datasets. After combining all existing datasets, we updated the joint dataset for the remaining period until 2015. For identifying new sanction threats and imposed sanction cases, we have created a set of sanction-related keywords (see online appendix). We employed these keywords with the help of student research assistants for a systematic keyword search using the Nexis news database. Therefore, we have assigned each sender (EU, US and UN) to a research assistant. Identified sanctions were further investigated and coded, when applicable.

All sources for each individual case that we have obtained from the Nexis news database are available upon request.

² Hufbauer GC, Schott JJ and Elliott KA (1990) *Economic sanctions reconsidered. History and current policy*. Washington, DC: Institute for International Economics.

Hufbauer GC, Schott JJ, Elliott KA, et al. (2009) *Economic Sanctions Reconsidered, 3rd Edition*. Washington, DC: Peterson Institute for International Economics.

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Portela C and von Soest C (2012) *GIGA Sanctions Dataset Codebook: Version 18 June 2012*. Hamburg: GIGA German Institute of Global and Area Studies.

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1950063001

North Korea (US)

After North Korean forces on 25 June 1950 crossed the demilitarized zone to invade South Korea, US President Truman, on **30 June 1950**, ordered a naval blockade of the Korean coast, imposed a total trade embargo against North Korea and terminated all US economic contacts. In December, Truman declares national emergency in connection with Korean War, invokes Trading with the Enemy Act to terminate all US economic contacts with North Korea.

Resolution:

After signing the “Agreed Framework” in October 1994, related to North Korea’s nuclear program, the Clinton administration, on 20 January 1995, relaxes travel, communications, and some trade restrictions but leaves in place “about 99 percent” of the sanctions under the Trading With the Enemy Act. A State Department statement links further relaxation of trade restrictions to North Korean progress on nuclear and other issues of US concern.

For first time, on 25 September 1999, North Korea publicly announces that it will refrain from further missile tests while talks with the US on normalization of relations are underway, but it demands that US end all sanctions and makes clear that the moratorium on testing missiles is temporary.

The State Department has designated North Korea as a CPC under the International Religious Freedom Act of 1998 since **26 October 2001**. However, the Secretary only designated a sanction already in effect, consisting of restrictions on normal trade relations and other trade benefits pursuant to the Trade Act of 1974 and the Jackson-Vanik Amendment, as the action under the IRF Act.

On 13 February 2007, North Korea agrees to disable its plutonium nuclear facilities in Yongbyon and provide the US and other members of the six party talk with “a complete and correct” declaration of its nuclear program. In return, the US will terminate economic sanctions on North Korea under the Trading with the Enemy Act and remove North Korea from the list of state sponsors of terrorism.

On **11 October 2008**, North Korea submitted its declaration of nuclear programs listing 15 facilities and the following day destroys the cooling tower in Yongbyon. In turn, President Bush announced his intention to remove North Korea from the list of state sponsors of terrorism within 45 days and lifts economic sanctions under the Trading with the Enemy Act. However, on the same day, the President declares that “the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute an unusual and extraordinary threat” to the national security of the United States. Moreover, sanctions pursuant to Arms Export Control Act on countries “that do not cooperate fully with United States antiterrorism efforts” remain in effect.

HSE Score:

1 (policy result) x 1 (sanctions contribution) = 1 (success score) (HSE)

Source:

GIGA; (US_PRK_50); HSE; (50-1);

<https://piie.com/commentary/speeches-papers/case-50-1-and-93-1>

1962110601

South Africa (EU-US-UN)

In 1948, the racist National Party won the elections in South Africa and started to pass laws paving the way for Apartheid. The UN Security Council adopted resolution 134 on 1 April 1960, condemning the “situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa”. On **6 November 1962**, the UN General Assembly in resolution 1761 urged to break diplomatic relations with South Africa and impose encompassing economic sanctions. However, the actions were boycotted and not implemented. On 7 August 1963, the UNSC adopted resolution 181, noting “the recent arms build-up by the Government of South Africa, some of which arms are being used in furtherance of that Government’s racial policies”. The UNSC thus imposed a voluntary embargo on “the sale and shipment of arms, ammunition of all types and military vehicles to South Africa”. The voluntary arms embargo was further strengthened by UNSCR 282 of 23 July 1970.

The United States imposed an arms embargo on **2 August 1963**. In 1964, the US furthermore prohibited direct Eximbank loans to South Africa and placed limits on value of loans to US firms exporting there and used voting power in the IMF to block the purchase of South African gold. Britain, in the same year, imposed an arms embargo and India a complete embargo on trade with South Africa.

With regard to the territorial conflict with Namibia and the policies of apartheid, on 13 November 1963, the UN General Assembly urged all states to refrain from supplying arms and military equipment – and supplying petroleum and petroleum products. OPEC nations imposed an oil embargo starting in November 1973. The General Assembly further urged on 2 December 1968 “to suspend cultural, educational, sporting and other exchanges with the racist regime” and suspended South Africa from the participating in its work on 12 November 1974.

On **4 November 1977**, the UNSC adopted resolution 418, implementing a mandatory arms embargo. The UNSC further urged to cease arms imports from South Africa in resolution 558 of 13 December 1984. The arms embargo was significantly tightened in 1986 by addition of spare parts, components, broadening of definition of covered articles.

On 22 February 1978, the US administration denied export or reexport of any item to South Africa or Namibia if the end user is the military or police in South Africa. However, in 1981, US President Reagan relaxed sanctions against South Africa.

On 9 September 1985, Reagan imposed limited sanctions by executive order, banning exports of US-manufactured computer hardware, software to agencies that administer or enforce apartheid; exports of nuclear goods, technology; loans to South African government, except for educational, housing, or health facilities open to all races – and also mandating compliance with Sullivan principles as called for in congressional legislation. An import ban of krugerrands followed in October.

On **10 September 1985**, eleven of 12 EC nations approved a condemnation of South Africa and agreed on package of limited sanctions, including tighter enforcement of arms embargo, ban on all nuclear, military cooperation with South Africa; UK withholds approval pending assessment of sanctions’ impact. The Commonwealth of Nations imposed sanctions similar to EC and US sanctions on 20 October 1985.

On **16 September 1986**, the EC votes to ban imports of iron, steel, gold coins, and new investment in South Africa. A ban on coal imports, most significant of proposed sanctions, was blocked by West Germany and Portuguese opposition. Japan followed the ban on imports of iron and steel.

The US “Comprehensive Anti-Apartheid Act” of 2 October 1986 extended and expanded existing sanctions, banning all loans to and new investment in South Africa, imports of iron and steel, coal, uranium, textiles, agricultural products, goods produced by government-controlled firms, exports of petroleum products, weapons and munition and prohibited US banks from accepting South African government deposits. Moreover, the act transferred South Africa’s sugar quota to the Philippines and severed air links.

Resolution:

In December 1988, a peace pact was signed in New York in which South Africa agreed to implement UN plan for Namibia’s independence. Namibia became independent on 21 March 1990. Walvis Bay and Penguin Islands which were under South African control became independent in 1994.

In December 1990, EC leaders in Rome voted to allow new investments in South Africa to acknowledge the political reforms of the past year – but other sanctions remained in place because “the basic institutions of apartheid are still firmly in place”. However, in February 1991, the EC foreign ministers agreed to lift sanctions once the South African Parliament repealed three basic apartheid laws as has been requested by President Frederick W. de Klerk. On **7 April 1992**, the EC lifted its ban on oil sales to South Africa.

In June 1991, the South African parliament repealed the Land Act, Group Areas Act and the Population Registration Act and released several political prisoners. The International Olympic Committee ended its 21-year ban on South African participations on 9 July 1991 and the International Cricket Council in London voted to recognize the United Cricket Board of South Africa.

President Bush lifted US sanctions against South Africa on 10 July 1991. The US announcement ended a five-year-old ban on new US investment in South Africa, direct air links between the two countries, and trade in everything from gold coins and computer technology to steel and farm products. Japan followed on 23 October 1991.

India announced to lift its trade sanctions in September 1993. Furthermore, in September 1993, the South African parliament approved the creation of a multiracial Transitional Executive Council and members of the Organization of African Unity voted to lift economic sanctions against South Africa. In October 1993, the UN General Assembly agreed to remove the oil embargo.

On 23 November 1993, President Clinton signed into law a bill repealing all remaining federal anti-apartheid sanctions.

The UN Security Council lifted its 1977 arms embargo and all other restrictions against South Africa with resolution 919 of **25 May 1994**.

On **27 February 1998**, the US lifted its 35-year old arms embargo against South Africa, the last remaining sanction imposed at the beginning of the Apartheid era.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE1: 4 x 2 = 8; HSE2: 4 x 3 = 12)

Source:

TIES (1960062501; 1977122001; 1946031101; 1960032701); HSE; (62-2; 75-3; 85-1)

<https://piie.com/commentary/speeches-papers/case-62-2-and-85-1>

<http://www.un.org/en/events/mandeladay/apartheid.shtml>

1973121701

Chile (US)

On **17 December 1973**, the US Congress stated in Public Law 93-189 that it “is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights [...]”.

On **30 December 1974**, the US Congress limited assistance to Chile in Public Law 93-559. Aid restrictions were further tightened in 1975 and 1976 when the Congress cuts military and economic assistance (PL 94-161, PL 94-329).

On 18 October 1979, Secretary of State Cyrus R. Vance tentatively has decided to cut off U.S. aid to Chile and to recall part of the U.S. embassy staff there in retaliation for Chile’s refusal to extradite three former police officers under U.S. indictment for the 1976 murder here of Orlando Letelier. Additional sanctions contained a freeze on future direct U.S. aid, efforts to block aid extended to Chile through multinational lending institutions, suspension of all Export-Import Bank credits and Overseas Private Investment Corp. guarantees to Chile and denial of visas to Chilean military and intelligence personnel.

Resolution:

On 11 March 1990, General Augusto Pinochet surrendered the presidency and handed over his post to opposition leader Patricio Aylwin.

President Bush promised on 6 December 1990 improved political and economic ties with Chile, saying the Latin American nation has undergone a transformation “every bit as far-reaching” as the upheavals of the last year in Eastern Europe. On **1 December 1990**, the White House announced it had lifted sanctions prohibiting military assistance and sales to Chile that were imposed by Congress after the Letelier bombing. The administration justified the decision by saying that Chile had taken steps to resolve the case here, including shifting jurisdiction of the case from the military to civilian courts.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE1: 4 x 2 = 8; HSE2: 4 x 3 = 12)

Source:

EUSANCT; HSE; (70:1)

1978022101

Libya (US-EU)

The State Department, citing Libyan support for international terrorism, said on **21 February 1978** it has rejected that country's request of spare parts for eight C-130 transports. U.S. officials said Libya has granted safe haven to terrorist groups in the past and the decisions reflect "U.S. government concern with Libya's continuing support for international terrorism, which makes it inappropriate to permit Libya to acquire U.S. military equipment and services or for the U.S. government to permit the export of aircraft which could be used to transport troops or military equipment." Since then, the State Department cut off exports of material and equipment that might have military uses to Libya on the ground that this country encourages international terrorism and harbours hijackers.

On 29 December 1979, the U.S. added Libya to the list of State Sponsors of Terrorism on, linked to some restrictive measures such as being ineligible for some U.S. arms sales and aid.

On 6 May 1981, the United States ordered that Libya close its diplomatic mission in Washington and remove the mission staff from the country. It cited "a wide range of Libyan provocations and misconduct, including support for international terrorism."

The ban on Libyan oil, under consideration for more than a year, and the prohibition on the sale of high technology gas and oil equipment was announced on 10 March 1982 by the State Department. The U.S. ban on oil imports and most trade (requiring licenses for other exports, with the exception of food and other agricultural products, medicine and medical supplies) with Libya is described by U.S. officials as a calculated attempt to hurt, but not destroy, the Libyan government of Khadafy.

On 7 January 1986, President Reagan imposed a total U.S. economic boycott against Libya in response to the terrorist attacks in Rome and Vienna last month and condemned Libyan leader Muammar Gadafy who should be punished for the deaths of 19 people, including five Americans. On 8 January, Reagan dramatically stepped up the confrontation with Gadafy by freezing all Libyan government assets in the United States as a precaution against Libyan seizure of American oil assets.

SIPRI: "In reaction to Libya being implicated in a terrorist attack on a discotheque in Berlin and the bombing of a passenger aircraft over the United Kingdom, as well as threats made by Libyan leaders against its Member States, the European Community imposed several sanctions including an embargo on the export of arms and other military equipment to Libya through decisions related to combating terrorism taken in 1986 in the framework of European Political Cooperation." The EU arms embargo went into force on **27 January 1986**.

On 14 April 1986, the United States conducted a series of air strikes against what the White House called "terrorist centers" and military bases in Libya. Reagan said the American attack was a retaliation for what he asserted was the "direct" Libyan role in the bombing on April 5 of a West Berlin discotheque frequented by American servicemen. One American soldier and a Turkish woman died, and more than 200 people were wounded, including 50 other servicemen.

In 1988, the Reagan Administration accused Qaddafi of producing chemical weapons at Rabta.

On 23 July 1996, the US Congress passed the Iran and Libya Sanctions Act, signed by President Bush on 5 August 1996.

Resolution:

On 15 August 2003, "Libya as a sovereign state accepts responsibilities for the actions of its officials," Libyan Ambassador Ahmed A. Own said in the letter to the Security Council. He pledged Libyan

cooperation with the continuing investigation into the bombing and said the country intends to continue its cooperation in the war against terrorism.

Libya's surprise declaration giving up its nuclear, biological and chemical weapons was the culmination of a week of intense negotiations that followed months of secret diplomacy, officials in London and Washington said on 20 December 2003. In January 2004, Libya ratified the nuclear test ban treaty and allowed inspectors to enter the country.

President Bush on 23 April 2004 cleared the way for American companies to do business in Libya, easing Reagan-era economic sanctions as a reward to Moammar Gadhafi for giving up weapons of mass destruction. US President George W. Bush on 20 September 2004 removed most economic sanctions on Libya after Libya addressed concerns over its weapons programs, but Tripoli remains on the US list of state sponsors of terrorism, the State Department said. Bush signed an executive order removing remaining economic restrictions on aviation services with Libya, permitting direct, scheduled and chartered flights, and unblocking approximately 1.3 billion dollars in frozen assets. President Bush signed an executive order ending the national emergency declared in 1986 under the International Emergency Powers Act.

On **11 October 2004**, the EU lifted its arms embargo against Libya.

The USA on **13 July 2006** officially certified in the US Federal Register the US Department of State's determination on the rescission of Libya's designation as a state sponsor of terror. This determination on the rescission of Libya's designation as a state sponsor of terror annuls all previous measures of sanction, including the measures related to foreign aid and export of arms.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

TIES (1977050801); HSE; (78-8); GIGA; (US_LBY_78)

1984011901

Iran (US)

On **19 January 1984**, the US State Department adds Iran to the list of nations supporting terrorism, subjecting it to more stringent export controls. When evidence surfaces of Iraqi use of chemical weapons in the war against Iran (February 1984), the Reagan administration embargoed exports to both countries of five chemicals that could be used to produce weapons. On 26 October 1987, Reagan embargoed all imports from Iran and prohibited export of militarily useful goods as long as “Iran persists in its aggressive disregard for the most fundamental norms of international conduct”. Shortly after death of Khomeini (June 1989), President Bush conditions normalization of relations with Iran on “renunciation of terror”.

On 23 October 1992, the Iran-Iraq Arms Non-Proliferation Act became law. It extended to Iran the same export and licensing prohibitions as are applied to Iraq under the Iraq Sanctions Act of 1990. Sanctions prohibit export of defense items, nuclear material, certain goods under Export Administration Act, and denial of Export-Import Bank financing. It also calls for sanctions against any foreign government or person contributing “knowingly and materially to the efforts by Iran and Iraq to acquire destabilizing numbers and types of advanced conventional weapons.”

On 15 March 1995, the Clinton administration barred US citizens and companies from financing, supervising and managing oil development projects in Iran. The move is widely seen as an attempt by administration to pre-empt congressional pressure for sanctions. Citing proliferation and terrorist concerns, the White House banned, effective 8 June 1995, all direct US trade with Iran, as well as an estimated \$4 billion in indirect trade, mainly by American companies selling Iranian oil in third countries. On 5 August 1996, US President Clinton signed the Iran and Libya Sanctions Act.

Since **7 October 1999**, the State Department has designated **Iran** as a “country of particular concern,” or CPC, under the International Religious Freedom Act of 1998 (IRFA). The Secretary designated, on **23 December 1999**, a sanction already in effect, consisting of restrictions on U.S. security assistance pursuant to the Arms Export Control Act, as the action under the IRF Act.

On 15 March 2000, ending a two-year dispute with Congress that began after his June 1998 veto, President Clinton signed the Iran Nonproliferation Act of 2000 into law. The act requires the president to send report to Congress identifying countries and entities assisting Iran with its weapons programs and gives the president the authority to impose sanctions on these countries but does not make sanctions mandatory. The US passed the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 (CISADA), on 1 July 2010, which substantially amends, expands and extends the Iran Sanctions Act of 1996. CISADA provides new sanctions against banks and foreign financial institutions that engage in transactions with Iran; increases criminal penalties for violating sanctions; allows state and local governments to divest their assets from or prohibit investments of such assets in foreign companies engaging in sanctionable activities. CISADA also provides measures to address the diversion of trade of US products from third countries to Iran.

On 16 February 2012, the US Department of Treasury sanctions the Iranian Ministry of Intelligence and Security (MOIS) for its support of terrorist groups Hezbollah, Hamas, and al Qaeda, committing human rights violations against the Iranian people, as well as its support of the Syrian regime as it continues to commit grave human rights abuses in the wake of popular protests.

Resolution:

Ongoing.

Although Washington has lifted, in January 2016, nearly all secondary financial and banking sanctions applicable to non-US persons, and to non-US entities owned or controlled by US persons, it has not removed the wide-ranging financial transaction and export restrictions that apply to US persons and companies. On 31 October 2016, US Secretary of State John Kerry said that Washington is unlikely to lift all economic sanctions against Iran. The reason is that Tehran is involved in sponsoring terrorism, and is not committed to UN resolutions on arms embargos, in addition to the country's human rights file. He noted that the economic sanctions linked to Iran's nuclear file are being gradually removed in line with the agreement concluded between Tehran and the international powers – but the US will go on unilaterally imposing sanctions on Iran for reasons that are not related to the nuclear issue, Kerry said, referring to Iran's role in Yemen's crisis and Tehran's support to Hezbollah and the Syrian regime.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (US_IRN_84); TIES (1984012301); HSE; (84-1)

1984022201

Lebanon (US)

The Lebanese army disintegrated into units based on religion in 1984 in the middle of the 1975-1990 civil war. In 1991 its 50,000 soldiers were reunified and reorganised into multi-faith brigades under the command of General Emile Lahud. The United States has suspended shipments of tanks and armored troop carriers to Lebanon's battered army because of uncertainty over its future as a fighting force, administration officials said on **22 February 1984**.

The Reagan administration, responding to recent kidnappings in Lebanon, on 28 January 1987 barred most Americans from traveling there on grounds that the "chaotic" situation poses "imminent peril" to all U.S. citizens. The announcement by the State Department acknowledged that the United States cannot protect its estimated 1,500 citizens in Lebanon from the clashing factions there and indicated that repeated hostage-taking has put U.S. policymakers in an untenable position.

Resolution:

The civil war ended in October 1990 and Syria released hostages in 1991.

In October 1992 the United States decided to resume military aid to Lebanon suspended in 1984 and two million dollars was set aside for such aid in the 1994 budget, US sources said. Lorries, jeeps and lifting gear all gathered from US army stocks in Europe have been supplied to Lebanon for a tenth of their value of 11 million dollars.

Lebanon dispatched an envoy to the United States on **30 July 1997**, hours after Washington decided to lift its 10-year travel ban on the tiny Arab country, officials said.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

HSE; (84-2)

1984033001

Iraq (US)

The U.S. added Iraq to the list of State Sponsors of Terrorism on 29 December 1979, linked to some restrictive measures such as being ineligible for some U.S. arms sales and aid. From the beginning of the 1980s, Iraq faced US export sanctions for supporting terrorism and the production of chemical and nuclear weapons. On 1 March 1982, the US lifted export restraints against Iraq imposed on antiterrorist grounds. However, on 13 May 1982, the House Committee on Foreign Affairs voted to restore Iraq to the list of terrorist supporting nations. In October 1983, the State Department announced it will not return Iraq to list of nations supporting terrorism despite congressional pressure to do so.

On **30 March 1984**, the US announced to impose restrictions on the sale to Iraq of five chemical compounds that can be used to produce chemical weapons. The State Department declared that the United States has evidence that Iraq has used nerve gas against Iran. By early 1990, 50 chemicals were listed as “chemical weapons precursors” requiring validated license for export. Moreover, on 23 February 1989, the US imposed controls on exports of “several classes of bacteria, protozoa, fungi, viruses and viroids that could be used as biological weapons.

Within the oil dispute, on 2 August 1990, Iraq invaded Kuwait. In response to Iraq’s invasion the US imposed comprehensive sanctions, including a trade embargo against Iraq and a freeze of the assets of the then-Iraqi government, which were implemented in the Iraqi Sanctions Regulations, 31 C.F.R. part 575. The sanctions were linked to several military actions (e.g. Operation Desert Fox on 16 December 1998).

Resolution:

Despite congressional pressure and several instances of bad behavior by Iraq, the Reagan and Bush administration increasingly concentrated on narrow sanctions to thwart Iraqi acquisition of chemical and nuclear weapons rather than broad-based sanctions in response to terrorist allegations.

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HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (US_IRQ_82); TIES (1984073101; 1990080202); HSE; (80-2)

<https://piie.com/commentary/speeches-papers/case-80-2>

Iraqi Sanctions Regulations, 31 C.F.R. part 575

1986052201

Syria (US-EU)

The U.S. added Syria to the list of State Sponsors of Terrorism on 29 December 1979, linked to some restrictive measures such as being ineligible for some U.S. arms sales and aid. However, Syria's role in terrorism was questioned. In 1985, a tactical debate centered on whether, as a price for Syrian help on the hostages, the United States should ignore and deny what it has described until recently as a Syrian role in terrorism – even within the U.S. administration.

After several terrorist attacks occurred in 1985 and 1986 where Syrian involvement was suspected (airport attacks in Rome and Vienna – and, in particular, the attempted bombing of an El Al plane in London in April 1986), the U.S. on **22 May 1986** called on Syria to expel all terrorists and hinted at possible sanctions. When Britain broke diplomatic relations with Syria, the United States announced on 24 October 1986 the withdrawal of the ambassador to Syria in a show of support for Great Britain. Several senators threatened further measures (total trade cutoff and severing of all air and sea links).

Britain could not win support for EEC sanctions (arms embargo, diplomatic sanctions, aid cuts) against Syria – arguably because of European member country's (Greece, France, West Germany, and Spain) economic interest in Syria. However, all of those issues would be reconsidered when community foreign ministers meet on 10 November, and, on **29 October 1986**, the Commission announced to suspend grain subsidies if the U.S. do the same.

On **10 November 1986**, the EC imposed economic and diplomatic sanctions: the sanctions package bans arms sales to Syria, suspends high-level visits to or from Damascus, calls for a review of Syrian diplomatic activities in EC nations and agrees to “tighten security precautions” around the state-run Syrian Arab Airlines. Greece did not impose the sanctions. Following the EU's decision, Secretary of State George Shultz said that he has sent a set of recommendations to President Reagan calling for sanctions against Syria in response to that country's alleged support of terrorism.

On **14 November 1986**, the U.S. imposed mild trade and diplomatic sanctions against Syria for the nation's support for international terrorism. The measures would prohibit all sales of aircraft, computers and other high technology to Syria, as well as ban American ticket sales for the Syrian airline and trim the number of Syrian diplomats in the United States. Moreover, the administration informed U.S. oil companies that it considers their continued involvement in Syrian oil operations “inappropriate under these circumstances.”

Resolution:

The EC resumed high-level contacts on 14 July 1987 and aid payments to Syria on 8 September 1987 even though Britain only withdrew its long-standing veto on the resumption of EC financial aid for Syria, in a move which could improve the prospects for British hostages held in Lebanon on 7 September 1990. The EU agreed on **28 November 1994** to also lift the arms embargo on Syria.

The U.S. ambassador returned on 2 September 1987 and lifted the oil drilling ban on 11 September 1987. However, the U.S. kept the arms embargo and aid restrictions. In 1996, drafters of the State Department's annual terrorism report have decided to keep Syria on the list, making the Arab country negotiating peace with Israel ineligible for most U.S. aid or U.S. help in obtaining international bank credits. However, in April 1996, the Clinton administration decided not to bar trade with Syria despite being listed because there is no evidence that Syrian officials have been directly involved in a terrorist incident since 1986. In July 1997, the House voted to bar trade with Syria and Sudan as states supporting terrorism. The Clinton administration tried to get an exemption for Syria from terrorism sanctions and argued that Syria showed at least a certain degree of

cooperation in the peace process in the region and should not be punished as other states like Iran. The House voted to revoke the administration's authority but, finally, the sanctions were not imposed (TIES 1997070901). However, the sanctions were replaced by the imposition of the Syria Accountability Act by Executive Order 13338 on **12 May 2004**.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE: 2 x 3 = 6)

Source:

GIGA; (US_SYR_86); TIES (1986010901); HSE; (86-1)

<https://piie.com/commentary/speeches-papers/case-86-1>

1987040301

Panama (US)

On **3 April 1987**, the US Senate recommended the suspension of aid to Panama in line with the Anti-Drug Abuse Act of 1986.

As the military government of Panama is accused of electoral fraud, Reagan suspended economic and military aid to Panama on **22 December 1987** – until there is a democratically elected government. Later, Panamanian assets in U.S. banks, estimated at \$50 million, also have been frozen.

President Reagan advised Congress on 1 March 1988 that Panama, whose military strongman has been indicted on narcotics charges, and three other countries – Afghanistan, Iran and Syria – have not cooperated with the United States to halt drug trafficking and are liable to an aid cutoff and other sanctions.

On 11 March 1988, Reagan imposed additional sanctions: Reagan tightened the screws on Friday when he ordered the \$6.5 million fee due to Panama for canal-related services placed in escrow. It will be released once civilian government is restored, he said. Reagan also acted to strip Panama of the right to sell its products in U.S. markets either duty-free or at the lowest tariff rates possible. These benefits are given to Panama under a system of tariff preferences accorded to Third World countries and under the Caribbean Basin Initiative, designed to help 21 countries in that region.

President Reagan, on 8 April 1988, invoked the IEEPA, forbidding payments to the Noriega regime by U.S. citizens and organizations either in the United States or Panama. The executive order also froze all assets of the Panamanian government in the United States.

On 3 July 1989, the IMF declared Panama ineligible for new borrowing.

Tough the US partially lifted sanctions, Noriega did not step down, conducted further electoral fraud and suppressed the opposition. Coup attempts against Noriega failed.

Resolution:

On 20 December 1989, US troops invaded Panama and ousted the military government. Bush ordered that economic and political sanctions be lifted and authorized federal drug agents to pursue arrests in Panama.

On **1 March 1990**, Laos and Panama were certified, reversing their status from last year – qualified for U.S. economic assistance despite major drug trafficking problems.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE: 4 x 2 = 8)

Source:

HSE (87-1)

1987043001

Romania (US)

The State Department expressed regret the **30 April 1987** House vote to suspend trade benefits worth \$300 million to Romania because of alleged human rights abuses. At issue is so-called most favored nation trading status for Romania, which allows the lowest possible tariff rates for the country's U.S. exports. That benefit can be withdrawn if severe restrictions are imposed on emigration and religious freedom. On **27 June 1987**, the Senate took a slap at Romania for its human rights record, approving a six-month suspension of trade privileges that allow that communist nation to sell products in the United States at the same low tariffs as noncommunist countries.

President Reagan has signed an order withdrawing trade concessions from Rumania under the most-favored-nation program on 28 June 1988. On 9 January 1990, the department said it applauded the steps taken by the National Salvation Front government – Romania's new government which came to power after the ousting of Nicolae Ceaușescu – and would consult with Congress about making it easier for Romania to sell its products in this country.

After elections in May 1990, thousands of miners who had answered President-elect Ion Iliescu's call to crush anti-government protests left Bucharest on **15 June 1990** after another club-waving rampage against demonstrators. U.S. and other Western officials condemned the government-sponsored brutality and threatened to block further economic assistance. A spokesman for the European Community said Western European nations would hold up a trade and economic cooperation accord finalized this past week. "We will not proceed with [the] ratification procedure in the kind of circumstances that face us in Romania at the moment," EC Commissioner Bruce Millan told the European Parliament in Strasbourg, France.

Resolution:

The Romanian government in a statement of expressed its satisfaction at the European Community's decision of **17 September 1990** to sign an agreement on trade and economic cooperation with Romania. EC's decision indicated its acknowledgment of the progress Romania has made in democratization, the statement said, adding that Romania hopes the agreement will be signed and put into effect as soon as possible.

On 17 August 1991, President Bush made Romania eligible for credit guarantees for agricultural exports. However, the U.S. House of Representatives rejected MFN status for Romania on 30 September 1992 because Washington views the government of President Ion Iliescu with suspicion. The 62-year-old Iliescu is a former associate of hard-line dictator Ceausescu and is seen as a barely reformed communist who wishes to slow the liberalization process.

The United States resumed normal trade ties with Romania on **2 November 1993**, with President Bill Clinton praising Bucharest's strides in consolidating its democracy and market economy. Clinton signed legislation extending most favored nation (MFN) tariff status to Romania, giving Romanian imports to the United States the lowest standard non-discriminatory treatment.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score) (HSE)

Source:

HSE; (83-5)

1987070901

Haiti (US)

The U.S. government publicly warned Haiti's military-led government and its political leaders on **9 July 1987** that it will cut off U.S. economic aid if either group permits "a perversion of the democratic process" on the way to an elected government here.

The Reagan administration, saying it is "deeply distressed and saddened" by the violence that led to cancellation of Haiti's elections, on **1 December 1987** increased its pressure on Lt. Gen. Henri Namphy's military-controlled government to ensure that Haitians get the chance to vote quickly and safely for a president. \$ 62 million in economic aid – \$ 48 million in balance-of-payments support and \$ 14 million in development aid – is being suspended and that a planned request for about \$ 4 million in military assistance has been shelved. However, he added, because the United States does not wish to punish Haiti's poor people for failures of their government, \$ 32 million in food and development aid disbursed through nongovernmental agencies will continue.

Congress later approved and increased the sanctions on foreign aid, apart from humanitarian aid. The sanctions were implemented with the goal of free elections, an end to violence, and general human rights.

On 26 January 1990, France also suspended aid.

Resolution:

In March 1990, the latest leader to come to power through non-democratic means was ousted. France and the US said they would restore aid to a democratic government.

Haiti's army yielded power on **13 March 1990** to a provisional civilian president and, in a historic public ceremony, promised to let her guide the nation toward free elections. "I order the army to return to its barracks and stay there," declared Maj. Gen. Herard Abraham, the army chief of staff. "Madame President of the Republic, the armed forces of Haiti are at your command."

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

HSE; (87-2)

1987090901

Iran (US)

“Enacted by Congress in 1986, the certification process was meant to press the administration to demand tougher counternarcotics measures by other governments. Each year, the administration must produce a list of major drug-producing or drug-transit countries. Countries included in the “majors” list face mandatory sanctions unless the administration certifies that a country is fully cooperating with U.S. anti-narcotics efforts, or is taking sufficient steps on its own to meet the terms of the 1988 UN drug control convention. The sanctions include the withdrawal of most U.S. foreign assistance not directly related to counternarcotics programs and U.S. opposition to loans those countries seek from multilateral development banks. The administration can also waive sanctions against a country that is not fully certified, if it determines that doing so is in the “vital national interests” of the United States.” (http://fpif.org/drug_certification/)

According to the US Foreign Assistance Act of 1986 (Anti-Drug Abuse Act of 27 October 1986), decertified countries are ineligible for all US aid except money used for antidrug efforts. US businesses investing in decertified countries would not qualify for loans from the US Export-Import Bank or the Overseas Private Investment Bank. Additionally, US is required to vote against loans to decertified countries from international lending institutions such as IMF and Inter American Development Bank.

On **9 September 1987**, the annual report on international narcotics stated that Iran, Afghanistan and Syria, which don't receive U.S. assistance anyway, are the only countries on the non-cooperation list. The report was sent to Congress under a law requiring the United States to suspend aid to countries that refuse U.S. requests to halt drug production and traffic.

On 23 October 1986, the report on foreign anti-drug efforts called increased opium cultivation in Pakistan “disappointing” and said it remained concerned about reports of large-scale opium cultivation in Laos, Afghanistan and Iran, which are inaccessible to U.S. anti-drug efforts.

Resolution:

On **7 December 1998**, Washington announced that it was removing Iran from the list of major drug-producing countries after finding “no evidence of any significant poppy cultivation in the traditional growing areas” in the Middle Eastern country. Iran had been considered by the United States a major drug producer since 1987, as well as a country that has failed to cooperate in the war on drugs.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (1995030103)

1987090902

Afghanistan (US)

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Resolution:

Sanctions against Afghanistan were waived in 1993. On **1 April 1993**, Afghanistan, uncertified last year by President Bush, was deemed by Clinton to be enough of a security interest for the United States to grant a special waiver allowing Kabul to qualify for assistance.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

1987090903

Syria (US)

“Enacted by Congress in 1986, the certification process was meant to press the administration to demand tougher counternarcotics measures by other governments. Each year, the administration must produce a list of major drug-producing or drug-transit countries. Countries included in the “majors” list face mandatory sanctions unless the administration certifies that a country is fully cooperating with U.S. anti-narcotics efforts, or is taking sufficient steps on its own to meet the terms of the 1988 UN drug control convention. The sanctions include the withdrawal of most U.S. foreign assistance not directly related to counternarcotics programs and U.S. opposition to loans those countries seek from multilateral development banks. The administration can also waive sanctions against a country that is not fully certified, if it determines that doing so is in the “vital national interests” of the United States.” (http://fpif.org/drug_certification/)

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Resolution:

On **10 November 1997**, President Clinton has removed Syria and Lebanon from the list of countries that play an important role in producing or shipping illegal drugs, overcoming objections from officials within the administration who argued that progress in the two countries was insufficient to merit the change. However, sanctions against Lebanon have never been imposed.

Grassley, chairman of the Senate Caucus on International Narcotics Control, sharply disagreed with the decision, saying removing Syria from the list was “simply a blunder.” Administration officials defended the decision, saying that both countries had made progress in improving their anti-narcotics records. The officials said the decision was independent of the Middle East peace process, in which administration officials have long sought the cooperation of Syria.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (1995030105); GIGA (US_SYR_86); HSE; (86-1)

1988091801

Myanmar (EU-US)

After a coup d'état, Burma came under military rule in 1962. There was a constant decline in human rights. Protests against the military regime were violently suppressed and diplomatic relations got colder. In 1988, the economic situation and ever greater political oppression by the government led to pro-democracy demonstrations. The protests that were started on August 8 became known as the 8888 Uprising. At the peak of the demonstrations, security forces killed thousands of demonstrators. The Burmese military, led by the defense minister and army chief Gen. Saw Maung, seized power from civilian leaders on **18 September 1988** and cracked down the protests in the following days.

Only from this point of time on, the Burmese government faced sanctions. The United States and members of the European Community immediately cut all aid programs and reacted with diplomatic sanctions.

In order to restore 'civil order' the military government held 'free elections' in 1990. However, after the victory of the opposition and pro-democracy party, the military junta declared the elections void and cracked down several of the following protests. The EU imposed an arms embargo on **29 July 1991**. In 1993, the US also introduced an arms embargo (ITAR 58 FR 33293).

On 28 October 1996, the EU adopted a visa ban (1996/635/CFSP) which was extended by an asset freeze on 22 May 2000 (EC/1081/2000). On 20 May 1997, the Burmese sanctions program (E.O. 13047) by the US started with a prohibition of new investment in Burma – with the exclusion of existing investment.

The US State Department has designated **Burma** as a CPC under the International Religious Freedom Act of 1998 since **7 October 1999**. The Secretary designated a sanction already in effect, consisting of a prohibition on exports or other transfers of defense articles and defense services pursuant to the Arms Export Control Act, as the action under the IRF Act. On **14 October 1999**, the Secretary of State determined, pursuant to section 402 of the International Religious Freedom Act of 1999, that the arms embargo remains in place.

On 28 July 2003, the Burmese Freedom and Democracy Act (Public Law 108–61) brought a general import ban of Burmese products into the US – except for teak and gems. Besides, there was a prohibition of financial transactions and services – and asset-freezing as well as travel bans for officials that were extended in 2007, 2008, and 2012. In 2004, the EU imposed a set financial sanctions (EC/798/2004, EC/1853/2004).

Still, the Burmese Government did not give in. In 2007, there were further demonstrations to the further decline of the economy (Saffron Revolution). Again, the military junta cracked down these protests – another trigger event that led to an increasing economic sanctions. On 25 February 2008, the EU introduced import and export sanctions and tightened the existing financial sanctions (EC/194/2008). On 29 July 2008, the US adopted the Tom Lantos Block Burmese Junta's Anti-Democratic Efforts Act (Public Law 110–286) which mainly prohibited the import of any jadeite or rubies mined or extracted from Burma.

Resolution:

After the new round of sanctions in 1998, the government seemed to be seriously affected by the sanctions. In the same year, the military junta already announced a new constitution and a 'roadmap to democracy'. It still took a while till the democratic reforms were visible. In 2010, there was a general election which was, however, declared as fraud. Still, from 2011 onwards, the military

backed government passed democratic reforms: the democracy leader Aung San Suu Kyi was released from house arrest, press and internet censorship was relaxed, and the human rights situation improved.

With respect to the progress made in the right direction, there was a stepwise sanctions release from 2012 on. In 2015, there were the first general elections where the National League for Democracy got the absolute majority of seats in both chambers of the national parliament.

On 14 May 2012, the EU partly suspended restrictive measures against Burma (EC/194/2008). On 22 April 2013, the EU suspended all measures except for the arms embargo (2013/184/CFSP) which is still in force (2016/627/CFSP).

On 14 September 2016, US President Obama announced the suspension of all economic sanctions against Myanmar except sanctions related to arms and military cooperation. In an executive order on 7 October 2016, Obama terminated the emergency with respect to Burma an according economic sanctions, followed by Presidential Determination (2017-04) on 2 December 2016, except for the arms embargo.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE: 4)

Source:

GIGA; (US_MMR_88; EU_MMR_96); HSE;(88-1)

SIPRI

1988092101

Somalia (US-UN)

From 1982 to 1988, the United States viewed Somalia as a partner in defense in the context of the Cold War. Somali officers of the National Armed Forces were trained in U.S. military schools in civilian as well as military subjects.

However, in summer 1988, widespread human rights violations by government forces occurred during anti-rebel operations. On **21 September 1988**, Amnesty International released a report claiming that the Somali Government is guilty of summary executions and a wide range of human rights violations, which have worsened since last May's northern rebellion. The United States secretly cut off military aid in **summer 1988** in response to widespread human rights violations by government forces.

The civil war in the 1980s led to the collapse of Somalia's central government on **26 January 1991** when rebels won control over the capital. The nation on the Horn of Africa has not had an effective central government since clan-based warlords overthrew dictator Mohamed Siad Barre in 1991 until a transitional national government was established in spring 2000.

In UNSCR 733 of **23 January 1992**, the United Nations established a general and complete embargo on all deliveries of weapons and military equipment to Somalia.

Resolution:

In order to contribute to Somalia peacekeeping force and the implementation of the National Security and Stabilization Plan, the UN limited the embargo to non-state actors in UNSCR 1744 on 21 February 2007 and allowed supplies for the African Union mission and for the purpose of developing security sector institutions. However, in UNSCR 1844 of November 2008, the UNSC imposed new sanctions aimed at reducing the arms flowing into Somalia and the lawlessness and piracy that have flourished there: targeted sanctions such as travel bans and freezes of assets against people who are threatening the peace and security, mostly Islamist fighters. On 22 February 2012, UNSCR 2036 imposed an import ban of charcoal from Somalia as this is the main financial source of al-Shabaab. Both sanctions were directed to the terrorist group and welcomed by the Somali government.

US officials indicated on **2 August 2011** that, in the face of Somalia's extreme humanitarian needs, Washington had issued new guidance to allow more flexibility in the provision of aid to the conflict-ridden country. Since 2011, the United States has provided an additional \$240 million in development assistance to support economic, political, and social sectors to achieve greater stability, establish a formal economy, obtain access to basic services, and attain representation through legitimate, credible governance.

In 2012, Somalia completed its political transition through a limited, indirect election of a new federal parliament and president. With the adoption of a provisional constitution, the United States formally recognized the new Federal Government of Somalia (FGS) on 17 January 2013.

On **6 March 2013**, UNSCR 2093 amended the arms embargo related to arms supplies to the Somalian Government. The arms embargo on Somalia shall not apply to deliveries of weapons, military equipment, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia. However, restrictions remain so severe such that the Somalian government complains that it has not enough power to fight al-Shabaab.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA; (US_SOM_89; UN_SOM_92); HSE; (88-2)

UNSCR S/RES/733

UNSCR S/RES/1744

UNSCR S/RES/1844

UNSCR S/RES/2036

UNSCR S/RES/2093

SIPRI

1989021601

Iran (US-EU)

On 14 February 1989, Ayatollah Ruhollah Khomeini issued a fatwa calling on Muslims to “execute” British author Salman Rushdie for blasphemy in his novel, “The Satanic Verses”. Rushdie goes into hiding in UK; Iran breaks diplomatic relations with UK over incident.

On **16 February 1989**, the EP urged EEC foreign ministers to threaten sanctions against Iran. On **20 February**, the EEC recalled their diplomatic heads of mission from Teheran.

U.S. President George Bush said on 21 February that he strongly supported the Community’s withdrawal of diplomats from Iran and suggested economic sanctions would be considered. The French financial daily Les Echos reported that Britain and West Germany, Iran's largest trading partner, had wanted tougher measures against Iran than those taken by the Community.

The Japanese government has urged oil firms in the country to buy less from Iran as a result of the Salman Rushdie furor, industry sources said on 27 February.

On 8 March, the Bush Administration vigorously defended its response to the Salman Rushdie affair amid rising concern on Capitol Hill that the United States had failed to respond firmly enough to the Ayatollah's death threats. It was noted that, unlike the Europeans, the United States had no diplomatic ties to break and that it had already gone beyond the European Community in maintaining economic sanctions and keeping Iran on its list of terrorist states.

On 12 July 1991, Professor Itashi Igarashi, who translated Salman Rushdie's Satanic Verses, is assassinated in Japan. Japanese police suspect that act was carried out with assistance of the Iranian embassy in Tokyo. Over the years, Rushdie constantly lobbied for sanctions against Iran but senders were reluctant to impose any. On 15 March 1995, the Parliamentary Assembly of the Council of Europe Wednesday enjoined its 34 member states to break off trade and diplomacy with Iran until it lifts its death sentence against British author Salman Rushdie. European governments, on 10 April 1995, launched a new bid to lift the Iranian death threat against "Satanic Verses" author Salman Rushdie – but sanctions were not an explicit option.

Resolution:

Only one month to the day after having recalled their ambassadors from Tehran for consultation, Europe has decided to send them back to their posts (**21 March 1989**). The diplomatic status quo between Iran and Europe did look set, but differing national interests in this case have ruled otherwise. For if the Twelve have hastened to review their attitude towards Iran, it was because they could no longer keep up a facade of unity. There are at least three European countries which want an early resumption of relations with Tehran.

On 24 September 1998, Iran officially drops its death threat against Rushdie; Foreign Minister Kamal Kharrazzi states, “The Government of the Islamic Republic of Iran has no intention, nor is it going to take any actions whatsoever to threaten the life of the author nor will it encourage anyone to do so.” British Foreign Secretary Robin Cook announces Britain can now restore diplomatic ties with Iran.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (1989022301)

1989030201

Myanmar (US)

On **2 March 1989**, President Bush recommended that Burma and Laos be added to the list of nations ineligible for U.S. aid because of their support for drug trafficking, but the two nations don't receive any U.S. aid anyway.

Resolution:

In 2012, the International Narcotics Control Strategy Report notes that drug-related corruption in Burma is a major problem, but goes on to note Burma's recent political progress and expressed interest in counternarcotics cooperation with the United States. On **14 September 2012**, Obama designated Burma as a country that has "failed demonstrably" to adhere to their obligations under international counternarcotics. However, he determined that support programs to aid Burma are "vital to the national interests of the United States" – and waived restrictions.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (1995030102); GIGA (US_MNR_88); HSE; (88-1)

1989030202

Laos (US)

Bush recommended on **2 March 1989** that Burma and Laos be added to the list of nations ineligible for U.S. aid because of their support for drug trafficking, but the two nations don't receive any U.S. aid anyway.

Resolution:

On **1 March 1990**, Laos and Panama were certified, reversing their status from last year – qualified for U.S. economic assistance despite major drug trafficking problems.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

1989060501

China (EU-US)

US President Bush: "Elements of the Chinese Army have been brutally suppressing popular and peaceful demonstrations in China. There has been widespread and continuing violence, many casualties, and many deaths. And we deplore the decision to use force, and I now call on the Chinese leadership publicly, as I have in private channels, to avoid violence and to return to their previous policy of restraint. The demonstrators in Tiananmen Square were advocating basic human rights, including the freedom of expression, freedom of the press, freedom of association." On **5 June 1989**, public notice 1109 enters into force: suspension of all government-to-government sales and commercial exports of weapons, suspension of visits between U.S. and Chinese military leaders

On **27 June 1989**, the European Council, recalling the Declaration of the Twelve of 6 June 1989, strongly condemns the brutal repression taking place in China. It expresses its dismay at the pursuit of executions in spite of all the appeals of the international community. It solemnly requests the Chinese authorities to stop the executions and to put an end to the repressive actions against those who legitimately claim their democratic rights. The European Council requests the Chinese authorities to respect human rights and to take into account the hopes for freedom and democracy deeply felt by the population. In the present circumstances, the European Council thinks it necessary to adopt the following measures: interruption by the Member States of the Community of military cooperation and an embargo on trade in arms with China, suspension of bilateral ministerial and high level contacts, postponement by the Community and its Member States of new cooperation projects, reduction of programmes of cultural, scientific and technical cooperation.

The State Department has designated **China** as a CPC under the International Religious Freedom Act of 1998 since **7 October 1999**. The Secretary designated a sanction already in effect, consisting of the restriction of exports of crime control and detection instruments and equipment pursuant to the Foreign Relations Authorization Act, as the action under the IRF Act. On **23 December 1999**, US Secretary of State Madeleine Albright informs Congress that existing restrictions on exports to China of crime control and detection instruments and equipment meet the requirements of the Religious Freedom Act and no new sanctions will be imposed.

Resolution:

Ongoing

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA; (EU_CHN_89; US_CHN_89); TIES (1989060601); HSE; (89-2)

<http://www.presidency.ucsb.edu/ws/?pid=17103> (President's News Conference, 5 June 1989)

European Council, Madrid, 27 June 1989

Detailed case description of the EUSANCT team upon request.

1989063001

Sudan (US-EU)

Issue: Military Coup / Human Rights

On **30 June 1989**, Omar Hassan al-Bashir led a military coup against the government of Prime Minister Sadiq al-Mahdi. The Revolutionary Command Council for National Salvation (RCC) constituted a new government. Due to Amendment 513 of the Foreign Assistance Act, the coup can result in a loss of US development aid. The US government hesitated to immediately cut all aid. However, on **28 February 1990**, the US Agency for International Development announced that no non-humanitarian aid may be disbursed to Sudan.

On 19 December 1989, the EC Troika of Ambassadors issued a note on respect for human rights in Sudan. In **March 1990**, the Commission partly suspended financial and technical cooperation. During 1990, the Lomé cooperation with Sudan was suspended unilaterally.

By the end of 1990, the new regime bombed civilian targets in its war against the rebel Sudan People's Liberation Army; detained more political prisoners than any other country in Africa during the past year; banned all political parties, newspapers, unions and professional associations; cut off food to civilians in many areas; robbed women of most of their rights; and demonstrated no interest in ending Sudan's seven-year civil war. Moreover, Sudan faced a devastating famine and all major

Western donors to the Sudan, including the European Community, have refused to pledge any new development aid to the country. Aid restrictions were tightened due to Sudan's support of Iraq in the Persian Gulf crisis. Saudi Arabia withdrew economic support because Sudan sided with Iraq in the Persian Gulf War.

The European Parliament, on 13 July 1995, passed a resolution condemning the government of Sudan for its appalling human rights record. The EP urged the European Union to exert pressure for UN sanctions against Sudan including an international arms embargo. It said the aim of the sanctions would be to "bring pressure to bear on the Sudanese government to stop the massacre of its Southern population and respect human rights throughout the entire country".

On 13 December 1995, a UN committee passed a resolution expressing alarm and concern over the human rights situation in Sudan.

Resolution:

On **29 January 2002**, the European Union has notified Sudan of its decision to resume development aid to Khartoum after a suspension of more than a decade as a result of the Sudanese-EU dialogue and "the policy of openness that Sudan has been pursuing in the past period".

The sanctions by the United States are ongoing.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

HSE; (89-3); GIGA; (US_SDN_93; EU_SDN_94)

1989111601

El Salvador (US)

The Salvadoran Civil War between the government of El Salvador and the Farabundo Martí National Liberation Front began in 1979.

When peace talks again failed in 1989, the situation further escalated when the Salvadoran army killed six Jesuit priests (plus their cook and her daughter) who were suspected for supporting the FMLN on **16 November 1989**. An immediate effort to cut back U.S. military aid to El Salvador in the wake of the murders of Jesuit priests was narrowly defeated in the U.S. House of Representatives on 20 November 1989 after President George Bush called for steadfast U.S. support for the government of Salvadoran President Alfredo Cristiani. The proposed amendment to the 1990 foreign aid bill would have withheld about \$29 million of an \$85 million military aid package.

On 27 June 1990, to avert even deeper cuts in military aid to El Salvador, the Bush Administration is quietly telling Congress that it would accept a 15 to 30 percent reduction in the \$85 million requested for next year. The Administration's move comes in response to a Democratic amendment to the 1991 House appropriations bill that would cut 50 percent of military aid to the Government of President Alfredo Cristiani. House Democrats supporting the amendment have indicated that they look favorably on the Administration's compromise effort.

On **19 October 1990**, the Senate voted to slash El Salvador's military aid in half to force political and military reforms in a country torn for a decade by civil war. If the country's leftist FMLN rebels walk away from U.N.-sponsored peace talks, the aid could be restored. But if the government abandons peace efforts, what's left of the military aid could be cut as well. President Bush said on 28 October 1990 that he will sign a \$15.5 billion foreign aid spending bill despite his concerns about its 50 percent cut in military aid to El Salvador.

Resolution:

Citing increased arms shipments to leftist rebels in El Salvador, the Bush administration may release \$42.5 million in Salvadoran military aid which Congress recently set aside, U.S. officials said on 23 December 1990. President Bush has determined that continued weapons flows to Salvadoran rebels and their poor human rights record are grounds for freeing \$42.5 million in withheld military aid to the San Salvador government, administration and congressional sources said on 8 January 1991. On 16 January 1991, President Bush was authorizing a \$42.5 million military aid payment to El Salvador's government but is setting the money aside for 60 days to give peace talks "every possible chance to succeed." Contrarily, eight Democratic senators and 30 congressmen proposed on 7 March 1991 a cutoff of all U.S. military aid to El Salvador. Still, the Bush administration will give El Salvador \$21 million in new non-lethal military aid as it continues to battle a left-wing insurgents, the White House said on 27 June 1991.

The Salvadoran Government and guerrillas on 25 September 1991 reached a comprehensive peace agreement aimed at ending that country's nearly 12-year civil war. The agreement was signed at the U.N. headquarters here in the presence of U.N. Secretary General Javier Perez de Cuellar. It calls for the reduction and purging of the Salvadoran Armed Forces, and the creation of a national civilian police and National Peace Committee to supervise the peace process. Salvadoran government and rebel leaders signed a hard-won pact on 16 January 1992 putting a formal end to 12 years of civil war that left at least 75,000 people dead. Part of the agreement is the removal of military personnel involved in human rights abuses by 31 December 1992.

On 17 February 1993, Washington suspended \$11 million in military aid to El Salvador because of the Cristiani government's failure to follow the recommendations of the ad hoc commission that evaluated the armed forces and called for the dismissal or transfer of 103 officers.

On **1 July 1993**, after months of international pressure that included the freezing of United States military aid, President Alfredo Cristiani replaced his Defense Minister and ordered a complete reorganization of the armed forces command. The changes were required by the peace accords that last December formally ended this country's 12-year civil war.

The charge d'affaires at the American Embassy here, Peter Romero, gave the changes qualified approval. He said \$11 million in military aid suspended when President Cristiani failed to meet the deadline to remove the officers might be renewed once Congress reviews the changes.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

HSE; (90-2)

1990030101 Lebanon (US)

On **1 March 1990**, US President Bush determined that it is in the vital national interests of the United States to certify Lebanon: "Special circumstances are that we recognize the government of Lebanon that does not control the Bekaa Valley, where most of the drugs are either grown or processed. So that provides the basis for the national interest waiver. In a sense, we are saying that the government of Lebanon does not – that we recognize, does not have control over the aspect of the problem that would make them noncertifiable. Remember, a national interest certification is basically a noncertification with a kind of waiver for special circumstances.

Resolution:

On **10 November 1997**, President Clinton removed Lebanon from the list of countries that play an important role in producing or shipping illegal drugs, overcoming objections from officials within the administration who argued that progress was insufficient to merit the change.

Senior administration officials said the decision, made public yesterday in a letter from Clinton to Sen. Charles E. Grassley (R-Iowa), was a recognition of the two countries' successful eradication of the cultivation of poppy plants in Lebanon's Bekaa Valley, previously an important source of heroin for Europe and the United States.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

TIES (1995041301); HSE; (84-2)

1990041601

Russia (US-EU)

After Lithuania declared independence from the Soviet Union on 11 March 1990, the Soviet Union imposed an economic blockade between April and June 1990. On **16 April 1990**, the Republican Senate leader revealed that the Bush Administration is studying a range of limited economic sanctions against Moscow as a response to the Soviet threat of an economic blockade of Lithuania. On 26 April, members of Congress are expressing growing discontent over President Bush's go-slow reaction to the Soviet Union's crackdown on Lithuania. Lithuanians heaped criticism on Bush after the president postponed any economic sanctions against Moscow for fear of boxing Soviet leader Mikhail S. Gorbachev into a corner, and thus slowing the pace of Soviet reform.

On 1 May 1990, the Senate, upset over President Bush's decision not to punish the Soviet Union for its actions in Lithuania, is urging him to put the brakes on a new U.S.-Soviet trade agreement. By a 73-24 vote, the Senate passed a resolution seeking a halt to any trade agreement that would grant the Soviet Union lower tariffs as long as the crackdown on Lithuania continues. The non-binding resolution urges Bush not to act on any trade agreements until the Soviets lift their economic blockade against Lithuania and enter into negotiations aimed at independence for the republic.

In January 1991, Soviet military units entered Lithuania and Gorbachev demanded the restoration of the constitution of the USSR in Lithuania. On **14 January 1991**, the European Community threatened to suspend economic aid to the Soviet Union, only a month after deciding to grant it, if military action in the Baltics continued. Canada suspended plans to provide food and other economic assistance to the Soviet Union following the military crackdown in Lithuania where 14 people were killed and more than 100 injured as Soviet tanks and soldiers attacked demonstrators at Lithuania's radio and television station in Vilnius.

On **17 January 1991**, the European Community has blocked aid to the Soviet Union in protest at the crackdown in the Baltic states, but US efforts to follow suit have been hampered by the agriculture lobby.

Resolution:

Following the January Events in Lithuania, no military activities occurred anymore. On 9 February 1991, Lithuanians voted in a referendum in favor of independence.

On **20 February 1991**, the European Community is going ahead with aid for the Soviet Union, responding to an angry dressing-down from Mr Gorbachev. On **4 June 1991**, the State Department announced more aid to Soviet Union and waived for a year congressional restrictions on bank credits.

Marking Soviet President Mikhail Gorbachev's visit to Japan, Japan will unfreeze its \$100 million emergency food aid to the Soviet Union, which has been suspended since the January repression of the Baltic republics, government sources said on 14 April 1991. Following the failed military coup in Russia in August 1991, Lithuania was admitted to the United Nations on 17 September 1991.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (1990050101)

1990052201

Democratic Republic of the Congo (US-EU)

On **22 May 1990**, newspaper reported that more than 50 students opposing the Zairian government had been killed by soldiers. Several leading House Democrats have urged the United States end aid to Mobutu, who has ruled since 1965.

On 25 May 1990, Belgium suspended economic aid to Zaire over its former colony's refusal to allow an international inquiry into a reported government massacre of opposition students.

On **3 November 1990**, resisting persistent lobbying by the Bush Administration, Congress has cut all military and economic aid to President Mobutu of Zaire, a longtime United States ally in Africa. Its decision was based on human rights violations and accusations that Mr. Mobutu's vast wealth was largely stolen.

On **12 September 1991**, the European Parliament passed a resolution urging the Commission and the Council to restrict development aid to Zaire.

The Commission suspended on **22 January 1992** community aid to Zaire, worth 300 million Ecus, after the National Conference was suspended amidst growing repression. EC cooperation with Zaire must, the statement insists, take the form of support for the democratisation process. The European Commission has reiterated its support for the Zairean Prime Minister, Etienne Tshisekedi, saying it would be prepared to resume development aid to Zaire on condition that Mr Tshisekedi's Government was allowed fully to assume its responsibilities and ensure respect for human rights without any interference from President Mobutu.

The European Community and its Member States have refused to acknowledge the appointment of Faustin Biridwa as Prime Minister of Zaire on the grounds that the nomination is in violation of the process of democratic transition set out by Zaire's interim parliament. In a statement issued on 7 April 1993, the Twelve declared there could be no EC cooperation with the Biridwa Government and that, in addition, the Community had agreed to impose an arms embargo and a visa restriction policy on Zaire.

In April 1993, in the aftermath of the rioting and looting that claimed hundreds of lives in Zaire, the United States, France and Belgium have cut all aid and imposed limited sanctions against Mobutu and his top aides as well as an arms embargo, but the dictator has ignored them.

Resolution:

On **16 May 1997**, President Mobutu Sese Seko of Zaire stepped down after 32 years in power, his government said hours after he fled Kinshasa leaving the city seemingly on the verge of take-over by conquering rebel forces. On 7 September 1997, he died in exile in Morocco.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (US_COD_90; EU_COD_92) TIES (1993021101); HSE

OJ C 267, 14.10.1991, p. 139

http://europa.eu/rapid/press-release_IP-94-950_en.htm

1990071101

Kenya (US)

On **11 July 1990**, the US threatened to freeze its aid here unless it improves its human rights record and liberalizes its political system following the rioting that began on 7 July after police using clubs and tear gas dispersed a crowd attempting to hold a pro-democracy rally in Nairobi. The Nordic countries (Denmark, Finland, Iceland, Norway, and Sweden) joined the threat and demanded to release all the detainees who had advocated multi-party democracy and human rights in Kenya.

On **13 August 1990**, the United States cut aid to Kenya by half. Denmark, which like the United States is a longtime friend of Kenya, has suspended all aid to this east African nation because of "too much corruption and mismanagement."

The European Parliament, concerned about possible human rights abuse in Kenya, may send an observer to the sedition trial of prominent human rights lawyer and editor Gitobu Imanyara, a European delegation to Kenya said on **8 March 1991**. In March 1991, the European Parliament passed a resolution asking the 12 European Community countries to consider cutting aid to Kenya until it improved its human rights record.

On 13 February 1991, the State Department announced it was freeing \$5 million of the frozen aid money in recognition of what it termed "real, albeit limited, improvement in Kenya's human rights situation" but senators objected.

At the Paris Club meeting from 25-26 November 1991, donors suspended aid in 1991 to protest against rampant corruption in the public sector, economic mismanagement and gross human rights violations.

Resolution:

On **23 November 1993**, a group of international donors, including the World Bank and the International Monetary Fund, agreed to resume financial aid to Kenya in light of the African country's efforts to carry out the widespread economic and political reforms they had mandated.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA; (US_KEN_90), HSE (90-3)

Public Law 102-391

Public Law 103-306

1990080601

Iraq (US-UN)

From the beginning of the 1980s, Iraq faced US export sanctions for supporting terrorism and the production of chemical and nuclear weapons. In 1984, the US embargoes exports to Iraq which might be used to produce chemical weapons.

Within the oil dispute, on **2 August 1990**, Iraq invaded Kuwait. US President Bush froze Iraqi and Kuwaiti assets and bans all trade and financial relations with Iraq. UK and France froze billions of dollars in Kuwaiti assets and the USSR suspended all deliveries of military equipment. Japan embargoed oil imports from Iraq and Kuwait, halted all exports to the two states, and froze economic aid to Iraq. China joined the arms embargo against Iraq.

In resolution 660 of **2 August 1990**, the UNSC condemned the invasion and decided to meet again as necessary to consider further steps. On **6 August 1990**, UNSCR 661 imposed comprehensive trade and financial sanctions, excluding medical supplies and humanitarian food shipments.

Several UN resolutions recalled the demands and further demand the release of prisoners of war.

Resolution:

Only after the military involvement against Iraq by a U.S.-led coalition, Operation Desert Storm, Kuwait was liberated. UNSC 687 welcomed, on **3 April 1991**, the restoration of Kuwait's sovereignty, independence and territorial integrity and the return of its legitimate government – and formally ended the Gulf War.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA; (UN_IRQ_90); TIES (1990080201); HSE; (90-1)

<https://piie.com/commentary/speeches-papers/case-90-1>

UNSCR 660

UNSCR 661

UNSCR 687

1990081401

Jordan (US)

On **14 August 1990**, US President Bush said at a news conference in Washington that if Aqaba (the only coastal city in Jordan) was “a hole through which commerce flows,” the United States would blockade the port, which seems to be the only gap remaining in the international quarantine of Iraq. But the President also hinted that if Jordan cooperated with the embargo, the United States would help compensate it for the economic suffering that sanctions would cause. The economic embargo imposed on Iraq had unintended effects on some of Iraq’s major trade partners. Jordan and Bulgaria told the Security Council the embargo is crushing their economies. However, on 8 February 1991, angered over King Hussein’s political support for Iraq, the Bush Administration announced that it was reviewing all of its economic aid to Jordan. The Senate voted to eliminate U.S. aid to Jordan on **20 March 1991**. Washington cut all but humanitarian aid to the kingdom as the crisis unfolded, although it was the cut-off of all assistance from the wealthy Gulf States, especially Saudi Arabia which also ended diplomatic relations. On 2 August 1991, the United States had agreed to partially resume financial aid to Jordan which had been suspended in March, followed by further aid concessions in September. On 6 October 1992, Public Law 102-391(Sec. 584) required that none of the funds may be used to provide assistance to Jordan unless the President determines and so certifies to the Congress that (1) Jordan has taken steps to advance the peace process in the Middle East, (2) Jordan is in compliance with United Nations Security Council sanctions against Iraq, and (3) that such assistance is in the national interest of the United States. On 18 January 1993, the 102nd Congress stated that Jordan cannot receive any military or economic aid until the President certifies to Congress that Jordan has taken steps to advance the Middle East peace process and is in compliance with UN Security Council sanctions against Iraq.

Resolution:

On 8 March 1993, the State Department wants to release \$50 million in financial assistance to Jordan as a result of its support for the Middle East peace process and U.N. sanctions against Iraq. The administration of President Bill Clinton announced on 16 September that it is resuming military and other aid to Amman suspended almost three years ago because of Jordan’s ambiguous position on the Gulf War. The White House, which made the announcement two days after Jordanian and Israeli diplomats initialed an agenda for bilateral peace talks, says it is releasing all security assistance to Amman, including about \$9.5 million in military aid and another \$20.5 million in economic support. The move was depicted by officials as one of many designed to give momentum to peace initiatives in the Middle East. On **26 April 1994**, the United States removed a major stumbling block to Jordan’s full participation in Middle East peace talks by agreeing to adopt new procedures for enforcing the trade embargo against Iraq that are far less onerous to Jordan. On 23 August 1994, Public Law 103-306 stated that Jordan is also eligible to receive military assistance. On 5 August 1996, Saudi Arabia announced to be ready to restore full relations with Jordan and to arrange a meeting of their kings.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA; (US_JOR_90); TIES (1990081301); HSE; (90-6)

Public Law 102-391

Public Law 103-306

1990092301

Pakistan (US)

Since 1988, the United States has required Pakistan prove it does not have a nuclear weapon before aid is authorized. Before then, Pakistan was exempt from a U.S. law prohibiting aid to countries that have not signed the nuclear non-proliferation treaty. On **23 September 1990**, a Foreign Ministry spokesman said that a major aid package could be withheld until Pakistan proves it does not possess a nuclear bomb. On **1 October 1990**, the U.S. has decided to withhold aid from Pakistan as it seeks new assurances from the Pakistani Government that it is slowing down its nuclear-weapons program. Still, senior State Department officials are working on Capitol Hill to lift the legal requirement that bars Pakistan, the third largest recipient of U.S. aid, from getting any money if it presses ahead with nuclear bomb development. But by mid-October 1990, the Bush administration has been unable to win congressional support for its plan to continue giving U.S. aid to Pakistan, in part because of new intelligence information indicating that Pakistan may have developed a nuclear weapon.

On 31 January 1991, Pakistan's top nuclear official berated the United States for an aid cutoff and said Islamabad would never give up its controversial atomic development program. In contrast, one year later, former Prime Minister Benazir Bhutto urged the United States to resume military aid to Pakistan despite misgivings about its nuclear program. Pakistan also plans to maintain relations with the United States despite U.S. economic and military aid cuts of more than \$500 million, Pakistan Prime Minister Nawaz Sharif said in March 1992. However, in 1993, U.S. economic sanctions against Pakistan for importing sensitive Chinese missile technology could dampen Islamabad's efforts to improve already troubled. On 25 August 1993, the US imposed sanctions that would affect U.S. exports of items that can be used in military application as well as electronics, military aircraft, space systems and equipment. When the U.S. Defense Secretary arrived in January 1995, he found a country fiercely committed to its nuclear program despite Washington's attempts to halt a regional arms buildup. Still, in April 1995, US President Bill Clinton said that Washington should "seriously review" a five-year-old ban on aid to Pakistan, passed out of fear that Islamabad may possess nuclear weapons because "we would be a stronger force for peace and reconciliation and ultimately for the de-fanging in terms of weapons of mass destruction in the area if we change our policy or if we stay with it." In May 1995, the U.S. Senate Foreign Relations Committee approved a plan that would permit resumption of economic aid to Pakistan while keeping military sanctions in place – and in 1996, Pakistan received a one-time exemption of non-proliferation sanctions.

Resolution:

On 10 May 1998, clear-cut evidence of three nuclear tests by India was recorded which created massive international critique (see case 1998051001). The U.S. condemned the tests weighing tough sanctions and urged Pakistan to respond with restraint. He urged India's nervous neighbors "not to follow down the path of a dangerous arms race." Alarmed by the nuclear testing of its enduring rival India, Pakistan conducted own nuclear testing despite major international warnings and critique. On **28 May 1998**, Pakistan decided to match the Indian explosions and also conducted nuclear tests which led to a new sanctions case.

HSE Score:

1 (policy result) x 1 (sanctions contribution) = 1 (success score) (HSE)

Source:

HSE (79-2)

1990110501

Former Republic of Yugoslavia (EU-US-UN)

Issue: Disintegration of Yugoslavia

The collapse of the Soviet Union was accompanied by the disintegration of Yugoslavia. Issued on 18 October 1990, National Intelligence Estimate (NIE) 15-90 presented a dire warning to the U.S. policy community: Yugoslavia will cease to function as a federal state within a year, and will probably dissolve within two. By January 1992, the Socialist Federal Republic of Yugoslavia ceased to exist, having dissolved into its constituent states. Slobodan Milosevic, Serbia's president from 1989, took advantage of the vacuum created by a progressively weakening central state and brutally deployed the use of Serbian ultra-nationalism to fan the flames of conflict in the other republics and gain legitimacy at home. Thus the disintegration of Yugoslavia created a hostile environment.

On **25 June 1991**, Slovenia and Croatia declared independence. Following the declaration of independence, the Yugoslav Army intervened in Slovenia (Ten-Day War) which ended with the Brioni Accords (7 July 1991). The Croatian War lasted much longer. The first hostilities and armed incidents began in late March 1991. After the declaration of independence, the conflict escalated. In August, the Yugoslav army and other Serb forces held something less than one-third of the Croatian territory. Bosnia and Herzegovina declared independence in March 1992. Shortly thereafter, the Bosnian War started in which Bosnian Serbs supported by Milosevic and the Yugoslav Army tried to secure the Serb territory which led to a war across the country. Both wars lasted until 1995. The Croatian War of Independence formally ended with the Agreement of Erdut, signed on 12 November 1995, and the Bosnian war formally ended with the Dayton Agreement, signed on 14 December 1995.

Imposition

On **5 November 1990**, US President Bush signed into law the legislation which appropriates foreign assistance for fiscal year 1991. It included a provision (which takes effect six months after enactment, or in May 1991) which bars bilateral assistance to Yugoslavia and also requires US representatives to international financial institutions to oppose loans to Yugoslavia unless all six of the individual republics of the Socialist Federal Republic of Yugoslavia have held free and fair multiparty elections and are not engaged in a pattern of gross violations of human rights. Humanitarian assistance is exempted from this provision. The law permits the President to waive the provisions if Yugoslavia is found to be making "significant strides toward complying with the obligations of the Helsinki Accords and is encouraging any Republic which has not held free and fair elections to do so."

On **6 May 1991**, the Bush Administration has quietly suspended all economic assistance to Yugoslavia, including support in international financial institutions for loans and credits. On **5 July 1991**, the European Community froze arms sales and economic aid to Yugoslavia.

On 24 September 1991, the European Community members called on the U.N. Security Council Tuesday to impose an embargo on arms shipments to Yugoslavia. On **25 September 1991**, the United Nations Security Council decided to establish an arms embargo ("general and complete embargo on all deliveries of weapons and military equipment") that applied to all of the territory of the former Yugoslavia in **UNSC resolution 713**.

On **7 October 1991**, the United States condemned the Yugoslav Air Force's raid on Zagreb and said it was considering coordinating sanctions with the European Community against Yugoslavia. The Economic Community threatened to impose an economic embargo against Yugoslavia if the fighting does not stop. On 28 October 1991, the 12-nation European Community threatened to impose sanctions on Serbia if its leadership failed to accept the EC's peace plan by 5 November. On 4

November 1991, EC ministers agreed in Brussels on a list of economic sanctions to be triggered on Friday if Serbia continued to block the plan. The sanctions would be chosen from a list approved by the EC foreign ministers -- suspension of EC aid, a cooperation accord and trade preferences, and controls on Yugoslav textile exports. The ministers also agreed to seek a United Nations oil embargo against Yugoslavia, and a tightening of an existing U.N. arms embargo. On **8 November 1991**, the European Community and Canada imposed economic sanctions on Yugoslavia and called for a U.N. oil embargo to punish the aggressors in the 4-month-old civil war. The measures, aimed primarily at Serbia, were the harshest taken by the international community to try to stop the fighting.

On 9 November 1991, President Bush said that the United States would join the European Community in imposing economic sanctions on strife-torn Yugoslavia and would work at the United Nations "toward a possible oil embargo." Australia also imposed sanctions.

On 15 December 1991, a Sanctions Committee was established to monitor the arms embargo (UNSCR 724). On **30 May 1992**, the UN imposed a wide range of measures effectively severing economic links with the Federal Republic of Yugoslavia (Serbia and Montenegro). The Resolution (**UNSCR 757**) was fourfold:

- It prevented imports of all commodities and products originating in Serbia and Montenegro.
- It prevented the sale of commodities and products (other than food and medical supplies notified to the U.N.S.C. Sanctions Committee) to Serbia and Montenegro.
- It imposed a ban on making funds available to Serbian and Montenegrin entities.
- It banned scientific and technical co-operation; as well as flights to or from Serbia and Montenegro.

Resolutions 787 (16 November 1992) prohibited the shipment of energy supplies and various commodities through Serbia and Montenegro – and resolution 820 (17 April 1993) prohibited all imports, exports, and transshipment through the UN protected areas in Croatia and parts of Bosnia-Herzegovina under the control of Serb forces. Maritime traffic was prohibited from entering Yugoslavia's territorial sea. Moreover, assets of Yugoslav entities were to be frozen, and the provision of services, both financial and non-financial, for the purposes of business carried on in Yugoslavia was prohibited. UNSCR 942 (23 September 1994) introduced further asset-freezes of entities and people in Bosnia and Herzegovina related to the Bosnian-Serb military.

Resolution:

On 22 November 1995, UNSCR 1021 and 1022 indefinitely suspended measures in previous resolutions related to the former Yugoslavia because the Federal Republic of Yugoslavia attended and participated constructively in proximity talks and signed the Dayton Peace Agreement on 21 November 1995. UNSCR 1074, adopted unanimously on **1 October 1996**, terminated all remaining measures against the former Yugoslavia due to progress in the implementation of the Agreement.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

GIGA (US_FRY_91; UN_FRY_91; EU_FRY_91); TIES (1991062501); HSE (91-1)

https://www.sipri.org/databases/embargoes/un_arms_embargoes/yugoslavia/yugoslavia-1991

<http://www.refworld.org/docid/467fca3a1d.html>

<https://history.state.gov/milestones/1989-1992/breakup-yugoslavia>

1990122101

Guatemala (US)

The United States cut off military aid to Guatemala Friday because that nation's government has failed to prosecute military suspects in human rights cases and after it was learned that soldiers were involved in the killing of an American named Michael Devine, the State Department said on **21 December 1990**. This year, U.S. military aid to Guatemala totals \$2.9 million. In addition, aid from previous years still in the pipeline will be stopped. Payments under the economic assistance program totaling to \$119.6 million will continue. Guatemala refused U.S. military aid in 1977 rather than accept the human rights conditions that were attached. The assistance gradually resumed in the mid-1980s.

The suspension of U.S. military aid to Guatemala, which was announced in Washington, will not affect the country's armed forces, says General Leonel Bolanos, the defense minister. He told reporters that "with or without U.S. military aid the Guatemalan army has an ample capacity to fight the subversion which persists in the country."

On 10 March 1995, the US administration announced that it was suspending the last of its small military aid to Guatemala. The Administration is seeking to prod the Guatemalan Government and the guerrillas to sign a peace agreement. Seeking to demonstrate its evenhandedness, the Administration also announced today that it would deny visas to guerrilla leaders to punish the movement for recent kidnappings and economic sabotage.

Resolution:

Defense Secretary Donald H. Rumsfeld announced on **24 March 2005** that the United States would lift its ban on military aid to Guatemala, whose government has embarked on a major effort to change a military accused of kidnappings and massacres during more than 30 years of civil war. "I've been impressed by the reforms that have been undertaken in the armed forces," Mr. Rumsfeld said at a joint news conference with President Oscar Berger of Guatemala. "I know it is a difficult thing to do but it's been done with professionalism and transparency." Human rights groups did not agree with his assessment, although they did give Berger credit for making efforts in the right direction.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

TIES (1990122101); GIGA; (US_GTM_93); HSE; (77-2)

<http://www.nytimes.com/1995/03/11/world/us-protesting-rights-abuses-ends-military-aid-to-guatemala.html>

1991012301

Thailand (US)

On **23 January 1991**, the United States suspended most of its aid to Thailand to protest the overthrow of the government by military leaders. The decision to suspend almost \$100 million in assistance in U.S. aid – most of it for development projects – was in keeping with U.S. law that forbids assistance to countries whose democratic governments have been deposed. Japan also suspended aid to Thailand but resumed it in April.

Resolution:

In April 1992, General Suchinda Kraprayoon has been nominated as prime minister but had to resign after he violently cracked down several protests. On 12 September 1992, Thailand held its first general election since the brutal military crackdown in May. On **15 September 1992**, Democrat Party leader Chuan Leekpai was nominated as next prime minister. The US welcomed the outcome of the election and resumed aid once the coalition government was formed.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA; (US_THA_91); HSE; (91-3); TIES

1991012601

Yemen (US)

The Yemeni government announced on 14 August 1990 that it would provide Iraq with any assistance it needed in defiance of a UN Security Council resolution imposing sanctions against Baghdad, saying it could not starve an Arab state.

On 22 September 1990, Saudi Arabia expelled all but four of the 50 staff members at Yemen's embassy. Besides, Saudi Arabia cut much of its assistance and expelled around 850,000 Yemeni workers from Saudi oil fields. That cut off about \$1.7 billion annually in money workers sent home to their families and burdened the country of 11.5 million with an additional 1 million unemployed.

The United States cut aid on **26 January 1991** but soon resumed parts of its aid. However, on 27 November 1992 (Public Notice 1734), the United States virtually banned arms sales to Yemen as a way of punishing Yemen for its support of Iraq's invasion of Kuwait in 1990.

Resolution:

On 30 August 1996, Yemen and Saudi Arabia have signed an economic cooperation accord aimed at increasing joint trade and investment. The agreement between Yemen, one of the world's poorest countries, and Saudi Arabia, the world's largest oil producer, is the latest step toward a normalization of ties disrupted after Riyadh accused Sanaa of supporting the 1990 Iraqi invasion of Kuwait.

On 12 June 2000, Saudi Arabia and Yemen signed a border agreement which cleared the way for further coordination and provided a positive outlook for the revival of Saudi aid.

Praising Yemen as a partner in the war on terror, the Bush administration approved on **1 September 2004** the sale of military equipment to the Persian Gulf country after more than a decade of a nearly total ban.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

GIGA; (US_YEM_90);

Public Notice 1734

1991012801

Kuwait (US)

On **28 January 1991**, US House Representative Byron Dorgan (D-ND) introduced the Persian Gulf War Cost-Sharing Resolution in the House (H.J. Res.92). The resolution requires the president to impose additional duties on the imports of Kuwait, Saudi Arabia, Japan and Germany in case they do not enter into, by 1 July 1991, or fail to comply with, a Gulf War mandatory cost-sharing agreement with the United States.

Saudi Arabia and Kuwait have each promised \$13.5 billion in cash and in kind, Japan \$9 billion and Germany \$1 billion. The money will be deposited in a Defense Cooperation Fund established at the Treasury Department to pay for the war. With an additional \$8 billion expected from other allies, that would leave \$15 billion for the U.S. to pay.

The US was poised to ban arms sales to allied countries who default on pledges to contribute to the cost of the Gulf war. A Senate Bill, approved by 98 votes to 1 on 19 March 1991, prohibits arms sales to countries who have not paid by 31 March 1991.

Resolution:

The Pentagon calculated on 31 October 1991 that Kuwait owed more than \$ 2 billion of its pledged \$ 16 billion and was expected to complete payments by the end of the year.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (1991020101)

1991012802

Saudi Arabia (US)

On **28 January 1991**, US House Representative Byron Dorgan (D-ND) introduced the Persian Gulf War Cost-Sharing Resolution in the House (H.J. Res.92). The resolution requires the president to impose additional duties on the imports of Kuwait, Saudi Arabia, Japan and Germany in case they do not enter into, by 1 July 1991, or fail to comply with, a Gulf War mandatory cost-sharing agreement with the United States.

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Resolution:

The Pentagon calculated on 31 October 1991 that Saudi Arabia still owed \$ 2.4 billion of the \$ 16.8 billion promised. It reported that discussions of the total were still going on.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (1991020102)

1991012803

Japan (US)

On **28 January 1991**, US House Representative Byron Dorgan (D-ND) introduced the Persian Gulf War Cost-Sharing Resolution in the House (H.J. Res.92). The resolution requires the president to impose additional duties on the imports of Kuwait, Saudi Arabia, Japan and Germany in case they do not enter into, by 1 July 1991, or fail to comply with, a Gulf War mandatory cost-sharing agreement with the United States.

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Resolution:

On **22 March 1991**, the White House said Japan will make a \$5.7 billion contribution to the allied war effort in the Persian Gulf on Friday as an initial installment on its \$9 billion pledge, and the remainder will be delivered relatively soon.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (1991020103)

1991012804

Germany (US)

On **28 January 1991**, US House Representative Byron Dorgan (D-ND) introduced the Persian Gulf War Cost-Sharing Resolution in the House (H.J. Res.92). The resolution requires the president to impose additional duties on the imports of Kuwait, Saudi Arabia, Japan and Germany in case they do not enter into, by 1 July 1991, or fail to comply with, a Gulf War mandatory cost-sharing agreement with the United States.

Saudi Arabia and Kuwait have each promised \$13.5 billion in cash and in kind, Japan \$9 billion and Germany \$1 billion. The money will be deposited in a Defense Cooperation Fund established at the Treasury Department to pay for the war. With an additional \$8 billion expected from other allies, that would leave \$15 billion for the U.S. to pay.

Resolution:

German Finance Minister Theo Waigel, seeking to reassure U.S. officials that his government will fulfill its pledge to help pay for the Persian Gulf War, told President Bush on **26 March 1991** that Germany will complete its promised 1991 payment of \$ 5.5 billion.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (1991020104)

1991030101

Peru (US)

Peru's new president Alberto Fujimori said on 12 September 1990 that Washington can keep the millions in military aid it's offering to step up the war on cocaine trafficking. He wants cash to get farmers to stop growing coca and for highway construction so alternate crops can make it to market. Because the aid package "is destined only for the fight against drug trafficking, we are not going to sign this agreement," Fujimori said. His statement appeared to torpedo any hope his 6-week-old government will accept the \$35.9 million in military aid Washington is offering this year to fight the cocaine trade. On 26 September 1990, US-Peru aid talks failed. As a result, Peru must forgo \$ 35.9-million in aid to fight drug smuggling and faced decertification by March 1991.

With Peru facing a 1 March 1991 deadline for the possible cutoff of \$100 million in American anti-drug aid, officials were working to fashion a new strategy to cut exports of the raw material of cocaine (14 January 1991). U.S. law requires the administration to withhold aid from countries which are not making a good faith effort to halt narcotics flows to the United States or to protect human rights. On **1 March 1991**, the Bush administration said it was holding up \$ 94.9 million in aid for Peru because that country had failed to take sufficient steps to curb the drug trade.

The State Department said in the narcotics report that the government of President Alberto Fujimori had failed to follow through on its plans to reduce the multibillion-dollar coca trade. The report also charged that corrupt Peruvian army officers continue to undermine law enforcement efforts in the country's Upper Huallaga Valley, source for more than half of the world's cocaine production. Assistant Secretary of State for Narcotics Melvyn Levitsky said that U.S.-Peruvian talks on reaching an anti-drug agreement could be completed soon, which would free the funds. So the money that was authorized and appropriated by the Congress for military assistance of \$34 million, and economic assistance of about \$60 million, was appropriated and authorized with specific reference to counternarcotics performance. So that until we reach a level of agreement on the program, which we are now negotiating with the Peruvian government, and a higher level of police-military cooperation and law enforcement in the Upper Huallaga Valley we have decided not to make the necessary determination which would allow that other money to flow.

Resolution:

President Alberto Fujimori said on 7 March 1991 he would sign an anti-drug agreement with the United States within the next few days before an eventual meeting with President Bush. "The anti-drug agreement is expected to be signed in the next few days," Fujimori told foreign reporters.

The government signed a \$100 million U.S. aid package for combating the cocaine trade, Peru's ambassador to the United States said on 14 May 1991. The agreement was harshly criticized by leftist politicians who argued it eventually would bring American troops to Peru. On **31 July 1991**, the state department released the previously withheld economic and military assistance due to significant progress on human rights and drug trafficking. Still, \$ 10 million earmarked for the army – most often cited for abuses by human rights groups – was withheld by Congress due to human rights issues.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score) (HSE)

Source:

EUSANCT

1991030201

Bolivia (US)

The United States has suspended \$66 million in aid for Bolivia to protest the appointment of a former intelligence chief to head the nation's anti-drug squad, a government official said on **2 March 1991**. Col. Faustino Rico Toro, who took over the anti-drug post last week, headed the notorious army intelligence division during the 1980-81 military regime of Gen. Luis Garcia Meza. Many human rights groups have charged the intelligence unit was responsible for torture and other abuses under Toro's command. Garcia Meza's former interior minister was convicted of drug dealing in Miami earlier this year. The suspension of the U.S. military and economic aid was disclosed by government officials, who spoke on condition of anonymity, and confirmed by U.S. embassy sources. The embassy sources, who also declined to be named, noted that humanitarian aid for fiscal 1991 would not be affected. The amount of the humanitarian aid package was not immediately known.

Resolution:

President Jaime Paz Zamora asked Bolivia's Congress on **28 March 1991** to authorize using the army to combat drugs and to allow 112 U.S. military advisers to train troops here in anti-narcotic operations. The U.S. government, saying it was pleased with the anti-drug efforts and Paz Zamora's decision to fire high-level officials accused of corruption, announced it was expanding economic aid to the impoverished nation of 7 million people.

Washington had suspended \$66 million in aid to Bolivia this month after Paz Zamora appointed Col. Faustino Rico Toro commander of national anti-drug forces. Rico Toro was the intelligence chief of the military government that took power in 1980 with backing from cocaine traffickers. Rico Toro stepped down as a result of U.S. pressure and condemnation from human rights groups. Interior Minister Guillermo Capobianco and Police Commander Felipe Carvaja also resigned.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

1991040301

Iraq (UN-US)

Even though UNSC resolution 687 of **3 April 1991** has formally ended the Persian Gulf War, the sanctions stayed in place and set conditions to which Iraq has to comply after losing the war. These conditions were linked to the respect of the borders, Iraq's programs to develop weapons of mass destruction, reparations and compensations, the support of international terrorism – and the repression the civilian population, including Kurdish-areas in the north. The US and the United Kingdom announced that they will not ease sanctions until Saddam Hussein is removed from power.

The sanctions had serious consequences on the civilian population in Iraq because of severe food shortages. The Oil-for-Food-Programme was introduced in order to reduce these consequences. The UN charged Iraq several times for noncompliance with resolution 687. In August 1992, the US, UK, and France declared a no-fly zone in southern Iraq to prevent Iraqi forces from continued repression of Shiite Muslims in the area.

On 12 November 1997, the UNSC approved travel bans for senior Iraqi officials. Iraq still constantly refused to allow weapons inspectors to enter the country – only in exchange for easing sanctions.

Resolution:

UN Security Council unanimously adopted resolution 1409 on 14 May 2002, streamlining the procedures for exporting civilian goods to Iraq while keeping control on dual-use items. On 8 November 2002, UN Security Council unanimously adopted resolution 1441 giving Iraq a "final opportunity" to disarm. Resolution 1441 finds Iraq in "material breach" of its UN obligations, sets tight deadlines for Iraq compliance and threatens "serious consequences" in case of noncompliance. However, in spring 2003, the US and other countries could not get through with a resolution declaring that Iraq missed its last opportunity to voluntarily disarm.

On 19 March 2003, the US launched Operation Iraqi Freedom. Baghdad fell on 9 April 2003, ending the 24-year rule of Saddam Hussein. As a result of the removal of the regime of Saddam Hussein and other developments in Iraq, US President Bush suspended on **7 May 2003** sanctions imposed by the Iraq Sanctions Act of 1990 and restrictions resulting from Iraq's status as a state sponsor of terrorism. After taking Baghdad, the UNSC adopted on 22 May 2003 resolution 1483 which lifted trade sanctions against Iraq. UNSCR 1546 of **8 June 2004** decided that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the Government of Iraq.

HSE Score:

1 (policy result) x 1 (sanctions contribution) = 1 (success score) (HSE a: 1 x 1 = 1; HSE b: 3 x 3 = 9)

Source:

GIGA; (UN_IRQ_91); TIES (1992031001); HSE; (91-1)

<https://piie.com/commentary/speeches-papers/case-90-1>

UNSCR 687, UNSCR 1409, UNSCR 1441, UNSCR 1483, UNSCR 1546

1991040501

China (US)

The United States is seeking China's cooperation in efforts to control arms exports to the Middle East in the aftermath of the Persian Gulf War, a senior U.S. official said on 12 March 1991. Chinese missile sales to the Middle East have been a serious concern for some time to the United States.

The United States is trying to stop China from selling Pakistan new missiles that may be capable of carrying nuclear and chemical warheads, U.S. officials said on **5 April 1991**. The missiles are in the research and development stage. But if they eventually are delivered to Pakistan the administration would be obliged under recent congressional legislation to impose sanctions on China. Congress last fall, in an amendment to the Defense Authorization Act, required the imposition of penalties on countries that violate the Missile Treaty Control Regime. U.S. intelligence reports have indicated China has begun to supply its M-11 medium-range missile system to Pakistan, and has built a nuclear reactor in the desert in Algeria that could be used to produce nuclear weapons plutonium.

On **30 April 1991**, the President has decided not to approve a request to license the export of U.S. satellite components to China for a Chinese domestic communications satellite, the Dong Fang Hong 3 (DFH-3). The President made this decision because certain activities of Chinese companies raise serious proliferation concerns.

On 7 May 1991, U.S. Undersecretary of State Robert Kimmitt said he has warned China that renewal of a preferential trade status may depend on the "political context" of disputes over Beijing's human rights, trade and arms sales performance.

On 27 May 1991, President Bush announced that the US would renew most favored nation status for China with no conditions, insisting contacts were necessary to promote democracy. However, in its other move cutting off exports of high-speed computers to China, the White House said it would bar 20 outstanding export contracts with China worth 30 million dollars for high speed computers that could be used for missile technology, a senior official said. Moreover, the White House will not issue any new satellite contracts to China and to block China's precision machinery import-export company from acquiring defense related products. Those actions were aimed at pressing the Chinese on U.S. concerns over human rights, trade and the transfer of missile technology to Third World countries like Pakistan, according to an official speaking on condition of anonymity. He said China's sale of technology to Pakistan in "recent months" violated missile proliferation control agreements and added that the satellite sanctions would have a "substantial impact" on the Chinese space program.

Although President Bush has recommended renewing China's most-favored-nation trading status this summer without conditions, Senate Democratic leaders plan to introduce legislation that would condition renewal on Beijing's adherence to the arms accord within six months. The Senate, on 25 July 1991, followed the House of Representatives in voting to attach a string of conditions to MFN renewal, demanding measurable improvements in Beijing's human rights record and a curb on its missile sales. But the 55-44 vote on the bill indicated that the two-thirds majority needed to override an expected presidential veto had eluded Senate Democratic leaders. President Bush has said he will veto any bill which falls short of outright renewal of MFN for one year.

China has apparently sold some nuclear-related technology to Iran, a senior State Department official said here on 30 October 1991. But Western diplomats based in Beijing say they expect the United States to resume sales of satellites and high-speed computers to China in return for concessions offered to Secretary of State James Baker on weapons sales. U.S. trade sanctions currently on high-tech trade with China are now expected to be lifted, sources on 19 November 1991. The U.S. State

Department confirmed on 20 December 1991 that it will soon lift a five-month-old ban on the export of high-speed computers and satellite parts to China.

Resolution:

The United States on **21 February 1992** lifted the sanctions that were imposed last June, after U.S. intelligence reports indicated China had sold M-11 missiles to Pakistan. The sanctions prohibited the sale of high-technology to two Chinese state companies that manufacture weapons. They also banned the sale of U.S. satellite parts and high-speed computers to China. China said it will abide by an international treaty limiting missile sales in response to Washington's decision to lift a ban on high-technology exports to China.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

1991070501

Slovenia (EU-UN)

On **5 July 1991**, the European Community and its member states decided to impose an arms embargo on the former Socialist Federal Republic of Yugoslavia. Slovenia “inherited” the arms embargo when it became independent on 25 June 1991.

On 25 September 1991, the United Nations Security Council decided to establish an arms embargo (“general and complete embargo on all deliveries of weapons and military equipment”) that applied to all of the territory of the former Yugoslavia in UNSC resolution 713. On **8 January 1992**, the UNSC extended the embargo to successor states (UNSCR 727).

Resolution:

The Dayton Agreement was formally signed in Paris in December 1995, dictating a formally united Bosnia and Herzegovina made up of two 'entities', the Bosnian-Croat Federation and the Serb Republic. Following the signing of the Dayton Agreement, the UNSC passed Resolution 1021 laying out the terms for the phased lifting of the arms embargo. On **18 June 1996**, the sanctions committee announced that the arms embargo had been fully lifted. UNSC Resolution 1074, adopted unanimously on 1 October 1996, terminated all remaining measures against the former Yugoslavia due to progress in the implementation of the Agreement.

In Common Position 96/184/CFSP of **26 February 1996**, the EU decided that export license applications to Slovenia and the former Yugoslav Republic of Macedonia (Fyrom) shall be considered on a case-by-case basis. This provision is adopted on the understanding that the Member States will show restraint in their arms export policy toward Slovenia and the former Republic of Macedonia (Fyrom).

On 10 August 1998 the Council lifted the arms embargo on Slovenia.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (EU_SVN_92);

UNSC resolution 713

UNSC resolution 727

UNSC resolution 1021

UNSC Resolution 1074

96/184/CFSP

1998/398/CFSP

1991081901

Russia (EU-US)

On **19 August 1991**, President Bush condemned as “misguided and illegitimate” the stunning coup in the Soviet Union and called for ousted President Mikhail Gorbachev to be returned to power. Bush said he was ordering a hold on U.S. aid to the Soviets. On 20 August, Japan froze all economic aid -- including technical assistance – and the European Community cut off more than \$ 1 billion in aid to Moscow and demanded Gorbachev's return to office as the price for any future cooperation. Britain additionally suspended a \$82 million technical aid program.

Resolution:

On **22 August 1991**, after a sudden collapse of the coup, all sanctions were immediately canceled.

HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score)

Source:

GIGA (US_RUS_91; EU_RUS_91) ; HSE (91-6)

1991100101

Haiti (US-UN-EU)

On 30 September 1991, a coup occurred in Haiti ousting the democratically elected President Jean-Bertrand Aristide. On **1 October 1991**, the **United States** cut off all aid to Haiti (\$ 85 million a year) and the **European Community** also announced an aid cutoff. On 3 October, the Organization of American States adopted a Resolution calling for the suspension of all “military, police, or security assistance of any kind and to prevent the delivery of arms, munitions or equipment to that country in any manner, public or private.” The OAS also encouraged other states to follow.

On 8 October 1991, the OAS, calling for a hemisphere-wide trade embargo (except for humanitarian aid) against Haiti and for a freeze on Haitian government assets, adopted a series of tough economic sanctions aimed at restoring democracy and bringing ousted President Aristide back to power after he was toppled in a coup. The embargo became due on 5 November. Thousands of Haitians fled the country after the coup and the resulting embargo. On **16 June 1993**, the **UNSC** adopted resolution 841: an oil and arms embargo and the freezing of foreign funds held by the authorities in Haiti.

On 15 July 1993, the Security Council confirmed its readiness to suspend the sanctions imposed against Haiti immediately after the Prime Minister had been ratified. On 25 August 1993, the Haitian Parliament ratified the appointment by President Aristide of Mr. Robert Malval as Prime Minister. This led the Security Council to suspend immediately the oil and arms embargo against Haiti as well as the freeze on funds. The Council did so by resolution 861 (1993) of 27 August in which it also confirmed its readiness to reimpose sanctions if the terms of the Governors Island Agreement were not fully implemented. Authorities in Haiti sabotaged the accord for the restoration of the democratically elected president. The Security Council, by its resolution 873 (1993) of 13 October, decided to reimpose its oil and arms embargo against Haiti and the freeze on funds.

In spring 1994, Canada, France, the United States and Venezuela (the “Friends of Haiti countries”) discussed imposing tougher sanctions against Haiti. On 6 May 1994, the Security Council tightened sanctions against Haiti to pressure its military rulers to allow the return of exiled President Jean-Bertrand Aristide. US President Clinton threatened a military intervention.

Resolution:

The United States and the junta reached agreement 18 September 1994 for the military leaders to step down and avert an US invasion threatened after economic sanctions did not work. On **26 September 1994**, Clinton announced the suspension of unilateral **US** sanctions imposed on Haiti. On **15 October 1994**, the **Security Council** welcomed the return of President Jean-Bertrand Aristide to Haiti by lifting its crippling sanctions against the Caribbean nation (UNSCR 948). The **European Union** resumed cooperation on **30 November 1994**.

HSE Score:

4 (policy result) x 1 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA (US_HTI_91); TIES(1991100101); HSE; (91-5)

Department of State: Public Notice 14961 (<http://www.pmddtc.state.gov/FR/1991/56FR50968.pdf>)

UNSCR 841; UNSCR 861; UNSCR 873; UNSCR 948

CRS Report 95-602 F

1991112101

Indonesia (US)

When Indonesia denied self-determination to East-Timor and suppressed peaceful pro-independence protests in East Timor in November 1991, Canada immediately reviewed aid to Indonesia. Indonesian authorities said 19 people were killed and 91 wounded when troops opened fire on an estimated 5,000 mourners who had attended the funeral of a young East Timorese slain under mysterious circumstances (known as the Santa Cruz massacre or Dili massacre). Foreign eyewitnesses said the death toll was around 50 to 60, while others have estimated the number as high as 115 – and later reports even suggested more than 250.

Canada said on 9 December 1991 that it was suspending approval of development projects that provide direct assistance to the Indonesian Government, in order to protest the army shooting last month in disputed East Timor. In February 1992, Canada announced that it may soon lift these sanctions. Following a meeting with Indonesian Foreign Minister Ali Alatas, External Affairs Minister Barbara McDougall said Canada is encouraged by Indonesia's efforts to "come to grips with the situation" by setting up a commission of inquiry into the killings. However, tensions between the Netherlands and Indonesia over linking foreign aid to human rights escalated on 26 March 1992 as the Dutch halted all financial help for their former colony.

On **21 November 1991**, the European Parliament condemned the East Timor massacre and called on the European Community to impose an embargo of weapons to Jakarta. The parliament also urged the 12 EC nations to consider cutting or suspending aid to Indonesia. The Portuguese presidency pressed for similar steps, yet no sanctions were decided on as other EU members (in particular the UK) did not want to jeopardize their economic relations, i.e. arms sales.

On **26 June 1992**, the US unanimously voted to cut aid to Indonesia over human rights abuses in East Timor. The House of Representatives passed an amendment to the Foreign Aid Bill which trims \$2.4 million in military aid to Indonesia and could also restrict loans which have enabled Jakarta to buy \$170 million in US arms. In September 1992, Senator Kasten pushed for measures that will continue military funding to Indonesia. But Congress cut off Indonesia's International Military Education and Training (IMET) aid in October 1992.

On 30 September 1993, the Senate decided to keep up the suspension of U.S. training funds for the Indonesia armed forces because of the Jakarta government's human rights record – and passed a foreign aid funding bill barring use of U.S. military training funds in Indonesia worth 2.3 million dollars. In 1994, Congress had blocked the sale of four second-hand US-built F-5 jets from Jordan to Indonesia and the Senate voted to restrict small-arms sales to Indonesia.

Resolution:

Over the objections of human rights groups, the Clinton Administration resumed military training suspended in 1992. The suspension was in response to an incident in which more than 100 protesters in Dili, East Timor, were killed by Indonesian Army troops. The ban was reaffirmed in 1993 and 1994 although the Clinton Administration circumvented Congress' intent by selling military training to Indonesia.

In 1995, on the grounds that the human rights situation had improved in Indonesia, Washington decided to restore grants under its International Military Education and Training (IMET) program. The United States is keen to resume military-training aid and weapons sales to Indonesia despite criticisms of its human rights record, a senior U.S. official said on **19 September 1995**. President

Clinton and senior defense officials support the resumption of the military-education aid to Indonesia, said Adm. William Owens, vice chairman of the U.S. Joint Chiefs of Staff.

The U.S. provided \$ 600,000 for 1996 and about \$ 800,000 for 1997 under the IMET program and on 12 June 1996, the House of Representatives voted against an amendment to bar IMET grants to Indonesia next year.

The Clinton Administration has also proposed \$ 26.2 million in arms sales to Indonesia in 1996, up from about \$ 4.6 million in 1995. The resumption of military grants, he said, suggests that Washington is rewarding Indonesia "despite its lack of progress in the human rights arena."

HSE Score:

1 (policy result) X 2 (sanctions contribution) = 2 (sanctions success) (HSE)

Source:

TIES (2004091501); HSE; (91-4); GIGA; (US_IDN_92)

1991120201

Togo (EU-US)

On **2 December 1991**, the European Commission threatened to suspend all cooperation with Togo if the army there continued its attempts to overthrow Prime Minister Joseph Kokou Koffigoh. Prime Minister Koffigoh was seized by rebel soldiers during an attack on his residence on 3 December 1991, resulting in the deaths of 17 individuals. The United States government has called for the “immediate release” of Togolese Prime Minister Joseph Koffigoh, who was seized by rebellious troops in an assault on the government headquarters in Lome – and called on Togolese President Gnassingbe Eyadema to “take firm action” to gain Koffigoh’s release and “put Togo’s democratic process back on track.” However, the U.S. has offered to substantially increase the \$12 million in bilateral aid it is currently providing Togo if the country achieves a successful transition and adheres to economic reforms.

On **13 November 1992**, the United States suspended disbursements on a \$ 19 million aid program for Togo to protest repeated disruptions in that country’s efforts to establish democratic rule. In an attempt to oust the 25 year dictatorship of President Gnassingbe Eyadema, Togolese pro-democracy organized a week-long general strike. In a show of strength Eyadema refused to let Prime Minister Koffigoh have his way. Troops are sent to the cabinet offices to ensure the ministers remained at their post. The European Community (EC) threatened to withdraw aid to Togo unless there was a clear signal of respect for the constitution and the rule of law.

The European Commission on **26 January 1993** in Brussels condemned shootings in Togo, demanding that General Eyadema keep the military politically neutral and re-iterating that the European Community would finance no new aid projects in Togo. Some sources indicate that the EU has already quietly suspended aid in spring 1992.

On 11 February 1993, France and Germany were halting aid to their former West African colony of Togo because the democratic process was going too slowly. On 21 February 1993, the United States is suspending most of its aid to Togo because of a breakdown in pro-democracy efforts and the killing of opposition demonstrators. On 26 February 1993, Japan also suspended aid projects to Togo.

After Togo’s presidential election in June 1998, the EU declared the election as fraudulent and did not resume aid.

Resolution:

In April 2004, the Government of Togo signed an agreement with the EU which contained commitments which Togo must honor as a precondition for the resumption of EU aid. Togo held its first relatively free and fair legislative elections in October 2007. After years of political unrest and condemnation from international organizations for human rights abuses, Togo is finally being re-welcomed into the international community. On **29 November 2007**, the EU resumed “full” relations with Togo. Togo’s steady progress in improving human rights and restoring democracy to the country has led to improved relations in recent months, and the final hurdle was the holding of free and transparent elections. France had already announced the resumption of French aid in September 2006. Germany only resumed bilateral aid in 2012 which was announced on 7 December 2011.

In 2007, largely free and fair legislative elections in October were followed by the formation of a new government on **13 December 2007**. The US announced to resume aid flows together with the other international donors.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE: 4)

Source:

GIGA; (EU_TGO_92; EU_TGO_98) TIES (1992011201); HSE; (92-2)

<http://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/togo-1960-present/>

1992010301

Libya (UN)

On **3 January 1992**, Britain, the US and France are moving ahead at the United Nations Security Council with plans to impose sanctions against Libya if, as expected, it refuses to extradite several suspects who have been charged with bombing Pan Am flight 103 and a UTA airliner, causing the deaths of 441 people from 32 countries.

On **31 March 1992**, the UN imposed sanctions on Libya with resolution 748. The sanctions banned all commercial flights to and from Tripoli, closed Libyan Arab Airlines offices abroad. Sales of aircraft, parts and services were also banned. Furthermore, an arms embargo was imposed. The UN called for reduction in Libyan diplomatic missions abroad and restricted movement of Libyan diplomats.

On 11 November 1993, in UNSCR 883, the UN banned the sale of petroleum equipment to Libya and froze non-petroleum-related Libyan government assets and assets of Libyan undertakings abroad.

Resolution:

On **12 September 2003**, the United Nations security adopted resolution 1506 which ended 11 years of sanctions against Libya, clearing the way for each of the 270 families of the Lockerbie bomb victims to be paid \$ 4m in compensation. The resolution to lift the arms embargo and ban on flights to Libya was more symbolic than substantive. The sanctions had been indefinitely suspended, on **8 April 1999** (S-PRST-1999-10) for more than four years, since Libya handed over two indicted men for trial in 1999. A Scottish court convicted one Libyan intelligence agent of the bombing and sentenced him to life. The other was acquitted.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

GIGA; (UN_LBY_92); HSE; (92-12)

SIPRI

UNSCR 748

UNSCR 1506

1992010901

Israel (USA)

If Israel wants to secure a 10-billion-dollar loan guarantee from the United States, it must commit itself not to use the funds in the occupied territories, U.S. Senator Phil Gramm said on **9 January 1992**. He told Israeli radio that a freeze on Israel's policy of building settlements in the territories would also help secure the guarantee. President George Bush has criticized the building of settlements in the territories, which are home to 1.7 million Palestinians, as a key obstacle to Middle East peace efforts. Saying he wanted to give Arab-Israeli peace talks a chance, the president has also held up a decision on whether to grant Israel the loan guarantee it seeks from the United States. Secretary of State James A. Baker III is suggesting that Israel stop building new homes in the occupied territories in order to gain U.S. aid for resettling Jewish refugees. Israel wants the US administration to guarantee \$ 10 billion in housing loans from commercial banks. The money would be used to help settle upwards of 1 million Jewish immigrants, mostly from the former Soviet Union. Baker on 24 January 1992 discussed the longstanding request separately with senior members of congressional appropriations panels and with Israeli Ambassador Zalman Shoval but delayed any decision.

Israel will not freeze the construction of settlements in the occupied territories in order to obtain U.S. loan guarantees, Prime Minister Yitzhak Shamir said on 26 January 1992. But he said he remained optimistic that he could negotiate a compromise with Washington on Israel's request for U.S. government backing for \$10 billion in loans to assist absorption of Jews from the former Soviet Union. "The U.S. understands that, for us, the building and development of all parts of the Land of Israel is a matter of principle," Shamir said. "We will now engage in a common effort to find a formula that will not contradict U.S. policy or this principle of ours." The United States rejected Israel's counteroffer to slow construction of Jewish settlements in occupied territories in exchange for the \$10 billion in loans. The American position on extending the \$10 billion in loan guarantees to Israel is based on three points. First, Israel would be allowed to complete housing starts now under way in the West Bank and Gaza Strip, which are estimated by United States officials at anywhere from 5,000 to 9,000, depending how a housing start is defined. Second, the United States is insisting on a halt to all new housing starts in the territories after the loan guarantees go into effect. If the ban were violated by Israel, it would mean an end to the loan guarantees. Third, the Bush Administration and Congressional leaders now seem to agree that the United States should deduct one dollar in loan guarantees from every dollar Israel spends in the occupied territories to complete the dwellings already under way there.

On 22 February 1992, Israeli and United States officials tried again to resolve their differences over American demands that Israel halt building new settlements as a condition for loan guarantees, but the two sides did not make any progress. The Israeli Ambassador, while signaling that Israel might be ready to slow down new settlements, said Israel could not accept a total halt. But that is what Mr. Baker is demanding. The continuing standoff came as Sen. Patrick J. Leahy (D-Vt.), who heads the Appropriations subcommittee with responsibility for foreign aid, warned Baker that "time is running out" for Congress to act on the loan guarantees request this year. Leahy said that if Israel and the administration cannot reach agreement in the next few days, he probably will propose legislation imposing severe limits on Israel's ability to use any U.S. guarantees if it continues to build settlements. Senior Israeli officials bitterly criticized Washington for refusing to approve \$10 billion in loan guarantees to help settle Jewish immigrants from the former Soviet Union. However, Secretary of State James A. Baker III said again on 24 February 1992 that the United States will not provide new loan guarantees unless Jerusalem agrees to a total halt to settlement activity in occupied lands.

President Bush also vowed not to soften his terms on 26 February 1992: “We spelled out our policy. There it is. It’s a proper policy. It’s been the policy of the U.S. Government for a long, long time.” Asked if it was politically risky to be confronting Israel in an election season, he replied: “It might be, but I’m not going to shift the foreign policy of this country because of political expediency. I can’t do that. I would not have any credibility worldwide.” On the same day, Netanyahu said the Jewish state would never surrender to the US demand that it halt settlements in return for loan guarantees.

On 17 March 1992, the Bush Administration has rejected key elements of a Congressional compromise proposal for granting loan guarantees to Israel, possibly dooming the Israeli aid request. Secretary of State James A. Baker 3d, in discussions over the weekend with Senator Patrick J. Leahy, made clear that the Administration opposed important parts of the compromise because it contained too many loopholes that would enable Israel to continue building settlements. These provisions, Mr. Baker argued, would give Israel some of the \$10 billion in housing loan guarantees it is seeking without insisting on a freeze on Israeli settlements in the occupied West Bank and Gaza Strip. There are still significant differences between the Kasten-Leahy compromise and what the Bush Administration will accept. The compromise would grant Israel \$1 billion in loan guarantees immediately, without linking these to a freeze on settlements, and give the President the authority to provide the rest of the guarantees on the condition that Israel restrict its settlement activity in the West Bank and Gaza. Mr. Bush and Mr. Baker are not willing to accept the granting of any loan guarantees without restrictions on settlements. They are still saying that Israel can have all \$10 billion in guarantees, spread over five years, if it freezes its settlement activity entirely, or that it can have a lesser amount for a shorter period if it freezes all housing starts in the occupied territories. On 19 March 1992, Israel seemed on the point of officially admitting defeat in its campaign for \$10 billion in U.S. loan guarantees after Bush rejected the latest congressional compromise proposal. Israeli economic planners began the tough and perhaps painful process of how to rearrange Government spending priorities now that the country’s request for \$10 billion in US loan guarantees seems to be dead. Officials were almost stonily silent about what they intended to do next.

Resolution:

On 25 June 1992, Yitzhak Rabin replaced the government of Yitzhak Shamir and now has the power to upset Israel’s political status quo and carry out a dramatic shift of its policies toward the occupied territories and peace talks with Arabs. Following the election, the Bush Administration would move quickly to resume negotiations on billions of dollars in United States loan guarantees for Israel. On 11 August 1992, President Bush gave overall approval for up to \$ 10 billion in loan guarantees that Israel has long sought to help settle a flood of immigrants from the former Soviet Union. Bush hailed the newly elected Rabin’s decision to sharply curtail new settlements on land captured from Arabs and welcomed his commitment to reinvigorate the Middle East peace process – however, there has been no detailed public discussion of terms and conditions for the guarantees. The Wall Street Journal claims that Israel pledged to use funds to substantially raise its imports from US and the Bush Administration tacitly agrees to overlook issue of Jewish building activity in East Jerusalem. President Bush told on 8 September 1992 that he is formally asking Congress to give Israel \$ 10 billion in loan guarantees. Congress gave final approval on **6 October 1992** to a foreign aid bill that offers \$10 billion in loan guarantees for Israel and provides \$14 billion in cash aid to United States friends and allies. The action marked an end to a dispute that had soured allied relations.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score).

Source:

TIES (1992012301)

1992011501

Croatia (EU-UN)

On 5 July 1991, the European Community and its member states decided to impose an arms embargo on the former Socialist Federal Republic of Yugoslavia. Croatia “inherited” the arms embargo when it proclaimed independence on 25 June 1991, recognized on **15 January 1992** by the European Economic Community members, and subsequently the United Nations on **23 May 1992**.

On 25 September 1991, the United Nations Security Council decided to establish an arms embargo (“general and complete embargo on all deliveries of weapons and military equipment”) that applied to all of the territory of the former Yugoslavia in UNSC resolution 713. On 8 January 1992, the UNSC extended the embargo to successor states (UNSCR 727).

Resolution:

The Dayton Agreement was formally signed in Paris in December 1995, dictating a formally united Bosnia and Herzegovina made up of two 'entities', the Bosnian-Croat Federation and the Serb Republic. Following the signing of the Dayton Agreement, the UNSC passed Resolution 1021 laying out the terms for the phased lifting of the arms embargo. On **18 June 1996**, the sanctions committee announced that the arms embargo had been fully lifted. UNSC Resolution 1074, adopted unanimously on 1 October 1996, terminated all remaining measures against the former Yugoslavia due to progress in the implementation of the Agreement.

On **20 November 2000**, a new Common Position (2000/722/CFSP) lifted the arms embargo on Croatia, for which license applications would be assessed on a case-by-case basis according to the criteria contained in the EU Code of Conduct for Arms Exports.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (EU_HRV_92; UN_HRV_92); HSE; (91-1)

UNSCR 713

UNSCR 1021

UNSC Resolution 1074

SIPRI

98/240/CFSP

2000/722/CFSP

1992011502

Algeria (EU)

In 1991 the European Community granted Algeria ECU 400 million in macro-financial aid, in the context of a previous IMF programme. A first tranche of ECU 250 million was effectively disbursed in January 1992. Community aid was then suspended because of Algeria's failure to respect the criteria set down in the programme agreed with the IMF. The European Parliament called on **15 January 1992** to the Commission to defer the application of the fourth protocol with Algeria until the political situation there has become clearer – in the context of the Algerian Civil War (an armed conflict between the Algerian Government and various Islamic rebel groups which began in 1991 following a coup negating an Islamist electoral victory).

The second instalment of an emergency loan for balance of payments could have been released in **July 1992** – but was delayed owing to slippages with respect to macroeconomic performances and structural reform progress. While supporting the process for the economic reforms of Algeria, this assistance should in addition have had the effect of facilitating the solution of the social and political problems of this country.

Resolution:

On 15 December 1994, the European Parliament approved the proposal to grant the second tranche, ECU 200 million worth, of EU macro-financial aid to Algeria because the representatives of the Member States have decided that helping the Algerian economy is the best way to stop the country's destabilization.

On **22 December 1994**, the Council decided to provide further macrofinancial assistance for Algeria. This restructuring of the Algerian public debt was made possible after a provisional agreement between the IMF and Algeria.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (EU_DZA_92); HSE; (92-5);

92/C 39/03

94/938/EC

Gillespie, R. & Youngs, R. (2002). The European Union and democracy promotion: the case of North Africa.

1992022401

Sudan (US-EU-UN)

Issue: Terrorism

The growing ties between Iran and Sudan have put their neighbors on edge, and Washington on alert. On **24 February 1992**, the U.S. State Department threatened Sudanese officials with “grave consequences” if an act of terrorism were traced to Khartoum.

On **12 August 1993**, the US condemned Sudan as a supporter of terrorism, making Sudan ineligible for most US assistance (Public Notice 1878). Moreover, Sudan is required to obtain licenses for the purchase of US products that could have military use. On **15 March 1994**, the European Union has banned shipments of arms, munitions and military equipment to Sudan as it has been accused of harboring and arming Iran-backed Muslim extremists (94/165/CFSP). However, the EU sanctions are only a political signal because no arms have been shipped for several years.

Tension between the Egypt and Sudan had risen dramatically since gunmen on 26 June 1995 attempted to kill Egyptian President Hosni Mubarak in the Ethiopian capital of Addis Ababa. On **31 January 1996**, the UN Security Council formally accused Sudan for the first time of backing terrorism. The council passed a resolution (UNSCR 1044) demanding Sudan extradite within 60 days to Ethiopia three Moslem militants suspected of trying to kill Egyptian President Hosni Mubarak in June in Addis Ababa. Several nations warned they would impose sanctions if Sudan failed to comply.

On **26 April 1996**, the UN Security Council ordered (UNSCR 1054) diplomatic sanctions and travel restrictions against the Sudanese government over Khartoum's presumed links with terrorism. On 16 August, the UN Security Council voted in favor of an air embargo which is not implemented though. However, Egypt is the most notable holdout since economic sanctions are unpopular given its large population of ethnic Sudanese and its record of concern for the victims of such sanctions in Libya and Iraq. Moreover, Russia and China are reluctant to use sanctions.

The State Department has designated **Sudan** as a CPC under the International Religious Freedom Act of 1998 since **7 October 1999**. The Secretary designated, on **23 December 1999**, a sanction already in effect, consisting of the use of the voice and vote of the U.S. to abstain on or oppose loans or other uses of the funds of the International Financial Institutions to or for Sudan, pursuant to the International Financial Institutions Act, as the action under the IRF Act.

Resolution:

With UNSCR 1372 of **28 September 2001**, the UN lifted the sanctions due to the steps which the government of Sudan has taken so far. The United States abstained from the vote.

On **9 January 2004**, the European Union, given the ongoing civil war, decided to maintain the arms embargo but consolidated the measures in a single instrument (2004/31/CFSP) and repealed Decision 94/165/CFSP.

In October 2017, the US announced to be open to remove Sudan from the list of state sponsors of terrorism.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA; (US_SDN_93; EU_SDN_94; UN_SDN_96); TIES (1994031501); HSE; (93-5)

1992030101

Bosnia and Herzegovina (EU-UN)

On 5 July 1991, the European Community and its member states decided to impose an arms embargo on the former Socialist Federal Republic of Yugoslavia. Bosnia “inherited” the arms embargo when it became independent on **1 March 1992**. On the same day, the Bosnian War broke out, lasting until late 1995, fought between Muslims, Croats and the Serb forces backed by the regime of late former Yugoslav leader Slobodan Milosevic and took place in Bosnia and Herzegovina.

On 25 September 1991, the United Nations Security Council decided to establish an arms embargo (“general and complete embargo on all deliveries of weapons and military equipment”) that applied to all of the territory of the former Yugoslavia in UNSC resolution 713. On 8 January 1992, the UNSC extended the embargo to successor states (UNSCR 727).

On 23 September 1994, UNSC Resolution 942 imposed comprehensive sanctions against areas in Bosnia and Herzegovina controlled by Bosnian Serb forces. However, these measures are not directed against the government of Yugoslavia which supported the Bosnian Serbs (case 1990110501).

Resolution:

The Dayton Agreement was formally signed in Paris in December 1995, dictating a formally united Bosnia and Herzegovina made up of two ‘entities’, the Bosnian-Croat Federation and the Serb Republic. Following the signing of the Dayton Agreement, the UNSC passed Resolution 1021 laying out the terms for the phased lifting of the arms embargo. On **18 June 1996**, the sanctions committee announced that the arms embargo had been fully lifted. UNSC Resolution 1074, adopted unanimously on 1 October 1996, terminated all remaining measures against the former Yugoslavia due to progress in the implementation of the Agreement.

On 19 July 1999, the Council decided that small arms to the police forces should not be subject to the embargo. On **23 January 2006**, the Council suspended the arms embargo against Bosnia and Herzegovina, the last country of former Yugoslavia with an EU arms embargo, because Bosnia and Herzegovina has now adopted, and is implementing, legislation on exports, imports and transit of arms which meets the appropriate EU standards.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (EU_BIH_92; UN_BIH_92); TIES (1994092301); HSE; (91-1)

96/184/CFSP

2006/29/CFSP

UNSC resolution 713

UNSC resolution 727

UNSC resolution 1021

UNSC Resolution 1074

SIPRI data set

1992039901

India (US)

India attempted to buy booster rockets from Russia. Claiming that this transaction would violate Moscow's pledges to adhere to the Missile Technology Control Regime (MTCR) the US threatened on **5 May 1992** sanctions against state-owned Indian and Russian companies involved in the deal. On **11 May 1992**, the US announced that it has imposed a two-year trade ban on enterprises from Russia and India for a deal involving the sale of booster rockets.

Notwithstanding the economic sanctions, India insisted on the deal with Russia. In May, 1993 the USA and Russia opened negotiations. On 16 July 1993 an agreement was reached in Washington whereby Russia was "permitted" to transfer to India the cryogenic rocket engines but not the technologies of their manufacture, accounting for 96 percent of the deal's total value. The USA pledged not to apply the projected sanctions against Russia. But administration officials said sanctions against the Indian space agency that is to buy the engines still would be applied for violating international arms control standards.

Resolution:

On **16 July 1994**, the United States has called off its 2-year-old sanctions against India's top state-owned space agency, clearing the way for new space technology deals between the two countries. The United States had "allowed the sanctions to lapse" after the deal with Russia's Glavkosmos was considerably scaled down, blocking the transfer of technology but allowing the sale of engine components to India.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

TIES (1992039901)

1992039902

Russia (US)

On **24 April 1992**, a US delegation arrived in Moscow to limit the spread of nuclear weaponry to stop Russian engineers from competing with the US space industry. During the meeting, the US has warned Russia that if it proceeds with a \$200 million sale of rocket technology to India, it will consider imposing economic sanctions. The US Government formally objected to the proposed sale, claiming it violated the missile technology control regime (MTCR) barring the proliferation of weapons of mass destruction.

Claiming that this transaction would violate Moscow's pledges to adhere to the Missile Technology Control Regime (MTCR) the US threatened again on 4 May 1992 sanctions against state-owned Indian and Russian companies involved in the deal. The sanctions Russia and India face are severe – a suspension of access to U.S. technology and U.S. government contracts.

On **11 May 1992**, the US announced that it has imposed limited sanctions: a two-year trade ban on enterprises from Russia (Glavkosmos) and India for a deal involving the sale of booster rockets.

Russia is proceeding with its \$200 million deal to supply sophisticated rocket engine technology to India despite recent U.S. punitive sanctions, the head of the Indian space program said in August 1992.

Washington has threatened to impose fresh sanctions on Russia's space industry following last week's failed attempts to reach an agreement on the export of missile technologies, a senior Russian official told IPS on 19 January 1993.

Resolution:

In May, 1993 the USA and Russia opened negotiations. A senior Russian official signaled that Moscow was ready to work out a compromise with the United States on the sale of Russian-made booster rockets to India.

The United States has imposed new trade sanctions against Russia to protest the sale of arms technology to India but will give Moscow another chance to stop the move, the State Department said on 25 June 1993. The sanctions had been suspended to give Russia a chance to stop its sale of rocket engines to India for an estimated 350 million dollars, of which so far 80 million has been paid. On 15 July 1993, the administration of President Bill Clinton had threatened again two Russian firms involved in the Indian deal with limited economic sanctions, which were to go into effect if no agreement was in sight. On 16 July 1993 an agreement was reached in Washington whereby Russia was "permitted" to transfer to India the cryogenic rocket engines but not the technologies of their manufacture, accounting for 96 percent of the deal's total value. The USA pledged not to apply the projected sanctions against Russia.

The agreement removed the threat of U.S. economic sanctions against the Russian companies involved in the deal. But administration officials said sanctions against the Indian space agency that is to buy the engines still would be applied for violating international arms control standards. Under the agreement, Russia will sell some rocket engines to India as planned, but will not deliver some technology related to the production of more such engines by the Indians. In exchange for the U.S. promise not to impose sanctions, Moscow agreed to abide by the Missile Technology Control Regime (MTCR), which governs the transfer of rocket technology in an effort to stem the proliferation of missiles. As an added incentive to Moscow, Washington agreed to cooperate in future space projects, a promise that opens the way for the Russians to turn their space launch vehicles into a commercial business.

On **20 July 1993**, Russian foreign ministry spokesman Boris Kustovski said that Russia expects to “partially” cancel an agreement to deliver missile engines and technology to India which was frozen last week. “We have suspended the application of some points in the agreement,” worth 350 million dollars, under which Russia was to deliver cryogenic engines and transfer technology to India’s space industry, he said. The announcement would follow the return here of a Russian delegation from Washington, where it was seeking to resolve some differences with the Americans, who opposed the pact with India and pressured Moscow to halt it.

However, in December 1993, Russia has decided to sell four rocket boosters to India – two more than initially planned – to compensate for its cancellation earlier this year of part of a contract. The United States warned it was prepared to impose economic sanctions if Russia did not comply with the Missile Technology Control Regime (MCTR) even though Moscow argued that it was not in violation of the treaty.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

1992040601

Peru (US)

On 5 April 1992, Peruvian President Fujimori suspended the constitution, dissolved Congress, placed its leaders under house arrest and took over the absolute power in the country. The president said he wanted to reform a corrupt judiciary and impotent legislature. On **6 April 1992**, all U.S. assistance to Peru had been suspended, except for humanitarian aid managed by non-governmental organizations. A top State Department official canceled a meeting with President Alberto Fujimori and headed back for Washington to protest the Peruvian leader's "anti-democracy" dissolution of the legislature and suspension of the constitution.

Moreover, President Bush raised the possibility on 10 April that the Organization of American States will impose sanctions against Peru but other officials said such action is not likely for the time being.

Germany announced on 10 April 1992 that it was suspending its development aid for Peru after President Alberto Fujimori dissolved parliament and suspended the constitution. Japan said it hoped to see the situation in Peru return to normal soon.

On **9 April 1992**, European parliamentarians urged the European Community and the 12 EC member states to review their cooperation agreements with the Peruvian government in light of the critical situation in the country. One day earlier, the European Community asked Peruvian President Alberto Fujimori to restore full democracy as soon as possible and urged restoration of democracy with the participation of political parties and respect for human rights.

The U.S. Ambassador to the Organization of American States described Peru's constituent assembly elections as "satisfactory" on 23 November 1992, but warned the nation must still improve its human rights record before the United States will renew \$100 million in suspended aid. On 11 August 1993, the United States congress announced that it will freeze \$105 million in aid to Peru until the country's human rights situation improves. In June 1994, the Clinton Administration has ordered the U.S. military to stop providing radar tracking of cocaine-trafficker aircraft to Peru.

Resolution:

Japan and Germany resumed aid in summer 1993. Canada resumed aid in January 1994.

The US have partially resumed aid to Peru. Radar flights for Peru resumed on **19 December 1994**. The State Department noted in February 1995 that the number of human rights abuses, such as summary executions and disappearances, are "down considerably" from previous years. But "the military and the police continued to be responsible for numerous extrajudicial killings, arbitrary detentions, torture, rape and disappearances," it said.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score) (HSE)

Source:

GIGA; (US_PER_91); TIES (1992040701); HSE; (91-8)

1992041501

Equatorial Guinea (EU)

“Marin, the EC commissioner for development aid, refused to continue development aid to the country in 1992 (this decision was never formally adopted by the Council), which led to a de facto suspension. This was redressed only in 1997, after the president of Equatorial Guinea asked the Commission to open consultation procedures. This was decided during a Council meeting, but no official decision was published (interview with official, 10/12/1999).”

The EEC Council of Ministers adopted the following political cooperation declaration on 15 April 1992: The Community and its Member States are concerned at the continuing violations of human rights in Equatorial Guinea which risk to endanger the democratization process initiated with the recent review of the Constitution. They express their strong disquiet at recent developments and in particular regarding arrests and arbitrary detentions during which those concerned would have been subject to brutality.

The European Union imposed economic sanctions (suspension of development assistance) against the government of Equatorial Guinea on 22 December 1992.

Resolution:

Ongoing.

Equatorial Guinea receives no funding from the 10th European Development Fund (EDF) nor will it benefit from the 11th. Equatorial Guinea’s ratification of the Cotonou Agreement was invalidated because it could not unreservedly accept Article 11 on the International Criminal Court. Before the Cotonou Agreement was revised, it did receive funds from the 8th and 9th EDFs.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE. 2 X 2= 4).

Source:

<http://ecdpm.org/wp-content/uploads/2013/10/DP-64B-Development-Cooperation-Promote-Human-Rights-Democracy-2005.pdf>

GIGA; (EU_GNQ_92); HSE; (92-4)

P-1992/2004

EEAS: EU Relations with Equatorial Guinea

1992051301

Malawi (EU-US)

Malawian security officials whisked off opposition leader Chakufwa Chihana to an unknown destination when he returned from a trip to Zambia and South Africa on 6 April 1992. Chihana is secretary-general of the Southern African Trade Union Coordinating Council. On 7 May, Protesters demanding democratic reforms and higher wages fought police in Malawi, leaving 38 people dead, diplomats and hospital officials said.

On **13 May 1992**, Britain and other Western governments (EU, US, Japan) blocked all but urgent humanitarian aid (174 million dollars) to Malawi until Life President Hastings Kamuzu Banda respects basic freedoms and moves towards ending his one-party rule.

Resolution:

On 12 June 1993, Malawi hold a referendum on democracy after 29 years of authoritarian rule.

On **25 November 1993**, the European Community ended an 18-month aid boycott against Malawi, granting the impoverished country 35 million dollars for balance of payments support. Britain and Japan were the first donors to resume aid to Malawi, in September.

On **21 December 1993**, donor country representatives decided to renew financial aid to Malawi.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score) (HSE)

Source:

GIGA; (EU_MWI_92; US_MWI_92), HSE: (92-3)

1992052001

Nicaragua (US)

On **20 May 1992**, president of Nicaragua's parliament said that 24 U.S. congressmen had sent a letter to President Chamorro taking her government to task for "failure to comply" with earlier agreements and threaten with the suspension of aid.

On **30 May 1992**, Republican Senator Jesse Helms has blocked the release of 100 million dollars in aid to Nicaragua, claiming property seized by the former Sandinista government has not been privatized fast enough. He claimed that more than 200 American citizens have had their property confiscated and not returned. President George Bush suspended 150 million dollars in aid to Nicaragua because of the continuing influence of the Sandinistas two years after they were voted out of office and a lack of civil control over the military.

Funds were released on 1 July 1992 but again frozen on 22 September 1992. In an effort to get the United States to lift its freeze on economic aid to Nicaragua, Nicaraguan Foreign Minister Ernesto Leon has announced a plan to return real estate confiscated by the Sandinista government.

On 2 April 1993, citing progress on human rights and other issues, the State Department released \$ 50 million Friday in economic assistance to Nicaragua that had been suspended for almost a year. However, on 28 July 1993, US Senate again voted to suspend aid to Nicaragua due to claims for Nicaragua's support of terrorists.

Resolution:

On 19 January 1994, the US released aid to Nicaragua due to efforts to forge a true national reconciliation within a democratic framework.

On **1 August 1995**, the Clinton administration blocked new congressional efforts to suspend aid.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

GIGA; (US_NIC_92) TIES (1992053001); HSE; (92-11)

1992102301

Cuba (US)

On 14 March 1958, the United States imposed an arms embargo on Cuba with regard to the armed conflict between rebels led by Fidel Castro and the Batista regime. After the Cuban revolution which has overthrown the Batista regime, when Castro came to power on **1 January 1959**, the US recognized the new Cuban government of President Fidel Castro but kept the arms embargo. In February 1960, the Soviet-Cuban pact was signed. In retaliation, on 5 July 1960, Cuba's sugar quota was cut from the US market when Eisenhower cut Cuban sugar imports by 700,000 tons, the balance of the quota for 1960. He then fixed any future quota at zero. The US further imposed an export embargo in October 1960 and extended the embargo to imports in February 1962. The US further barred aid to countries which assist the government of Cuba or which allow ships under their flag to carry goods to or from Cuba. In July 1963, invoking Trading with the Enemy Act, US freezes all Cuban assets in the US. During the 1970s, the sanctions were partially released, whereas in the 1980s, sanctions were reinforced.

After the Cold War, the US kept sanctioning Cuba which suffered severe problems as well as food and oil shortages following the collapse of the Soviet Union. On **23 October 1992**, the Cuban Democracy Act was signed by US President Bush. It tightened the economic sanctions against the regime of Cuban President Fidel Castro. Gov. Bill Clinton said that "the dissolution of the Soviet Union offers the United States an important opportunity to increase the pressure for democracy in Cuba. The Cuban Democracy Act addresses this important issue by tightening the economic embargo against Fidel Castro." The goal of this act was to weaken the Castro regime which engaged in human rights violations and to promote a peaceful transition to democracy. The sanctions bar all American firms based abroad from trading with Cuba and call for stopping shipment to Cuba via US ports.

US sanctions were further tightened by the Cuban Liberty and Democratic Solidarity (Libertad) Act (also Helms-Burton act), signed on 12 March 1996 by President Clinton, after Cuban air forces shot two private planes from the Miami-based humanitarian international Search and Rescue support group. The act introduced a complete economic embargo which penalizes non-U.S. companies which deal economically with Cuba. Many countries including the EU opposed the sanction laws – and the President waived the application of these sanctions.

Resolution:

The United States announced the softening of its embargo against Cuba just a few weeks after Pope John Paul II sharply criticized Washington's hardline policy during his historic visit to the island in January 1998. The Trade Sanction Reform and Export Enhancement Act of 2000 further altered trade in agriculture and medicine. Despite a tightening of the sanction in 2004, when Raul Castro succeeded his brother, and further cuts in financial aid, the US further eased sanctions in order to facilitate literary, cultural and scientific exchanges (December 2004), as well as web services (March 2010). Under President Obama, the US further loosened sanctions with regard to travel, telecommunications and internet-based services, commercial and financial transactions, physical presence and operations in Cuba, support for the Cuban people, remittances, legal services, civil aviation safety, gift imports, educational activities, ordinarily incident transactions, air ambulances and emergency medical services, humanitarian projects, and diplomatic relations, as well as sanctions on companies and individuals linked to Cuba.

Along with US President Obama's historic trip to Cuba in March 2016, there was a further easing of the sanctions by facilitating travel for additional Americans; allowing Cuban citizens to earn a salary in the US; and expanding access to the U.S. financial system as well as trade and commercial opportunities.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

GIGA; (US_CUB_60) TIES (1959061101); HSE; (60-3)

Cuban Democracy Act

Cuban Liberty and Democratic Solidarity (Libertad) Act

Trade Sanction Reform and Export Enhancement Act

Cuban Assets Control Regulations

<https://piie.com/sites/default/files/publications/papers/sanctions-cuba-60-3.pdf>

<https://coldwarstudies.com/2010/12/13/cold-war-havana-prelude-to-american-sanctions/>

<http://time.com/4076438/us-cuba-embargo-1960/>

http://europa.eu/rapid/press-release_IP-92-861_en.htm

1992102401

Azerbaijan (US)

Section 907 of the Freedom Support Act (Public Law 102-511) Washington DC, passed by the US Congress on **24 October 1992**, bans any kind of direct United States aid to the Azerbaijani government. It is a response to Azerbaijan's halting gas shipments to neighboring enemy Armenia, a move that has crippled Armenian industry and left its population with only a few hours of electricity every day. Azerbaijani officials say, the law is merely political, the result of a strong Armenian lobby. Azerbaijan and Armenia have fought a bloody war for more than four years, with atrocities reported on both sides. The conflict between the two South Caucasus countries began in 1988 when Armenia made territorial claims against Azerbaijan. As a result of the ensuing war, in 1992 Armenian armed forces occupied 20 percent of Azerbaijan, including the Nagorno-Karabakh region and seven surrounding districts.

Resolution:

The 1994 ceasefire agreement was followed by peace negotiations. "The situation changed when Azerbaijan responded to the US and President Bush's 'You are with us or you are against us'. Azerbaijan chose to be with the US. On 24 October 2001, the Senate adopted a waiver of section 907 that would provide the President with ability to waive the Section 907. US President George W. Bush waived sanctions against Azerbaijan, on **28 January 2002**, arguing that providing aid to the former Soviet republic was necessary for the prosecution of the war on terrorism.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE: 1 x 1 = 1)

Source:

GIGA; (US_AZE_92); TIES (1992061101); HSE; (92-7)

1992110901

Liberia (UN)

On 12 April 1980, Samuel Doe, leader of a military coup, overthrew and killed the president of Liberia and became elected president after subsequent (condemned as fraudulent) elections. In December 1989, the National Patriotic Front of Liberia, a rebel group under Charles Taylor, supported by neighboring countries, exercised a coup which triggered the First Liberian Civil War.

On 20 October 1992, a West African mini-summit on Liberia in Cotonou ended with a ceasefire order to warring factions and a threat to impose military and economic sanctions starting on 6 November. But the final communique showed that the Economic Community of West African States (ECOWAS) remained split on Liberia and a political solution to the three-year conflict still looked distant.

On **9 November 1992**, West African leaders were actively seeking United Nations backing for economic sanctions against Liberian warring factions to enforce compliance with peace accords.

The U.N. Security Council imposed an arms embargo against Liberia on **19 November 1992** (UNSCR 788), an action requested by other West African nation to end to fighting between warring parties.

Resolution:

The embargo ended on **7 March 2001** by UN Security Council resolution 1343. The Council noted that the conflict in Liberia has been resolved and that national elections have taken place.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

GIGA; (UN_LBR_92); HSE; (92-1)

SIPRI

UNSCR 788

UNSCR 1343

1992112901

Cameroon (US)

Legislative elections were held on March 1, 1992, and President Biya of the RDPC was re-elected with 40 percent of the vote on 11 October 1992, and he was inaugurated as president for a third term on 3 November 1992. The National Democratic Institute (NDI) sent observers to monitor the presidential election, and reported that there had been "widespread irregularities" in the election process on 28 October 1992. The U.S. government imposed economic sanctions (restrictions on foreign assistance) against the government of Cameroon on **29 November 1992** because of concerns over human rights abuses. The U.S. has also deplored the house arrest of John Fru Ndi, leader of the main opposition party the Social Democratic Front.

Resolution:

President Biya of the RDPC was re-elected with 93 percent of the vote on 12 October 1997. The presidential elections were boycotted by the main opposition political parties. The *Commonwealth of Nations* (CON) and IFES refused requests by the government to monitor the presidential election. President Biya re-appointed Peter Mafany Musonge as prime minister on 8 December 1997. The U.S. government lifted economic sanctions (restrictions on foreign assistance) against the government of Cameroon in 1998. As of **March 1998**, Cameroon's fifth IMF program--a 3-year enhanced structural adjustment program approved in August 1997--is on track.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (US_CM_92); HSE; (92-6)

<http://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/cameroon-1961-present/>

1992120901

Cyprus (US)

On **9 December 1992**, the United States imposed an arms embargo on Cyprus, denying all licenses and other approvals to export or otherwise transfer defense articles to any of the armed forces on Cyprus (Public Notice 1738, 57 FR 60265). The US opposes such exports because of their ability to contribute to an arms race on the island and hinder UN and US efforts to reach a fair and permanent settlement of the Cyprus dispute. This action does not affect exports of defense articles or defense services for the United Nations Forces in Cyprus or for civilian end-users.

On 8 August 2011, the updated its country policies on Cyprus (Public Notice 7552, 76 FR 47990).

Resolution:

Ongoing.

US President Barack Obama signed on 25 November 2015 the US National Defence Authorization Act (S-1356), which includes an amendment allowing the sale of US defensive weapons to the Republic of Cyprus. The amendment, co-sponsored by Congressmen David Cicilline and Gus Bilirakis, allows the sale of US defensive weapons, under the condition that the Secretaries of Defence and State submit a report to Congress assessing the impact of the embargo on Cyprus' national security and counter-terrorism efforts.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

EUSANCT

1993031301

North Korea (US)

On 15 April 1991, the Soviet Union threatens to cut off nuclear supplies and cooperation if North Korea does not allow international inspections. On 20 May 1991, South Korea announced it will push for economic sanctions against North Korea if the communist state does not accept UN monitoring of its nuclear program. US President Clinton threatened that North Korea would be making a mistake if it continued thwarting international inspections. On 2 July 1992, Russia declared that it will no longer provide financial, military or any other form of assistance as long as North Korea refuses to allow its nuclear facilities to be inspected.

On 12 March 1993, North Korea formally rejects special inspection request, then announces its withdrawal from the NPT, which no country has ever done. US Secretary of State Warren Christopher raised on **13 March 1993** the possibility of UN economic sanctions in response.

On 16 March 1993, South Korean President ordered that all South Korean moves to invest in the North's crippled economy be blocked until the North reverses its decision to withdraw from the treaty to halt the spread of nuclear weapons.

By early June 1994, the US tried to get support for UN sanctions against North Korea such as an arms embargo and ban on financial transactions. However, Chinese delegates oppose sanctions, saying the dispute should be resolved through diplomacy. Besides issuing sanctions threats, the US warned that they would respond to North Korean use of nuclear weapons with massive conventional or nuclear retaliation.

Resolution:

On 22 June 1994, US President Clinton confirmed that North Korea had agreed to temporarily freeze its nuclear program and the US would suspend its pursuit of trade sanctions in return. The agreement does not specifically resolve the issue of North Korea's past nuclear-related actions. However, a senior administration official said later that North Korea had indicated its willingness, in the coming talks, to fully implement international inspection requirements.

On **21 October 1994**, US and North Korean officials sign an "Agreed Framework" under which North Korea agrees to freeze and eventually eliminate its existing nuclear program under IAEA supervision in exchange for the construction of two light water reactors (LWR) worth \$4.5 billion. The framework also provides for easing of restrictions on diplomatic and trade relations with the United States and delays the inspection of two suspected nuclear waste sites until a "significant portion" of the LWR project is completed but before the delivery of nuclear components. The United States also agrees to arrange the shipment of 500,000 tons of oil per year to make up for the energy supplies allegedly lost by shutting down North Korea's reactors.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

GIGA; (US_PRK_93); TIES (1991052001); HSE; (93-1)

<https://piie.com/commentary/speeches-papers/case-50-1-and-93-1>

1993040101

Afghanistan (US)

On **1 April 1993**, Afghanistan, uncertified last year by President Bush, was deemed by Clinton to be enough of a security interest for the United States to grant a special waiver allowing Kabul to qualify for assistance. However, sanctions were reimposed in 1995. In the report of **1 March 1995**, Afghanistan failed to meet the “national interest” test prescribed by Congress and will therefore suffer economic and other sanctions.

Resolution:

On 16 January 2002, Afghanistan’s interim leader issued a decree banning the cultivation of opium poppies, reviving a struggle previously waged by the Taliban against Afghanistan’s most lucrative crop. Thereafter, on **25 February 2002**, the U.S. waived narcotics sanctions against Afghanistan despite the country’s “demonstrable failure” to curb poppy cultivation in a move aimed at supporting the interim government in Kabul.

By October 2002, Afghanistan was set to reclaim its position as one of the world's leading producers of opium. In the following years, the International Narcotics Control Strategy Report always named Afghanistan as the biggest producer of opium poppies. Still, the U.S. did not reimpose sanctions as they recognize the efforts of the Afghanistan government.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (1995030101)

1993040801

Macedonia (UN-EU)

On 5 July 1991, the European Community and its member states decided to impose an arms embargo on the former Socialist Federal Republic of Yugoslavia. Macedonia “inherited” the arms embargo when it was officially recognized on **8 April 1993** (after it has proclaimed independence on 8 September 1991).

On 25 September 1991, the United Nations Security Council decided to establish an arms embargo (“general and complete embargo on all deliveries of weapons and military equipment”) that applied to all of the territory of the former Yugoslavia in UNSC resolution 713. On 8 January 1992, the UNSC extended the embargo to successor states (UNSCR 727).

Resolution:

The Dayton Agreement was formally signed in Paris in December 1995, dictating a formally united Bosnia and Herzegovina made up of two 'entities', the Bosnian-Croat Federation and the Serb Republic. Following the signing of the Dayton Agreement, the UNSC passed Resolution 1021 and 1022, laying out the terms for the phased lifting of the arms embargo. On **18 June 1996**, the sanctions committee announced that the arms embargo had been fully lifted. UNSC Resolution 1074, adopted unanimously on 1 October 1996, terminated all remaining measures against the former Yugoslavia due to progress in the implementation of the Agreement.

In Common Position 96/184/CFSP of **26 February 1996**, the EU decided that export license applications to Slovenia and the former Yugoslav Republic of Macedonia (Fyrom) shall be considered on a case-by-case basis. This provision is adopted on the understanding that the Member States will show restraint in their arms export policy toward Slovenia and the former Republic of Macedonia (Fyrom).

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA (EU_MKD_91; UN_MKD_91);

UNSC resolution 713

UNSC resolution 727

UNSC resolution 1021

UNSC Resolution 1074

96/184/CFSP

1993050601

China (US)

The Clinton administration might impose trade sanctions on China if it determines that recent reports of Chinese missile sales to Pakistan are true, the State Department said on **6 May 1993**. Spokesman Joe Snyder made the comments in response to a New York Times report saying that Washington has evidence that China has continued supplying surface-to-surface missiles to Pakistan, breaking a pledge it made a year ago. The spokesman said that violations of missile technology transfer agreements, along with human rights and trade practices, could have an impact on the decision to renew preferential trade treatment known as most-favored-nation (MFN) status. "If the administration concludes that China has engaged in improper transfers, it will not hesitate to take the action required under U.S. missile proliferation law," Snyder said. China rejected as "groundless" U.S. claims that it is still delivering surface-to-surface missiles to Pakistan. However, on 28 May 1993, President Bill Clinton renewed China's most favored nation (MFN) trade status for one year. In an executive order, he removed trade and arms disputes with China from MFN and said these would be resolved through other channels.

The United States is ready to slap economic sanctions on China if it sells long-range missiles to Pakistan, the State Department repeated on 20 July 1993. McCurry said that the United States had not yet determined if Beijing had delivered M-11 missiles with a 300-kilometer (200-mile) range to Islamabad.

On **25 August 1993**, the US slapped limited economic sanctions on China and Pakistan as a result of Beijing's sale of missile components to Beijing and Islamabad in violation of international treaties. U.S. officials estimate that the sanctions will block roughly \$500 million in future U.S. exports of aerospace and high-technology items to agencies within both governments that work in those areas. The sanctions will bar American aerospace and high-technology exports, primarily satellite components, to Pakistan and China for two years. The State Department estimates the cost to American firms will be between \$ 400 and \$ 500 million for each of the next two years. Still, that's not much in terms of the overall trade relationship between the U.S. and China, and McCurry says the U.S. hopes China and the U.S. will continue to work together on a wide variety of other issues.

Resolution:

The United States is seeking ways to suspend the sanctions it applied last week against China after concluding that China had sold missile technology to Pakistan, a senior official said on 31 August 1993. "We would hope to engage the Chinese immediately," said Winston Lord, the assistant secretary of state for East Asian and Pacific affairs. "We made very clear that we're willing to sit down immediately with them and try to see whether we can negotiate the preconditions for a waiver so we can lift these sanctions."

In a test of China's intentions, the Clinton administration may permit the export of high technology to help China launch two commercial satellites on its own rockets. But more sensitive technology for five other planned launches will be withheld until China formally agrees to an international accord controlling the export of missile technology, a senior U.S. official said on 13 November 1993.

On **4 October 1994**, in a move that could line the pockets of U.S. aerospace concerns with billions of dollars, the Clinton administration agreed to waive economic sanctions imposed against China as a result of missile-related sales to Pakistan that violated a worldwide non-proliferation treaty. The breakthrough came during negotiations between Undersecretary of State Lynn Davis and Chinese Deputy Foreign Minister Liu Huaqiu, which took place on the periphery of a visit to Washington by

Foreign Minister Qian Qichen. In exchange for lifting the sanctions imposed on China for selling M- 11 medium-range missile components to Pakistan, which violated the Missile Technology Control Regime, Beijing agreed to stop selling those weapons to other nations. “As a first step, the United States will move to lift the sanctions imposed against China in August of 1993 for the transfer of missile parts to Pakistan,” Secretary of State Warren Christopher said after meeting with Qian. “Once the sanctions are lifted, China has agreed not to export ground-to-ground missiles covered by the MTCR.”

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

1993052501

Guatemala (EU-US)

The United States suspended aid for Guatemala on **25 May 1993** when then-president Jorge Serrano shut out congress and seized near-dictatorial powers. The European Commission announced on **28 May 1993** that it was provisionally suspending aid to Guatemala, following the suspension of the constitution in a palace coup by President Jorge Serrano. Japan froze millions of dollars in aid to Guatemala on 1 June 1993 following the move by President Jorge Serrano to decree emergency rule in the Central American nation.

Resolution:

On 2 June 1993, President Jorge Serrano fled to neighboring El Salvador today after his attempt to assume near-dictatorial powers was foiled by the military, which promised to restore constitutional rule.

The military later withdrew support for Serrano and he fled to El Salvador, clearing the way for the National Assembly to elect a replacement. On **7 June 1993**, the United States has decided to resume aid to Guatemala following the restoration of democracy there. Japan resumed aid on 11 June 1993. European Community (EC) Development Commissioner Manuel Marin, announced on **19 June 1993** plans for a \$20 million EC backed program to benefit the Quiche region of Guatemala.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score) (HSE)

Source:

GIGA (EU_GTM_93 US_GTM_93); TIES (1993052501); HSE (93-2)

1993062401 Nigeria (EU-US)

Nigeria's military government announced on 23 June 1993 the cancellation of the election (12 June) which Chief Moshood Abiola, a Yoruba Moslem millionaire, claimed to have won. On **24 June 1993**, the US administration has suspended financial aid to Nigeria's military regime and introduced a flight ban on 11 August 1993. The European Community, threatening sanctions by the EC presidency introducing a draft statement on **24 June 1993**, on **13 July 1993** imposed visa restrictions and cancellation of military assistance and Canada also suspended aid.

General Ibrahim Babangida continued military rule, but resigned on 27 August in favour of a civilian leader, Mr Shonekan but the US called to maintain sanctions. However, in November, Shonekan was removed from office by General Sani Abacha and Nigeria faced new sanctions threats.

Japan suspended aid in March 1994. Furthermore, the US and the EU threatened oil sanctions in July 1995 if Nigeria does not restore civilian order.

Following the assassination of pro-democracy campaigners, the EU introduced an arms embargo on 20 November 1995 (95/515/CFSP) and suspended further aid. In December, the US also adopted tougher sanctions (because the government has reached beyond simply political abuse to deep narcotics abuse and now the extraordinary happenings related to the hangings): a freeze on the assets of regime members and its associates; a freeze on new investments, including the energy sector; termination of the air services agreement; a ban on Nigerian participation in international sports competition; and greater restrictions of visas to block regime supporters from entering the United States.

In the spring of 1996, the US and the Commonwealth tightened the sanctions but they could not impose an oil embargo. Canada also tightened its sanctions in June and the EU extended sanctions in November 1996. In 1997, ILO also threatened Nigeria with sanctions over human rights.

Resolution:

In June 1998, Abacha died of a heart attack and the new government, led by Gen. Abdulsalami Abubakar, has moved toward increased democracy. In October 1998, Commonwealth ministers called to begin lifting sanctions against Nigeria as a reward for its promise to return to civilian rule. On 26 October, the US lifted visa sanctions. On 29 October, the EU decided to lift most of its sanctions against Nigeria in recognition of the new government's moves towards democracy and economic reform.

On **1 June 1999**, two days after the inauguration of the elected president Obasanjo and pledging to stop corruption, Nigeria's president suspended all government contracts signed since the beginning of the year by the former military regime. As a result, the EU lifted the remaining arms embargo and restored cooperation with Nigeria (1999/347/CFSP). On **22 December 1999**, US lifts ban on flights to Nigeria.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score) (HSE: 4)

Source:

GIGA (US_NGA_93; EU_NGA_93); TIES (1993062302); HSE (93-4)

95/515/CFSP

1993090801

Peru (US)

The attack on a United States military transport plane by two Peruvian jet fighters in April 1992, in which an American airman was killed, has come back to haunt the Government of President Alberto K. Fujimori and strain relations with the United States.

The Senate Foreign Relations Committee on **8 September 1993** approved a motion by Senator Jesse Helms that called for the suspension of the \$50 million in economic aid to Peru, conditioning aid on the payment of an indemnity to the widow of a man killed in 1992 when a U.S. military plane was shot at for violating Peruvian air space.

A foreign aid appropriations bill passed by the Senate on 23 September 1993 included an amendment prohibiting the United States from disbursing \$100 million in aid planned for the Peruvian Government in the 1994 fiscal year, until Peru settles damage claims with the family of Sgt. Joseph Beard, the US pilot killed accidentally by Peruvian airfighters in 1992.

Mr. Fujimori repeated the Government's claim that Peru was not responsible for the incident, and that the shooting was provoked by the pilots of the American plane, who refused to communicate with the Peruvian pilots or obey their signals to land. Peru says its pilots feared that the large transport was carrying drugs.

Resolution:

The government of Peru, facing a possible cutoff U.S. assistance, has agreed to compensate the widow of a U.S. airman killed when Peruvian fighter pilots fired on an American C-130 surveillance plane last year. The settlement, reached in November but never publicized, closed a chapter on a sensitive incident in U.S.-Peruvian relations. Critics had argued that the State Department and the Defense Department wished to hush up the incident, but interviews showed it resulted from confusion between U.S. and Peruvian military officials.

Peruvian and U.S. lawyers and Beard's widow, Sherrie Beard, confirmed on **8 December 1993** that a settlement had been reached. Under terms of the agreement, the lawyers and Ms. Beard were prohibited from disclosing the amount of the settlement, but sources familiar with the negotiations indicated the amount was in the neighborhood of \$250,000.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score)

Source:

TIES (1993092701); GIGA; (US_PER_91); HSE; (91-8)

1993102101

Burundi (US-UN-EU)

On **21 October 1993**, the United States condemned the arrest of Burundi's President Melchior Ndadaye and suspended the country's 16 million dollar aid program. The European Community also condemned the assault on Burundi's infant democracy and suspended millions of dollars in aid.

After years of crises, on 25 July 1996, former Burundian President Buyoya returned to power in a bloodless coup. He declared himself president of a transitional republic, even as he suspended the National Assembly, banned opposition groups, and imposed a nationwide curfew. Widespread condemnation of the coup ensued, and regional countries imposed economic sanctions pending a return to a constitutional government.

On **26 July 1996**, the European Commission has decided to suspend aid to Burundi after the bloodless coup which installed a military ruler and deposed the Hutu president.

In UNSCR 1062 of **30 August 1996**, the UN threatened an arms embargo.

Resolution:

The European Commission said on **16 November 2001** that it was resuming aid to Burundi, cut off in 1997 during the country's civil war.

Burundi's three-year transitional government came to successful conclusion with the election and inauguration of Pierre Nkurunziza on 26 August 2005. Based on Burundi's successful transition from war to peace and the establishment of a democratically-elected government in Burundi in September 2005, the United States Government lifted all sanctions on assistance to Burundi on **18 October 2005**.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score) (HSE: 2 x 3 = 6)

Source:

GIGA; (US_BDI_96); TIES (1996012901); HSE

UNSC resolution 1072

<https://www.state.gov/t/pm/rls/rpt/fmtrpt/2006/74682.htm>

<https://2001-2009.state.gov/r/pa/ei/bgn/2821.htm>

1994021001

Panama (US)

The United States may reduce aid to Panama and other countries that produce or traffic in illegal drugs but have escaped penalties because of friendly relations with the United States, a Clinton administration official said on **10 February 1994**. The Panamanian government has protested against declarations by a top U.S. official accusing the country of offering little cooperation in the fight against the laundering of money obtained from the drug trade.

Panama has taken “strong and adequate steps” to curb drug traffickers operating there, a Panamanian official said in April, contradicting a State Department report.

Resolution:

The United States commended Panama in March 1995 for its role in the war on drugs but, at the same time, it has a list of 15 people who work in the government and are involved in the drug trade. Still, in the annual report on **1 March 1995**, Panama won praise from US officials.

HSE Score:

1 (policy result) X 2 (sanctions contribution) = 2 (sanctions success)

Source:

EUSANCT

1994021002

Peru (US)

The United States may reduce aid to Peru and other countries that produce or traffic in illegal drugs but have escaped penalties because of friendly relations with the United States, a Clinton administration official said on **10 February 1994**.

Resolution:

Peru made major gains in the fight against drugs several years ago but then squandered them away in a lack of resolve, handing a decisive victory to traffickers, a State Department report says on **1 March 1995**. Still, Sanctions were not implemented, citing national security considerations. Officials said Peru in recent weeks has shown a much greater willingness to confront drug traffickers, making its largest cocaine and opium seizures in history and breaking up a large drug-trafficking group.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score) (HSE)

Source:

TIES (1994021201; 1995020303)

1994021003

Bolivia (US)

The United States may reduce aid to Bolivia and other countries that produce or traffic in illegal drugs but have escaped penalties because of friendly relations with the United States, a Clinton administration official said on **10 February 1994**. In April, Robert Gelbert, U.S. Deputy Secretary for International Drug Affairs, said Bolivia should not receive U.S. aid because it is not cooperating fully with efforts to stop money-laundering.

Resolution:

Bolivia made major gains in the fight against drugs several years ago but then squandered them away in a lack of resolve, handing a decisive victory to traffickers, a State Department report says on 1 March 1995. Still, Sanctions were not implemented. Bolivia has made no effort to establish money-laundering controls or an effective asset-seizure program targeted at drug organizations, the report added. Because of national-security interests, Clinton exercised his authority to waive sanctions – however, aid was conditional on certain anti-drug efforts.

On **1 March 1996**, in the next report, the threat was not repeated.

HSE Score:

1 (policy result) X 2 (sanctions contribution) = 2 (sanctions success)

Source:

TIES (1995020302)

1994040101

Laos (US)

On 1 April 1994, President Clinton has added Laos to a list of countries the United States accuses of not helping in international anti-drug efforts. As a result, the US government was in principle obliged by law to vote against Laos receiving financial aid from multinational agencies and to suspend US economic and military aid, trade preferences, and investment credits and guarantees.

However, Laos was nonetheless being certified for continued aid because of unspecified "vital national interests."

Resolution:

On **1 March 1995**, Laos was certified, reversing its status from last year – qualified for U.S. economic assistance. In a press statement, Robert Gelbard, assistant secretary of state, declared on 4 April 1995 that Laos was certified because of improved performance and cooperation with the US.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

1994040102

Nigeria (US)

On **1 April 1994**, President Clinton has added Nigeria to a list of countries the United States accuses of not helping in international anti-drug efforts. As a result, the US government was obliged by law to vote against Nigeria receiving financial aid from multinational agencies engaged in the fight against drug trafficking – and suspended US economic and military aid, trade preferences, and investment credits and guarantees. Even though the US were pleased by the actions until August, the government branded Nigeria as a major player in the worldwide drug trade in March 1995 and continued to bar the country from receiving aid. In December 1995, the US actually accused the Nigerian government of direct involvement in narcotics. In 1998, the report stated that “Nigeria remains the hub of African narcotics trafficking. Its gangs run networks that bring in much of the heroin which ends up in the United States. The Nigerian government has failed to make life difficult for international criminal enterprises headquartered there, and has broken direct promises on extraditions and related actions.”

Resolution:

On **26 February 1999**, the US announced that it determined that even though Nigeria did not fully meet the criteria established for certification, the vital interests of the U.S. require their certification and the US, thus, may soon resume aid to Nigeria, despite the African nation’s poor performance in combating drug trafficking.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

TIES (1995030104); GIGA; (US_NGA_93); HSE; (93-4)

1994043001

Rwanda (EU-UN)

On 6 April 1994, the presidents of Rwanda and Burundi, both Hutus, were killed when their plane burst into flames upon approaching Kigali's airport. After this suspicious plane crash, a series of ethnic massacres began. On **30 April 1994**, the UNSC states its willingness in principle to consider promptly the application of an arms embargo to Rwanda. On **17 May 1994**, the arms embargo was implemented. At this time, there was already a peacekeeping mission by the UN in Rwanda (UNAMIR).

For a short period (June-July 1994), the UN halted aid following the death of a UN soldier. On **26 April 1995**, the EU Commission ordered an immediate freeze on all direct aid to the Rwandan government in protest at the massacre of Hutu refugees.

Resolution:

The EU's aid suspension was lifted on **13 July 1995** because of the government's commitment to improve human rights.

On **16 August 1995**, the UN lifted the embargo (UNSCR 1011) with regard to the Government of Rwanda because of the improvement in the working relations between the Government of Rwanda and UNAMIR. Rwanda requested the lifting of the restrictions on the sale or supply of arms to ensure the security of the Rwandan population.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE: 1 x 2 = 2)

Source:

GIGA; (EU_RWA_94; UN_RWA_94); HSE; (94-3)

S/PRST/1994/21

UNSCR S/RES/918

UNSCR S/RES/1011

1994062901

Colombia (US)

If President Clinton finds that Colombia is not trying to stem the flow of drugs, he can order most U.S. aid cut and block international development bank loans to Colombia, said a State Department official, interviewed on condition of anonymity, on **29 June 1994**. The mysterious emergence of audiotapes tying President-elect Ernesto Samper to drug traffickers is a plot by the Cali cocaine cartel to damage U.S.-Colombian relations, a senior aide to Samper said. To increase pressure on Colombia, Washington sent a diplomatic note describing actions Colombia must take to continue receiving its current level of U.S. aid. Colombian officials reacted angrily to the U.S. warning that Colombia faces a reduction in aid unless the government steps up its war on the drug trade. On 15 July, the U.S. Senate passed an amendment making conditional further U.S. assistance to Colombia unless there was a Clinton administration certification that the South American country is making real efforts to crack down on cartels and dismiss corrupt government officials. Colombia said it would give up US aid to fight drug trafficking if Washington insists on a written pledge to step up the war on drug cartels. However, the Senate initiative to impose conditions on aid fell short. 1994 was a year marked by tense relations and a defensive Colombian stance against pressure from Washington, experts predict that neither President Bill Clinton nor his Colombian counterpart Ernesto Samper will make major shifts in their predecessors' policies.

In 1995, several US politicians called for sanctions against Colombia, criticizing its failures in drug trafficking policies. U. S. Ambassador Myles Frechettes criticized Colombian anti-drug efforts. He said that efforts to dismantle cocaine cartels in Colombia have been ineffective and said increased efforts were necessary to stop the drug groups. On 2 February 1995, he met with Colombian officials to discuss the matter. U.S. officials are upset that the Colombian government, which killed the powerful Medellin cartel's leader, Pablo Escobar, in 1993, has failed to arrest a single leader of the Cali cartel, the most powerful drug ring in Colombia. Also on 2 February 1995, US President Clinton determined 29 countries (including Colombia) which are major illicit drug producing or drug transit countries. However, the listing has no effect on U.S. aid to the countries and makes no evaluation of whether they are cooperating in international efforts to curb drug trafficking.

On 1 March 1995, the US Administration severely criticized the Government of Colombia, calling it "the world's primary cocaine production center" and saying it was not doing enough to crack down on the drug trade. But the Administration stopped short of cutting off economic aid. President Clinton decided to keep working with Colombia in the fight against drug trafficking, despite his administration's assessment that the country is an ineffective partner and calls by Republicans to impose economic sanctions. Despite Colombia's lack of cooperation, the State Department invoked the "vital national interests" clause.

Indications that the Cali cartel helped Samper become president first emerged in audiotapes of leaders of the drug gang discussing making contributions to his election campaign. But, lacking proof, U.S. officials decided to put aside their suspicions that the Samper administration was tainted and to judge it on its fight against the traffickers. Under pressure from Washington, Colombia cracked down on the Cali cartel and put five drug kingpins behind bars in June and July 1995. However, there is growing evidence that President Ernesto Samper's election campaign accepted money from drug traffickers. Lee Brown, the director of the White House office of drug control policy, called the allegations "very disturbing" and said, on 3 August 1995, that if they proved true and went unpunished, U.S. anti-narcotics aid to Colombia could be cut. In September, a defecting Cali cartel accountant confirmed that the cartel funded Samper's campaign which increases pressure on President Clinton to cut assistance to Colombia.

On **1 March 1996**, President Clinton ordered a substantial reduction in direct and indirect U.S. aid to Colombia after concluding that Colombian authorities are not cooperating fully with the U.S. war on drugs. U.S. officials said Clinton's decision will affect \$ 50-million in U.S. government investment guarantees in Colombia and perhaps \$ 550-million in prospective guarantees. They also said up to \$ 1-billion in U.S.-government financed exports to Colombia could be jeopardized. About \$ 30-million in anti-narcotics and humanitarian aid to Colombia will not be affected. The Colombian government reacted with outrage. Samper said that the only beneficiaries would be drug traffickers themselves.

However, State Department officials left open the possibility that the Administration would soften its position, if Samper submits to U.S. pressure and resigns because of alleged financial ties to drug traffickers. On the other hand, Assistant Secretary of State for International Narcotics and Law Enforcement Robert Gelbard hinted that Washington may impose tougher trade sanctions, if Samper remains in office. President Clinton is "reserving the option to invoke trade sanctions," which potentially could devastate Colombia's export flower industry (as well as coffee and other legitimate Colombian goods) if greater cooperation is not forthcoming. The United States studied new sanctions against Bogota after the acquittal of Colombian President Ernesto Samper on charges he took drug money, a senior US official said on 13 June 1996. The official, who spoke on condition of anonymity, said Washington could apply measures ranging from revoking the visas of Colombian officials to imposing trade sanctions. In addition to a wide range of economic areas to targeted for sanctions, he would also be looking at "the higher range of US-Colombian relations," suggesting a possible downgrading of diplomatic ties. A senior US official said Washington could apply measures ranging from revoking the visas of Colombian officials to imposing trade sanctions.

Going after the profits of drug smugglers, President Clinton imposed strict economic sanctions on leaders and associates of Colombia's largest cocaine cartel in October 1995. Those sanctions – which were not directed against officials – were lifted when the US declared victory over the Cali cartel in 2014.

Resolution:

President Clinton has decided to waive sanctions against Colombia despite its failure to fully cooperate in the war on drugs, a senior official said on **February 26, 1998**. While Colombia will remain on the blacklist of major drug-trafficking countries, Clinton will issue a waiver to recognize improvements. The sanction waiver was meant to lay the groundwork for better ties – and closer cooperation in fighting illicit drugs – with the government that emerges in Colombia following elections in May 1998.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA; (US_COL_96); TIES (1995020301); HSE; (96-4)

1994072501

Gambia (US-EU)

The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup on 22 July 1994, deposing a democratically elected government.

The U.S. State Department and the EU said on **25 July 1994** that they are “gravely concerned” by the apparent military coup d'etat against Gambian President Dawda Jawara. The State Department as well as the EU are now reviewing aid commitments, but no decisions have yet been made.

The EU announced it was suspending military cooperation, balance of payments support and development aid to Gambia on **12 October 1994**. On **28 October**, the US announced the suspension of its economic and security assistance for the Gambian military government.

Resolution:

On 18 October 2001, Jammeh was reelected president for 5 years in an election the results of which the opposition initially accepted and observers considered generally free and fair, despite some shortcomings. Following The Gambia's successful presidential and legislative elections in October 2001 and January 2002, respectively, the U.S. Government determined on **8 March 2002** that a democratically elected government had assumed office and thus lifted the sanctions it had imposed against The Gambia in accordance with Section 508 of the Foreign Assistance Act as a result of the 1994 coup. On **11 June 2002**, the EU grants West Africa 222 Million U.S. Dollars.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA; (US_GMB_94; EU_GMB_94) HSE (94-4)

<http://www.state.gov/j/drl/rls/hrrpt/2001/af/8377.htm>

1994101501

Haiti (US)

On 26 September 1994, US president Clinton announced the suspension of unilateral US sanctions imposed on Haiti. On **15 October 1994**, the UN lifted the sanctions against Haiti. However, the US refused to lift the arms embargo in order to prevent the army and gangs – both accused of human rights violations – from buying weapons from the US market.

Resolution:

On **4 October 2006**, the US announced a partial lifting of the arms embargo. Correspondents say the US move is a vote of confidence in Mr Preval, a former Aristide ally who was elected earlier this year. “The United States government has taken note of the great changes in Haiti since the imposition of this embargo, namely a peaceful and democratically-elected government,” US embassy spokeswoman Shaila Manyam said.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

HSE (91-5)

<http://news.bbc.co.uk/2/mobile/americas/6040270.stm>

<http://www.pmddtc.state.gov/FR/1991/56FR50968.pdf>

<http://www.pmddtc.state.gov/FR/1994/59FR15624.pdf>

<http://www.pmddtc.state.gov/FR/2006/71FR58496.pdf>

1994121901

Turkey (EU)

EU foreign ministers did not ratify a customs union agreement with Turkey when they meet in Brussels on **19 December 1994**, because of protests by European MPs after eight Kurdish members of the Turkish parliament were recently sentenced to up to 15 years in jail for allegedly supporting the outlawed Kurdistan Workers' Party. Even if EU governments agreed on a customs union agreement, it would have almost certainly be thrown out by the European Parliament, which now has veto powers. The European parliament voted against a customs agreement between the EU and Turkey on **16 February 1995**, holding that Turkey is guilty of serious breaches of human rights. Members of parliament made approval conditional on "profound" reform of the Turkish constitution and on solution of the problem in Cyprus.

German Chancellor Helmut Kohl plans to suspend a 150 million mark (107 million dollar) military aid package to Turkey to protest the Turkish offensive against Kurds in northern Iraq, a leading member of his party said on 27 March 1995. Stepping up pressure on Turkey to withdraw its army from northern Iraq, Germany canceled the delivery of 106 armored vehicles and other war materiel to the NATO ally, officials said on 29 March 1995. The European Parliament voted overwhelmingly on 6 April 1995 to condemn the Turkish army's drive into Iraq and warned it would refuse to ratify a EU-Turkey customs union unless Turkey improved its human rights record.

Resolution:

Germany on 20 September 1995 decided to resume its military aid to Turkey, suspended in March in protest over Ankara's military incursions into northern Iraq to flush out Kurdish rebels.

The Turkish Parliament on 27 October 1995 softened legal limits on expression which had resulted in the imprisonment of more than 100 people for their writing and speeches. Prime Minister Tansu Ciller had pushed for the change in the law as part of a campaign to convince to win favorable trade status with the European Union, which had criticized Turkey's limits on civil rights. Article 8 in the anti-terrorism law gave officials wide latitude in labeling writings and speeches as terrorist propaganda. Declaring themselves satisfied with the pace of human rights reform in Turkey, European Union foreign ministers finalized an agreement on a customs union with Ankara Monday and urged its ratification by the European Parliament on 30 October 1995.

On **13 December 1995**, Turkey won long-sought approval from the European Parliament for a customs union that gives country close ties to the European Union: a common customs tariff and some 375 million ecu in aid over five years, and further loans worth about 2bn ecu are expected as well. In a resolution, the 626-seat assembly said it still had serious reservations about Turkey's restrictions on civil liberties and called for further reforms. The parliament had been under strong pressure from the EU governments, Turkey's leadership and the United States, all of whom hope the deal will bolster democracy in a nation of 60 million people that bridges Europe and the Middle East. But although Ankara has moved to satisfy EU demands, it has failed to respond to calls for the release all eight imprisoned Kurdish deputies convicted last year of having ties with Kurdish rebels. Turkish courts set free four of them, giving 15-year jail terms to the remaining four.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

HSE; (95-2); GIGA; (EU_TUR_95)

1995021001

Ecuador (US)

On 26 January 1995, a localized military conflict between Ecuador and Peru over the control of a disputed area on the border arose.

On **10 February 1995**, the United States suspended all military assistance and officer training to Ecuador and Peru as the two countries are engaged in a bloody border war. Argentina, Chile and Brazil, the three other guarantor countries which signed the 1942 Rio Protocol ending the last war between the two countries, have taken similar steps.

On 24 February 1995, Organization of American States Secretary General, Cesar Gaviria, warned that Ecuador and Peru could face strong measures if their month-long border war does not end immediately.

Resolution:

On 5 May 1995, the US announced that it was lifting the suspension on sales of non-lethal defense articles to Ecuador and Peru as the two nations apparently move toward settling their border dispute. However, sales of lethal defense articles to both countries remain suspended. On **26 October 1998**, Ecuador and Peru signed a peace accord, ending a border dispute that sparked three wars in the last six decades and defusing one of Latin America's four major outstanding frontier conflicts.

HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score) (HSE)

Source:

HSE; (95-1); TIES; (1995021001)

1995021002

Peru (US)

On 26 January 1995, a localized military conflict between Ecuador and Peru over the control of a disputed area on the border arose.

On **10 February 1995**, the United States suspended all military assistance and officer training to Ecuador and Peru as the two countries are engaged in a bloody border war. Argentina, Chile and Brazil, the three other guarantor countries which signed the 1942 Rio Protocol ending the last war between the two countries, have taken similar steps.

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Resolution:

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HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score) (HSE)

Source:

GIGA; (US_PER_95); HSE; (95-1); TIES; (1995021002)

1995030101

Pakistan (US)

According to the State Department's annual assessment of global drug-fighting efforts on **1 March 1995**, Pakistan failed to cooperate adequately in the war against drug trafficking because of not taking significant actions against opium crops, heroin producers, and kingpins. However, it was described as sufficiently vital to U.S. national interests to justify continued aid and other support from Washington.

Resolution:

In 1998, the State Department declared that "while Pakistan was not fully certified this year, we have a policy of high-level engagement across a number of areas including narcotics, Afghanistan, nonproliferation, counter-terrorism, and Indo-Pak relations that we wanted to be in a position to maintain, as well as our support for the improvement of the economy in Pakistan. For those reasons, we felt that it was important not to shut down our assistance or to in any way undercut that high-level dialogue. So we found it in our national interest to waive decertification for Pakistan."

On **26 February 1999**, President Clinton determined that, certified last year on the basis of the vital national interests of the United States, this year Pakistan's cooperation warrants certification for full cooperation.

HSE Score:

2 (policy result) X 3 (sanctions contribution) = 6 (sanctions success)

Source:

EUSANCT

1995030102

Paraguay (US)

According to the State Department's annual assessment of global drug-fighting efforts on **1 March 1995**, Paraguay failed to cooperate adequately in the war against drug trafficking because of lack of credible action against official corruption. However, it was described as sufficiently vital to U.S. national interests to justify continued aid and other support from Washington.

Resolution:

On **28 February 1997**, US President Clinton gave Paraguay a clean bill of health, noting that Asuncion had replaced allegedly corrupt officials at all levels in its police and security agencies. Paraguay was decertified but given a national-security waiver last year.

HSE Score:

3 (policy result) X 3 (sanctions contribution) = 9 (sanctions success)

Source:

TIES (1995030201)

1995062201

China (US)

A CIA report concluding that Chinese shipments of missile parts to Iran and Pakistan might violate an international arms agreement has sparked debate within the Clinton administration about whether China should be punished with economic sanctions, The New York Times reported on **22 June 1995**. According to the report, which contained some details first published in Defense News, China has delivered perhaps hundreds of missile guidance systems and computerized machine tools to Iran over the last year and has sent parts to Pakistan that could be used in M-11 ballistic missiles. Because China is not shipping complete missiles, only parts, the CIA report has administration officials wrangling over whether the shipments violate the Missile Technology Control Regime, the Times said, citing senior administration officials it did not name. In Beijing, a Foreign Ministry spokesman said the report that China had shipped missile components to Iran and Pakistan was “groundless.”

The Clinton administration, hoping to avoid the need to impose economic sanctions, said on 8 February 1996 it did not expect to decide any time soon whether China illegally sold to Pakistan equipment used to build nuclear bombs. “It’s far premature” to expect a decision, White House press secretary Mike McCurry said. The New York Times quoted an unidentified State Department official as saying the CIA told administration officials late last year that China secretly sold Pakistan magnets used to refine bomb-grade uranium. Under a 1994 law, the president is required to suspend U.S. Export-Import Bank financing to nations that sell such weapons information and technology.

On 20 February 1996, the Clinton Administration intended to punish China for supplying nuclear materials to Pakistan by applying selective sanctions intended to hurt China without disrupting American companies that do business there, senior officials said. The sanctions, which could be tariffs on Chinese imports or restrictions on the export of American goods that the Chinese want, are an alternative to broader penalties prescribed by law for countries that violate international arms trading rules. Officials said President Clinton would formally impose the broad sanctions, but waive them on grounds of national interest and immediately order the narrower measures “to make the punishment fit the crime,” as one senior Administration official put it. Possible penalties could aim to cut off high-tech American products that China cannot get elsewhere, or could be devised to punish the specific military-run factories blamed for the arms exports to Pakistan.

On 27 February 1996, the Export-Import Bank received the request from Secretary of State Warren Christopher to defer any new financing for American companies doing business in China for at least a month. US officials were considering whether to sanction China for selling nuclear technology to Pakistan after talks in Beijing reportedly failed to resolve the issue, officials said.

On 26 March 1996, the US intensified its probe into whether China contributed to arms proliferation and should be punished by US sanctions but reached no conclusion, the White House said.

China demanded on 29 April 1996 that Washington revoke an extended freeze on government-backed loans to US firms for China projects, warning that the move would damage trade ties and US business interests here. The Ex-Im Bank originally imposed a 30-day freeze on decisions related to financing of China projects in February at the request of Secretary of State Warren Christopher, pending talks on nuclear non-proliferation with Chinese officials.

Resolution:

On **10 May 1996**, the US announced not to sanction China after Beijing said it was unaware of the sale and agreed to ban such transfers in the future. “A senior Chinese official informed us that the Chinese government was unaware of any transfers of ring magnets by a Chinese entity and they have

confirmed our understanding that the Chinese policy of not assisting unsafeguarded nuclear programs will preclude future transfers of ring magnets to unsafeguarded facilities.” Based on those assurances, Christopher decided against imposing any sanctions on China, he said. Export-Import Bank loans and loan guarantees to US companies for China projects, temporarily suspended while the Clinton administration weighed whether to impose sanctions, will resume.

A long dispute within the Clinton Administration over how to handle Pakistan’s acquisition of missiles and nuclear technology from China is intensifying, officials said on 13 June 1996. On 2 September 1996. U.S. officials said they cannot confirm that cooperation is taking place, but if it is, Washington might have to impose sanctions under a U.S. law designed to slow the proliferation of missile technology. However, no further actual threats were made. In 1997, the U.S. government has told Congress it does not know whether China is helping Pakistan develop nuclear explosives. But the administration said it had questions about contacts between Chinese companies and Pakistan's nuclear weapons program. “Our current information does not provide a basis for concluding that China has acted inconsistently with that statement,” the U.S. Arms Control and Disarmament Agency said in a report to Congress last week. However, the report said, “Questions remain about contacts between Chinese entities and elements associated with Pakistan's nuclear weapons program.”

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

TIES (1996022101)

1995112201

Former Republic of Yugoslavia (US)

Issue: Dayton-Agreement

The Croatian War of Independence formally ended with the Agreement of Erdut, signed on 12 November 1995, and the Bosnian war formally ended with the Dayton Agreement, signed on 14 December 1995. But the European Union believed that restraint on the part of exporting countries will be needed even after the UN arms embargo on the States of the former Yugoslavia is lifted. So the EU embargo on arms, munitions and military equipment will be maintained towards Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (96/184/CFSP).

Washington has blocked access to World Bank and International Monetary Fund (IMF) funds for the Federal Republic of Yugoslavia (FRY), grouping Serbia and Montenegro. The US government has refused to appoint an ambassador in Belgrade, where it is represented by a charge d'affaires. Moreover, Belgrade is prohibited from sending an ambassador to Brussels due to its refusal to allow the EU to open a bureau in Kosovo.

Resolution:

On **31 March 1998**, the sanctions are replaced by an UN embargo imposed against Belgrade due to the situation in Kosovo.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

GIGA (US_FRY_95); HSE (91-1)

96/184/CFSP

1996012901 Niger (US-EU)

As a result of the military coup on 27/28 January 1996, which overthrew the democratically elected government of Niger, the United States acted to suspend bilateral development and military assistance to Niger totaling almost \$25 million on **29 January 1996**. In addition, the United States will not support any new programs for Niger in the International Financial Institutions in which it holds membership so long as the military authorities ignore the calls of the international community to return to the barracks and restore the legitimately elected government. The European Union, Canada and Japan joined the suspension of aid.

On 13 February 1996, Niger's new military leaders announced a timetable to return to democratic rule with presidential, parliamentary and local elections in the last quarter of 1996 and Japan soon resumed aid to Niger. However, the United States said that the election of Gen. Ibrahim Bare Mainassara was marred by fraud. On 16 January 1997, the United States further declared that it was deeply concerned about the arrest of three opposition leaders in Niger, saying the move showed the regime's determination to thwart democracy and human rights. On 24 January 1997, President Ibrahim Mainassara Barre announced the release of three opposition leaders, including the former head of state, whose arrests drew condemnation from the United States.

Presidential guard commander Daouda Mallam Wanke was named Niger's head of state Sunday, two days after members of his unit assassinated president Ibrahim Bare Mainassara on 9 April 1999. The EU called for an urgent review of the EU's trade and aid relations with Niger following last week's coup in the west African state, in the first step to possible sanctions. In June, Niger's new junta has agreed in principle to an independent probe into the April assassination of former president Ibrahim Bare Mainassara.

Resolution:

In November 1999, Niger held presidential elections which were an important step in Niger's return to democratic government. On **7 March 2000**, the United States lifted sanctions against the west African nation of Niger following a determination that the elections had returned a democratic government to power. EU aid recommenced on **23 June 2000**.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

GIGA; (EU_NER_96); HSE; (96-2)

1996042301

Paraguay (US)

The United States temporarily suspended military assistance to Paraguay on **23 April 1996** over the refusal of the country's army commander to obey President Juan Carlos Wasmosy. President Clinton telephoned Wasmosy to express his support for the first elected civilian president in the South American country in 45 years. A White House spokesman said Clinton spoke for about five to 10 minutes with Wasmosy to reiterate the support of the United States for Wasmosy's efforts to maintain constitutional rule in his country.

U.S. Assistant Secretary of State for Inter-American Affairs Arturo Valenzuela said Washington had suspended military aid to Paraguay, which consisted mostly of training and equipment such as trucks, jeeps, helicopters and cargo planes. It was unclear when the assistance would be resumed.

Resolution:

Gen. Lino Cesar Oviedo apparently abandoned his rebellion against Wasmosy. In a statement issued from army headquarters where he had been holed up, refusing a retirement order from Wasmosy, Oviedo said he had spoken to the president and agreed to retire from the armed forces.

The United States said on **24 April 1996** that democracy had been saved in Paraguay after General Lino Oviedo resigned from his post as army commander, ending a revolt against President Juan Carlos Wasmosy. State Department spokesman Glyn Davies said US officials were reviewing a previous decision to cut off all military aid to Paraguay that had not yet been enacted when the crisis was resolved.

Cesar Gaviria, secretary general of the Organization of American States (OAS), apparently played an important role in the negotiations between the rebel soldiers and the government.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

HSE; (96-5)

1996052301

Former Republic of Yugoslavia (US)

Issue: Remove Karadzic

The top civilian official implementing the Bosnian peace treaty (High Representative for Bosnia and Herzegovina, Carl Bildt) will consider reimposing crippling sanctions on Serbia if Bosnian Serb leader Radovan Karadzic continues to "sabotage" the peace process, the top official's spokesman Colum Murphy said on **23 May 1996**. Murphy told a press briefing here the sanctions could be reimposed without the need for a UN Security Council vote within five days of Bildt sending a letter to the Council. The top US official dealing with Bosnia, John Kornblum, said the United States would back sanctions on former Yugoslavia if Milosevic did not secure the "full removal" of Milosevic.

Officials of the Contact Group on Bosnia – the US, France, Britain, Russia and Italy – will meet in London tomorrow to consider what to do. Options range from a military operation to seize the two Bosnian Serb leaders to economic sanctions against the Republika Srpska.

Resolution:

On **19 July 1996**, caving in to intense US pressure, Radovan Karadzic resigned Friday as the Bosnian Serb leader in the culmination of a hard-fought battle that opens the way for Bosnia's first post-war general election. The international community welcomed news that Bosnian Serb leader Radovan Karadzic was stepping down, but it insisted that he must be made to stand trial on war crimes charges.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (1996052301); GIGA (US_FRY_95); HSE; (91-1)

1996060201

Zambia (US)

On **2 June 1996**, the United States issued a statement that it is reviewing its Zambian aid programmes following a controversial constitutional amendment. President Fredrick Chiluba signed into law an amendment which stipulates that presidential candidates' parents must have been born in Zambia. That effectively barred former president Kenneth Kaunda from running in the elections later this year because his parents came from Malawi. On 5 and 6 June 1996, Norway and Britain threatened to suspend aid to Zambia. Denmark also announced to review aid in June.

On **16 July 1996**, the US government cut 2.5 million dollar aid to Zambia.

On 11 July 1997, the donor nations' consultative group for Zambia pledged conditional financial assistance. Zambia managed to allay the concern of donors over human rights violations and its external aid partners said they welcomed the "commitment" of Lusaka to pursuing a broad dialogue with all political parties and the government's "efforts to strengthen governance institutions." However, human rights organizations stressed that donors must demand more significant change.

Zambia was still accused for human rights abuses in the wake of a failed military coup on 28 October 1997 when soldiers seized the national radio station in the government's Mass Media Complex. A few hours later Zambian army commandos stormed the complex, regained control and captured the rebel soldiers. The following day, a state of emergency was declared by President Chiluba and a crackdown ensued on suspected accomplices in the coup attempt and leaders of the legal opposition. The EU urged the government of Zambia to complete their investigation into all those detained under the current state of emergency and in particular leaders of the opposition parties with all speed and either charge or release them. On 19 March 1998, the EU declared that Zambia's lifting of a state of emergency is a "positive step" toward normalizing relations with the community. However, the European Union collectively did not take the lead, as the member states were divided in approach.

In May 1998, donor countries pledged 530 million dollars aid to Zambia but conditional on progress. On 18 August 1998, Zambia's donors (Paris Club meeting) continue to withhold more than \$ 500 million in aid promised in May, in a bid to force the government to live up to its promise to improve human rights conditions and quicken the pace of economic reforms (sale of the Zambia Consolidated Copper Mines).

Resolution:

On **2 June 1999**, donors in Paris have agreed to make available \$ 530 million for Zambia to support the country's economic reforms in 1999.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (EU_ZMB_96) HSE; 96-3

<http://www.refworld.org/docid/3ae6a8af28.html>

<https://www.hrw.org/reports/1997/zambia/Zambia-06.htm>

1996080701

Turkey (US)

In 1996, Turkey agreed on a natural gas deal with Iran, which caused strong disapproval in the US. The US must prevent Turkey from going ahead with a major gas deal with Iran or consider imposing economic sanctions against Turkey's state-run gas concern, US Sen. Alfonse D'Amato (Republican-New York), the author of a new Iran/Libya sanctions law, said on **8 August 1996**.

Tensions between the US and Turkey were further increased by the killing of two Cypriot protesters by a Turkish crowd. Five congressional Democrats called on 16 August 1996 on President Clinton to impose sanctions against Turkey after its natural gas deal with Iran and the killing of two protesters on the divided island of Cyprus. So additionally, U.S. aid to Turkey should be tied to its human rights record.

Resolution:

Despite the sanctions threats, the gas deal was signed on 30 August 1996. On **28 July 1997**, the Clinton administration has signaled acceptance of a \$ 1.6 billion project to build a 2,000-mile natural gas pipeline from Turkmenistan to Turkey that will transit Iran as it curls around the Caspian Sea. The gas pipeline project did not fall under the Iran- Libya Sanctions Act because the gas is being supplied from Turkmenistan and "would not be sanctionable."

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (1996080701)

1996112901

Saudi Arabia (US)

On 29 November 1996, the Washington Post reported that the US threatened to block Saudi Arabia's application for the WTO, in case the country would continue to participate in the Arab boycott of Israel. While the United States does not have a veto over WTO applications, it has enough influence to block prospective members as it has done so far with China. WTO accession is an enormously complicated process during which "the Saudis have to answer many questions about trade and import policies," said one official. "We just hope that when we get to that point, the boycott issue will have gone away," added the official who asked not to be identified.

Sens. Blanche Lincoln (D-Ark.) and Gordon Smith (R-Ore.) in a letter urged the United States Trade Representative Robert Zoellick on 17 June 2004 to oppose Saudi Arabia's admission to the World Trade Organization (WTO). Lincoln and her colleagues strongly objected to the Administration granting special trading status to Saudi Arabia until the Kingdom takes more aggressive steps to crack down on terrorist financing and clearly renounces its support of the Arab League boycott against Israel, which violates U.S. trade law. Further, the letter states that Saudi Arabia's record on human rights is unacceptable, especially with regard to women, and should improve before the U.S. agrees to support Saudi Arabia's membership in the WTO.

Resolution:

The Bush administration announced on 9 September 2005 that it had successfully completed negotiations with Saudi Arabia over that country's application to join the World Trade Organization. The agreement with the United States, the world's biggest economy, was one of the last major hurdles to the country's WTO membership. A major stumbling block has been the country's participation in the Arab League trade boycott of Israel. But Portman said that Saudi Arabia had agreed as part of the negotiations that it will have trade relations with all WTO members. Israel is a member of the WTO. But some members of Congress were not satisfied. Sen. Blanche Lincoln, D-Ark., said she was disappointed in the administration's decision to conclude its bilateral negotiations with Saudi Arabia.

On 11 November 2005, the World Trade Organization gave approval for Saudi Arabia to join the global body after more than a decade of talks, bringing in the biggest oil producer in the world and a heavyweight in OPEC and the Middle East. The United States said the kingdom had explicitly undertaken to allow trade with all WTO members, including Israel, which remains subject to a formal boycott by many Arab countries.

However, Saudi Arabia remained tight-lipped about whether it will actually trade with Israel, a week after being allowed into the World Trade Organization, whose regulations forbid members to boycott each other.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (1996111804)

1996121701

Afghanistan (UN-EU-US)

On 22 October 1996, the UNSC called upon all states to end the supply of arms and ammunition to all parties to the conflict in Afghanistan. On **17 December 1996**, the Council of the EU adopted Common Position 96/746/CFSP and imposed an arms embargo on Afghanistan. On **22 May 1997**, the Clinton administration lists Afghanistan as not cooperating fully with US terrorism efforts. This designation, created by the Anti-Terrorism Act of 1996, triggered a ban on arms sales to that country.

On 20 August 1998, in response to the embassy bombings, US bombs three training bases in Afghanistan used by bin Laden's terrorist network, as well as a Sudanese chemical factory thought to be linked to bin Laden. In addition, President Clinton froze US-held assets of bin Laden and prohibits financial transactions between bin Laden and US companies or citizens. In July 1999, in an effort to put pressure on the Taliban leadership in Afghanistan to surrender bin Laden, Clinton issued an executive order freezing all Taliban assets in the United States.

Osama bin Laden, a Saudi Arabian dissident, is believed to have orchestrated various terror attacks. UNSC resolution 1267 (**15 October 1999**) threatens sanctions unless the Taliban surrender bin Laden. As UNSC demands were not met by **14 November 1999** an air embargo on Taliban-owned aircraft and freeze of overseas assets came into effect. Resolution 1333 of December 2000 imposed an arms embargo against the Taliban that also includes military training and advice. In addition, the resolution demanded all Taliban and Ariana Afghan Airline offices to be closed immediately, imposed assets freeze on bin Laden, individuals and entities associated with him, banned all non-humanitarian flights into and out of Afghanistan, and restricted travel of top Taliban officials except for the purposes of participating in peace negotiations. In addition, the UNSC banned the export of a chemical, acetic anhydride that is used for heroin manufacture in Afghanistan.

Resolution:

Sanctions had little or no effect in persuading the Taliban to comply with UN demands. The U.S. and its allies drove the Taliban from power in December 2001. On **16 January 2002**, the UN Security Council (UNSCR 1388; UNSCR 1390) revised sanctions imposed in 2000. The arms embargo, travel ban and asset freeze imposed against Afghanistan were lifted. However, sanctions on the Taliban, al Qaida terror network and its leader, Osama bin Laden, and their funds remained in place. On **27 May 2002**, the Council repealed Common Position 96/746/CFSP and implemented UN sanctions against the Taliban through Common Position 2002/402/CFSP.

On **2 July 2002**, US President Bush updated the financial sanctions on Taliban to reflect that the US-led military campaign in Afghanistan has ousted the Islamic militia from power. Moreover, he dropped arms sales restrictions against the government of Afghanistan. The State Department said it had amended the US arms sales policy for Afghanistan by removing the new Afghan Transitional Administration and the International Security Assistance Force from the restrictions.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA; (UN_AFG_99); TIES (1997052201); HSE; (99-1)

<https://piie.com/publications/speeches-and-papers/case-99-1>

1997022801

Belize (US)

On **28 February 1997**, the Clinton administration did not certify Belize as fully cooperating country which is not a major illicit drug producing and/or drug transit country. Belize was de-certified because of inadequate interdiction efforts “largely due to high-level corruption in the government,” according to Robert Gelbard, the State Department's top drug-fighting official. The administration has, however, waived the penalties.

Resolution:

On **26 February 1998**, President Clinton certified that Belize fully cooperated with the United States or took adequate steps on their own to meet the international counter-narcotics performance standards.

HSE Score:

3 (policy result) X 3 (sanctions contribution) = 9 (sanctions success)

Source:

EUSANCT

1997041001

Iran (EU)

On **10 April 1997**, a German court ruled that the Iranian government was behind the murders of four Kurdish dissidents in Berlin in 1992; the German government expelled four Iranian diplomats, recalled its ambassador from Tehran and suspended "critical dialogue." Iran denied involvement, and retaliated by recalling its own ambassador from Bonn and expelling four German diplomats.

The European Union declared a mass recall of ambassadors from Tehran on 10 April 1997 and joined Germany on suspension of "critical dialogue." Switzerland, New Zealand, Australia, and Canada also recalled their ambassadors from Tehran. EU foreign ministers will meet on April 29 to consider what further action to take. Options include an arms embargo and the expulsion of known Iranian intelligence officers from EU capitals (visa bans), according to British officials. The US called for a tough response. However, Germany, France and Italy ruled out imposing trade sanctions against Iran, despite the European Union decision to suspend dialogue with the Tehran regime. "In general, embargoes do not seem to us to be an appropriate measure". Germany's determination to maintain links with Iran is seen as being linked to its significant trading ties with the regime. German exports to Iran were worth 1.4 billion dollars in 1995, more than twice the level of any other EU country.

Resolution:

In response to European moves to return envoys to Tehran, Iran indicated that the German ambassador must be the last to return. On 4 August 1997, the German Foreign Minister Klaus Kinkel stated the European Union will not allow Tehran to dictate the terms of the return of EU ambassadors. The return was delayed until **22 November 1997** when both the German and French ambassadors returned a week after the other EU ambassadors.

The ambassadors returned on their own request.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

E/32/97

E/41/97

1997051601

Democratic Republic of the Congo (EU-UN)

On **16 May 1997**, President Mobutu stepped down and Zaire became the Democratic Republic of Congo – but inherited the EU arms embargo which was amended in October 2002 (2002/829/CFSP).

On **2 June 2003**, Annan recommended that the Security Council approve the deployment of U.N. peacekeepers in the Congolese capital, Kinshasa, to help provide security for the transitional political leaders and also called for new measures, including a possible arms embargo, to deal with the brutal conflicts in Ituri province and North and South Kivu provinces which “stand on the path to the transition.”

On **28 July 2003**, the United Nations Security Council adopted an arms embargo (resolution 1493) against the DRC due to the presence of armed groups and militias in the Eastern part – and expanded its peacekeeping force in response to tribal fighting in the northeast. The main objective of sanctions was to stop human rights abuses. On 18 April 2005, the UN Security Council passed Resolution 1596, which extended the arms embargo and imposed a travel ban and asset freeze against those in violation of the arms embargo. The restrictive measures to individuals were extended in December 2005 (UNSCR 1649) and July 2006 (UNSCR1698). Between 2003 and 2008, UN sanctions have been renewed annually due to continuous arms smuggling.

Resolution:

Congo’s U.N. Ambassador Atoki Iлека said the situation had changed in his country since a 2006 election that led to a new government being formed in 2007: “We have elected officials, so that government ... should be exempt of any kind of embargo,” he said.

On **31 March 2008**, resolution 1807 modifies sanctions such that they no longer apply to the Government of the Democratic Republic of the Congo but only to nongovernmental persons and entities operating in eastern DRC, rather than the entire territory. The DRC is divided into tribal areas with no effective central government. Criminal networks within the Armed Forces of the Democratic Republic of Congo (FARDC) are involved in the illegal exploitation of natural resources; the networks help fund the continuing armed conflicts and offset the economic impact of the sanctions. On **14 May 2008**, the arms embargo was repealed by 2008/369/CFSP in line with the UN resolution and applies only to non-government entities.

Targeted measures were further extended in 2012. However, associates of the Democratic Republic of Congo’s president Joseph Kabila were added to the EU’s sanctions only over the course of 2016 and 2017.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA; (EU_COD_97; UN_COD_03);

2003/680/CFSP

2005/440/CFSP

2008/369/CFSP

<https://www.un.org/sc/suborg/en/sanctions/1533>

1997060501

Congo-Brazzaville (EU-UN-US)

Fighting erupted in the capital city Brazzaville on 5 June 1997 when army forces loyal to Lissouba surrounded the home of opposition leader and former president Denis Sassou Nguesso to try to disarm his private militia ahead of the planned presidential elections on 27 July. The European Union suspended economic cooperation with Congo on **5 June 1997** after fighting broke out in Brazzaville when Lissouba sought to disarm rival militias ahead of presidential elections due the following month. EU officials warned that such assistance would not be resumed until democracy was restored.

Any military faction that violates the fragile ceasefire in Congo and seizes power from President Pascal Lissouba faces the loss of US aid, the State Department warned on **20 June 1997**. Urging the two warring factions in the central African country to adhere to the ceasefire, spokesman John Dinger underlined that the United States "strongly condemns" the use of violence. "The removal of the duly elected government by other than democratic means would severely restrict our bilateral relationship with a successor government and force the curtailment of bilateral assistance programs," Dinger said.

UN Security Council president Juan Somavia of Chile said on **14 October 1997**: "The members of the Council are considering rapid action, including the imposition of an arms embargo on the Republic of the Congo and the possible deployment of a peacekeeping operation in Brazzaville and elsewhere in that country."

Sassou Nguesso, who has now launched in December 1997 a transition programme to return to a constitutional order, finally defeated Lissouba and his supporters in October with the help of Angolan troops who backed his forces' entry into the oil and economic capital Pointe Noire in southern Congo.

The World Bank has cut off the flow of aid to Congo with 915,000 dollars in the pipeline, the bank said in a statement on 23 June 1999. "The balance of this grant is suspended pending the restoration of the necessary security and working conditions," the Brazzaville office managing the funds said in a communique. The grant, awarded a year ago, was earmarked to finance the evaluation of an economic and social reform program set up following the end of civil war here in June 1997. However, heavy fighting erupted anew in December last year between the army of President Denis Sassou Nguesso and the militias of ex-president and former premier Pascal Lissouba and Bernard Kolelas, ousted in October 1997.

Resolution:

Congo's government has asked the European Parliament to send an investigative mission to Brazzaville to assess the new regime's democratic process, western diplomats said in Kinshasa on 18 March 1998.

The European Union and Congo-Brazzaville signed a new cooperation programme worth 41 million euros (37 million dollars) on **17 May 2001**, signalling a renewed E.U. effort to aid the African nation. Officials said the new aid programme reflected an E.U. decision to help development and democratisation in Congo-Brazzaville. The E.U. delayed the signature of the aid plan following internal tensions in the country between 1997 and 1999. The European Commission said on 12 September 2002 that it had earmarked 50.4 million euros to fight poverty and promote democracy in Congo Brazzaville over the next five years.

The World Bank (WB) provided reconstruction assistance to the government beginning in July 2001. In May 2007, the World Bank (WB) has promised to give Republic of Congo a loan of 15 million U.S dollars for the implementation of a project of reinforcing governance capacity.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

<http://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/congo-brazzaville-1960-present/>

1997061701

China (US)

In spring 1997, US officials have also raised concerns about Chinese sales of technology to Iran, which Washington considers a terrorist state. China is likely to ignore U.S. complaints and continue selling conventional weapons to Iran, the Clinton administration said 10 April 1997. But administration experts say the sales, which include cruise missiles, so far do not violate U.S. law. Even material that can be used for chemical weapons do not violate U.S. bans against Iran unless the United States can prove the exporter knew it was to be put to military use, the State Department's top official for preventing spread of mass-destruction weapons told a Senate subcommittee. However, Senators from both parties were wondering about the Clinton administration's assessment that China's arming of Iran with cruise missiles and other conventional weapons does not violate U.S. law.

On 22 May 1997, the Clinton administration moved to punish two Chinese companies and one in Hong Kong suspected of providing Iran with chemical weapons technology. Secretary of State Madeleine Albright told a Senate Appropriations subcommittee the United States will cut off trade with the companies and five individuals for at least a year. She said there is no evidence the Chinese government was involved. Critics doubt the communist government could be in the dark on what Chinese companies and individuals were doing.

The US Senate on **17 June 1997** called on President Bill Clinton to take sanctions against China after Chinese air-to-ship missiles were sold to Iran. The Senate voted 96-0 in favor of the resolution, which said the sale violated a 1992 nonproliferation accord. A Pentagon spokesman earlier, however, said the sale did not violate any arms accord. The U.S. House of Representatives voted on 6 November 1997 overwhelmingly to bar Chinese officials from the United States. The House, on a 414-8 vote, also urged the Clinton administration to enforce a 1992 law that restricts sale of advanced cruise missiles to Iran by China and Russia. The measure also bans U.S. entry to Chinese arms dealers. The U.S. Senate, however, is not expected to act on any of the measures.

The White House is dragging its feet on imposing sanctions on China as required under US law, top Senate Republican Trent Lott charged on 8 June 1998. "We don't understand why sanctions have not already been put in place," Lott told a press conference, referring to US measures aimed at curbing proliferation of weapons of mass destruction. During 1999 and 2000, there were ongoing accusations and sanctions threats by both the legislature and executive regarding Chinese weapons proliferation.

The State Department has imposed penalties against Chinese and North Korean companies for transferring sensitive technology to Iran, U.S. officials said on 28 June 2001. The companies targeted were China's Jiang-su Yongli Chemicals and Technology Import and Export Corp., and North Korea's Changgwang Sinyong Corp. China denied U.S. allegations of proliferating chemical weapons and urged Washington to withdraw new sanctions against the Chinese company in question.

On **1 September 2001**, the Bush administration has imposed trade sanctions on a Chinese state-owned arms manufacturer after failing to persuade China's government to stop exports of missile technology to Pakistan. Over time, the United States added several Chinese firms and individuals to the targeted sanctions list. China constantly denied any the proliferation of weapons.

The United States on 19 September 2003 imposed sanctions on the Chinese government and a state-run Chinese firm for allegedly selling advanced missile technology to an unnamed country, the State Department said. China voiced strong opposition to the US move to impose sanctions on the Chinese government and a state-run military firm for allegedly selling advanced missile technology to an unnamed country. The United States said on 1 December 2004 it has imposed sanctions on four

Chinese entities, including a state-run firm, for selling weapons or cruise and ballistic missile technology and equipment to Iran.

Resolution:

Ongoing. On 10 June 2015, China's Foreign Ministry said it was astonished by a US State Department report which raised worries about the Chinese commitment to nonproliferation. The State Department said Chinese entities kept supplying missile parts to countries of concern and China had continued to develop its biotechnology infrastructure "and engage in biological activities with potential dual-use applications".

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE: 2 x 2 = 4)

Source:

TIES (2001012201); HSE

Detailed case description of the EUSANCT team upon request.

1997062301

Sierra Leone (UN-EU-US)

On 25 May 1997, Members of Sierra Leone's armed forces overthrew the civilian government of President Ahmad Tejan Kabbah. The Secretary General of the Commonwealth and the Organization of African Unity immediately condemned the coup. The United States immediately suspended dlr\$ 1 million in non-humanitarian assistance to Sierra Leone to show its displeasure over the coup.

The UN Security Council called on 27 May 1997 for the immediate restoration of the constitutional government in Sierra Leone after the ousted president asked other West African nations to restore his administration.

The European Union Friday formally suspended developmental aid to Sierra Leone. A statement issued on **23 June 1997** noted that because constitutional order has not yet been restored, "the European Community and its Member States consider that existing development assistance to Sierra Leone cannot be continued under present circumstances."

Ghana's President Jerry Rawlings warned the military junta that seized power in Sierra Leone in May that it faces severe international sanctions which it would not survive. West African nations plan to seek U.N. sanctions to force Sierra Leone's military rulers, who seized power in a bloody coup, to step down, Ghana's deputy foreign minister said on **8 July 1997**. On 12 July 1997, Sierra Leone was suspended from the Commonwealth.

West African leaders ordered peacekeepers on 30 August 1997 to enforce sanctions against Sierra Leone's rulers but refrained from calling for the use of force to return the country's elected president to power. The West African leaders refused calls from Sierra Leone's ousted president, Ahmed Tejan Kabbah, to use military force against the junta that drove him from power. Kabbah had urged peacekeepers to drive out Maj. Johnny Paul Koroma, who led the May 25 coup. The final summit declaration called for sanctions and a port blockade "to ensure the restoration of the legitimate government." A port blockade already approved by the leaders has not been enforced, and several ships carrying food and fuel to the capital of Freetown have been allowed to enter port unhindered.

The UN Security Council could decide this week to back West African sanctions on the military junta ruling Sierra Leone, the council head said on 6 October 1997. A draft resolution calls for U.N. states to bar leaders of the junta and their families from entering their countries and to impose an oil and arms embargo on the West African nation. On **8 October 1997**, responding to an appeal by West Africans, the Security Council imposed sanctions on Sierra Leone to pressure the military junta to restore the civilian government it ousted in May. The sanctions, adopted on the same day that African peacekeepers bombed the junta's military headquarters, require all U.N. member states to bar junta leaders and their families from their territory. The sanctions also impose an oil and arms embargo on the West African nation.

Resolution:

Sierra Leone's military junta has agreed to step down and restore power by April to the president of the West African country. The blueprint, approved on 23 October 1997 by junta envoys and five foreign ministers representing Sierra Leone's West African neighbors, called for a broad-based government and set a timetable, with the disarmament and demobilization of troops in December.

However, a Nigerian-led African force routed the junta in February, and, on 10 March 1998, ousted President Kabbah returned from exile accompanied by Nigerian military ruler General Abacha. The U.N. Security Council lifted an oil embargo on Sierra Leone on 16 March 1998 (UNSCR 1156),

welcoming the recent return home of the troubled West African nation's democratically elected leader. On **5 June 1998**, the UN Security Council decided to terminate the remaining prohibitions (UNSCR 1171). However, the embargo remained in force against anti-government forces ousted in February.

A European Union delegation arrived in Freetown on **20 November 1998** to sign an aid and currency package worth 111 million ECUs (140 million dollars), Sierra Leone officials said. The United States pledged \$ 55 million and several other countries also made pledges, IPS announced on **27 November 1998**.

HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score) (HSE)

Source:

HSE; (97-1)

<http://www.sierra-leone.org/Archives/slnews0697.html>

1997071001

Cambodia (US-EU)

After a weekend of heavy fighting, Cambodian strongman Hun Sen, the second prime minister, appeared on 7 July 1997 to have consolidated his grip on the capital, Phnom Penh. But his victorious troops rampaged through sections of the city this morning. Meanwhile, Hun Sen's deposed rival and coalition partner, First Prime Minister Prince Norodom Ranariddh, vowed to organize resistance to the takeover. Forces loyal to the Second Prime Minister, Hun Sen, began hunting down and killing some of his political opponents on 8 July and Cambodia faced the possibility of repressive strongman rule and even a descent into civil war. Ranariddh said he was urging U.N. members to refuse to recognize the regime, to subject it to economic sanctions and to seek mediation of the dispute by his father, King Sihanouk. The ousted co-premier said he would make the same requests of the United States in Washington.

On **10 July 1997**, the United States announced a 75 percent reduction of its diplomatic staff here and the suspension of some aid, including a \$ 30 million education program. State Department spokesman James P. Rubin said Albright "decided [on 9 August] to extend indefinitely the suspension of assistance to Cambodia until progress towards free and fair elections is made." In November 1997, the U.S. Congress suspended U.S. aid to Cambodia for fiscal year 1998. In October 1998, Congress again banned aid to Cambodia – and since then kept the ban up.

The European Parliament voted on **18 July 1997** to freeze economic aid after Second Prime Minister Hun Sen effectively ousted rival co-premier Prince Norodom Ranariddh in a bloody weekend of pitched street battles here – and to suspend a five-year deal between the European Union and Cambodia on economic assistance and trade. The deal included a suspension clause in case of violations of human rights, parliamentary sources said.

Cambodia's seat was left vacant on **16 September 1997** at the opening of the 52nd UN General Assembly, after rival delegations agreed not to attend.

Japan froze grant-in-aid worth about eight billion yen (70 million dollars) and technical assistance to Cambodia until stability and order were restored. Germany, Norway, and the Netherlands also halted aid to Cambodia.

Resolution:

The country's warring political parties broke a three-month impasse on 13 November 1998, agreeing to form a coalition government led by strongman Hun Sen and offering new hope of peace. Under the plan, Hun Sen will be the sole prime minister. Opposition leader Prince Norodom Ranariddh will become president of the National Assembly, even though Hun Sen's party won a narrow majority in elections in July which the international community labeled "successful".

On 6 December 1998, the last main fighting force of a steadily crumbling Khmer Rouge formally has surrendered to the government, laying down arms after three decades of civil war and a catastrophic stint in power that left nearly 2 million Cambodians dead.

A framework agreement on cooperation between the predecessor of the EU, the European Communities, and Cambodia was signed on 29 April 1997 and came into force on **1 November 1999**, marking a new chapter in relations between the two parties.

Cambodia's coalition government on **8 December 1998** hailed the UN's decision to award it the country's general assembly seat after the vacancy, saying it would boost efforts to perk up the ailing economy.

Direct U.S. aid to support Cambodian government projects will resume following the lifting of a decade-old ban by Washington, the U.S. ambassador said on **27 February 2007**. President Bush signed a congressional appropriations resolution for the 2007 fiscal year on Feb. 15 that "contains no restrictions on direct U.S. government funding of Cambodian government activities," Ambassador Joseph M. M. said. He said Congress had maintained the ban in previous resolutions. Washington's aid to Cambodia has mostly been channeled to projects implemented by non-governmental organizations in the impoverished Southeast Asian country. The United States provided \$54.9 million to Cambodia through non-governmental organizations last year.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE: 2 x 2 = 4)

Source:

HSE; (92-8)

https://eeas.europa.eu/delegations/cambodia/1006/node/1006_ja

<http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan002164.pdf>

1997110401

Sudan (US)

Issue: US Unilateral

On 30 September 1997, spokesman James P. Rubin acknowledged that the Administration had failed to take into account legislation that Congress is considering that is intended to tighten existing sanctions against the Sudan's Government.

On **4 November 1997** (executive order 13067), the United States imposed tough economic sanctions on Sudan due to support for international terrorism, ongoing efforts to destabilize neighboring governments, and the prevalence of human rights violations. The sanctions include the blocking of Sudanese assets and prohibit a wide range of financial transactions between the United States and Sudan – including (1) the importation into the United States of any goods or services of Sudanese origin, other than information or informational materials; (2) the exportation to Sudan of any goods, technology, or services from the United States; (3) the facilitation by any United States person of the exportation or re-exportation of goods, technology or services from Sudan to any destination, or to Sudan from any destination; (4) the performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan; (5) the grant or extension of credits or loans by any United States person to the Government of Sudan; and (6) any transaction by a United States person relating to transportation of cargo to, from, or through Sudan, or by Sudanese vessel or aircraft. The sanctions were condemned by the Arab League, China

On 26 July 1999, the United States eased sanctions against Iran, Libya, and Sudan to allow American companies to sell food, medicine, and medical equipment.

In April 2003, the United States announced to try to prevent Sudan from using oil revenues to acquire weapons, and seek a UN Security Council resolution imposing an arms embargo on Sudan's government. In July 2003, the Congress has passed a resolution condemning slavery in Sudan and asking the Bush administration to push for sanctions against that country.

In April 2009, Senator Kerry hints at lifting of sanctions by removing Sudan from terrorism list. In July, President Obama's special envoy to Sudan that there is no evidence to back up the claim that Sudan is a state sponsor of terrorism and calls for partial lifting of the sanctions. Egypt also urged the US to lift the sanctions.

In January 2011, south Sudan voted in a referendum almost unanimously to secede. In April, the US Department of Treasury's Office of Foreign Assets Control declared that South Sudan is exempt from economic sanctions (the US also ended the arms embargo on South Sudan in January 2012). In order to acknowledge the referendum, the US removed the private Bank of Khartoum and its 50 branches from the blacklist, rendering it effectively able to ask the return of blocked funds and assets and resume its activities with the US financial institutions. However, due to several other issues, the other sanctions remain in force. On 9 July 2011, South Sudan became officially independent. Beforehand, it urged the US to lift sanctions on Sudan since they also have an impact on South Sudan. However, in November, the US extended their sanctions for another year.

In 2013, US government disclosed that it has exempted agriculture and health sectors from the sanctions on Sudan. Several other sectors (e.g. for academic purposes and development) were excluded in the previous time.

When the United States extended their sanctions by the end of 2015, they were again hardly criticized from various sides. UN Special Rapporteur on Human Rights and International Sanctions Idriss Jazairy said the sanctions are hurting innocent people instead of the officials and that they need to be revised given that Sudan no-longer offers support to terror groups.

Resolution:

In spring 2016, Saudi Arabia and other Gulf countries are making efforts to end the unilateral economic sanctions imposed by the United States. The Arab League and the African Union demanded Washington to lift sanctions.

On 21 September 2016, the Department of State welcomed Sudanese government efforts to combat terrorism and its increased cooperation with Washington.

On 13 January 2017, the Obama administration took steps to lift the 20-year-old trade embargo against Sudan after a six-month probation period, although Sudan will still be designated a state sponsor of terrorism. Part of the sanctions release is unfreeze assets and remove financial sanctions. UN human rights experts, China, the Arab League and the African Union welcomed the lifting of sanctions.

As of 12 October 2017, the Trump administration lifted the sanctions imposed in 1997 and 2006, including a trade embargo and the blocking of assets held by the Sudanese government. The move was criticized by human rights organizations. Andrew Prasow, from Human Rights Watch, told Reuters that lifting the sanctions “sent the wrong message” when Sudan had “made so little progress on human rights”.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

EUSANCT

1997113001 Tajikistan (EU)

Two French aid workers disappeared in Tajikistan in Central Asia and appeared to have been kidnapped by unidentified gunmen, police said on 19 November 1997. A Tajik warlord said his band had kidnapped a French aid worker and his wife and was holding them against the release of his brother, a police source said. On 30 November 1997, the aid worker died as security forces made a last-ditch attempt to free her, French diplomats and police said. She was fatally wounded when her abductors set off a grenade to kill themselves and their hostage, the Tajik foreign ministry said in a statement. Five kidnapers died.

The Tajik authorities denied they were to blame for the death of Frenchwoman Karine Mane during a dramatic weekend operation by security forces to secure her release from armed kidnapers. Mane was the latest victim of the political instability which has continued to wrack the Central Asian republic despite the June signing of a peace accord between Tajikistan's neo-communist government and the official Islamic opposition, aimed at ending a five-year civil war.

Tajikistan's Tacis program was interrupted in 1997, after a Frenchwoman working for it was murdered by Tajik terrorists. Tacis is a technical and financial assistance program intended to assist former Soviet republics in their transition toward a market economy.

Resolution:

An EU delegation headed by Ambassador Alan Waddams held talks in Dushanbe on 17 January with senior Tajik officials on resources to be allocated to Tajikistan within the framework of the TACIS program, Asia Plus-Blitz and ITAR-TASS reported. TACIS suspended its programs in Tajikistan following the murder in November 1997 of one of its employees there. In acknowledgement of the enhanced importance of the Central Asian states in the light of developments in Afghanistan, TACIS has allocated an additional 50 million euros (\$56.7 million) in funding for those countries, Waddams said.

The European Commission will resume its technical assistance to Tajikistan under its Tacis program, which it had discontinued in that country in 1997, Tacis coordinator Pierre-Paul Antheunissens told Tajik authorities on 29 August 2002.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

Hazelzet

<https://reliefweb.int/report/tajikistan/eu-resume-aid-tajikistan>

1998011501

Russia (US)

On **15 January 1998**, officials say that the Administration has made sure that the Russians understand that Congress is moving to pass sanctions legislation aimed at Russian companies that aid Iran's missile program. The sanctions would prevent them from working on the international space station project.

The Clinton Administration said on 15 July 1998 that it would impose trade sanctions on nine Russian companies and institutions that have been helping Iran with its missile program. The Administration's action comes as the Russian Government, for the first time, publicly announced an investigation into the nine enterprises for violating new export control laws worked out in cooperation with the United States. The United States imposed sanctions on seven of them on **28 July 1998**. The sanctioned enterprises are the INOR scientific center, the Grafit and Polyus research institutes, the Glavkosmos organization, the MOSO company, the Baltic State Technical University and Europolace 2000. Effective immediately, these firms will no longer be able to do business with U.S. firms. The only problem is they didn't do business with America in the first place. The US imposed sanctions against three more entities on 12 January 1999 (D. Mendeleev University of Chemical Technology of Russia, Moscow Aviation Institute, and divisions of the Scientific Research and Design Institute of Power Technology). The Russian companies affected by U.S. sanctions for having contacts with Iran say the move is designed to suppress rivals of U.S. firms on hi-tech market.

Resolution:

On 15 February 2001, Defense Minister Igor Sergeyev dismissed as "rubbish" US accusations that Moscow was actively supplying "rogue states" like North Korea and Iran with sensitive missile technology. In December 2003, Russia pressed the US to lift sanctions imposed on its universities and research centres for allegedly cooperating with Iran's nuclear programme. The institutions are barred from joint programmes and exchanges that in cash-strapped Russia can prove vital for the continuation of scholarly activity. Russia has never denied that it has assisted the Iranian nuclear programme. It has consistently maintained, however, that the whole programme - and the Russian input in particular - has been and remains purely peaceful.

In spring 2004, the US removed sanctions from six entities and a scientist – but imposed sanctions on two new companies. On 22 July 2004, the United States has slapped trade sanctions on another Russian defense plant, the Federal Research and Production Center Altai, accusing it of knowingly spreading missile technology.

The US administration dropped sanctions on **21 May 2010** against the Russian state arms export agency and three other Russian entities previously found to have transferred sensitive technology or weapons to Iran. "Russia has adapted its approach to Iran and shown restraint in arms transfers," said State Department spokesman Philip Crowley. Earlier this year the administration lifted sanctions on two other Russian entities, Glavkosmos and the Baltic State Technical University, both sanctioned in 1998 for helping Iran's missile and weapons programs. The decision to lift sanctions against the Russian companies was not a direct trade-off for support at the United Nations, they said, but a reflection of the increasing trust that allowed both developments.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

1998022601

Colombia (US)

President Clinton has decided to waive sanctions against Colombia despite its failure to fully cooperate in the war on drugs, a senior official said on **February 26, 1998**. While Colombia will remain on the blacklist of major drug-trafficking countries, Clinton will issue a waiver to recognize improvements. The sanction waiver was meant to lay the groundwork for better ties – and closer cooperation in fighting illicit drugs – with the government that emerges in Colombia following elections in May 1998.

Resolution:

In December 1998, the US signed an aid accord with Colombia pledging more military support. The new steps underscored the deepening of American diplomatic and military engagement after the election of Mr. Pastrana, a reformist who replaced Ernesto Samper.

The decision to certify Colombia which returned to Washington's good graces on drugs after last year's election of President Andres Pastrana on **26 February 1999** was rather uncontroversial. During the reign of his predecessor, Ernesto Samper, Clinton routinely denied certification, although last year it waived the sanctions for reasons of "vital national interest." The administration charged that Samper had accepted campaign contributions from known drug traffickers. Despite its finding of non-cooperation, however, it steadily increased security assistance to Colombia over the period. Bogota, which is set to receive almost 300 million dollars in anti-drug aid this year, has become Washington's top aid recipient in the Americas.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (US_COL_96); TIES (1995020301); HSE; (96-4)

EUSANCT

1998022602

Paraguay (US)

On **26 February 1998**, the Clinton administration did not certify Paraguay as fully cooperating because officials believe that country's anti-narcotics effort faces serious shortcomings. On that basis, it decertified Paraguay but waived the sanctions.

Resolution:

On **1 March 2001**, the United States published the results of its annual drug certification process. Paraguay remained one of the main trafficking points for Bolivian cocaine, and the State Department estimates that approximately 10 metric tons of the product moves through Paraguay annually. The country is also a producer of some of the highest grade marijuana on the continent, but this is not tagged for export to the United States. Paraguay's Senate is considering a major overhaul of the anti-drug statute which would give the police more authority to use informants and conduct undercover operations.

Paraguay's counternarcotics efforts were reenergized by the new head of their anti-drug secretariat, who has formed a new unit to investigate major drug traffickers and their organizations. And his efforts have led to the arrest of four major drug traffickers in that country and the destruction of aircraft ferrying cocaine from Brazil. Paraguay also enhanced its cooperation with its neighbors by signing agreements on judicial cooperation and information sharing, and by expelling two of the arrested traffickers to Brazil.

HSE Score:

3 (policy result) X 3 (sanctions contribution) = 9 (sanctions success)

Source:

TIES (1999021801)

1998022603

Cambodia (US)

On **26 February 1998**, the Clinton administration did not certify Cambodia as fully cooperating because officials believe that country's anti-narcotics effort faces serious shortcomings. On that basis, it decertified Cambodia but waived the sanctions.

Deemed a "weak link in the region's efforts to combat the narcotics trade," Cambodia was a major trafficking point for drug dealers from the Golden Triangle. Because of political instability and a 1997 government policy, the United States can not provide counter narcotics assistance to Cambodia's under-trained police force. The country is a minor marijuana producer in the region, though most of the crop is exported to Europe.

Resolution:

On **1 November 2001**, in the President's determination on major drug-producing countries, it states that "in recent years, there has been no evidence of any heroin transiting Cambodia coming to the United States. On the basis of this cumulative evidence, I have determined that Cambodia no longer meets the standard for a major drug-transit country and I have removed Cambodia from the Majors List."

HSE Score:

3 (policy result) X 2 (sanctions contribution) = 6 (sanctions success)

Source:

EUSANCT

1998030901

Former Republic of Yugoslavia (EU-US-UN)

Issue: Kosovo

The Federal Republic of Yugoslavia refused to sign the Rambouillet Agreement, a proposed peace agreement with the Albanian majority population of Kosovo. The Federal Republic of Yugoslavia controlled the Kosovo before the war and fought against the Kosovo Liberation Army which received air support from the NATO in order to avoid further human rights violations. The war started on 28 February 1998 and ended with the Kumanovo Agreement on 9 June 1999.

Imposition

On **9 March 1998**, an emergency meeting of world powers called for an arms embargo against Yugoslavia and threatened to freeze the country's assets unless it halts a bloody crackdown on ethnic Albanians in the Kosovo province and starts talking peace. The international Contact Group which comprises the United States, Britain, France, Germany, Russia and Italy recommended to issue a total arms embargo in line with EU sanctions already in place.

On **19 March 1998**, a new Common Position (98/240/CFSP) was outlined according to which the embargo was extended so that not only conventional arms but also equipment "which might be used for internal repression or for terrorism" was embargoed. In addition to the arms embargo, the council also agreed to halt export credit to Yugoslavia, to ban the sale of equipment that could be used for internal repression or terrorism, and to ban visas for Serbian officials "identified as having clear security responsibilities in Kosovo." On 25 March the group decided to postpone a decision on the imposition of further sanctions, including the freezing of assets abroad, for four weeks.

On **31 March 1998**, **Security Council resolution 1160** established an embargo on the delivery of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, to the territory of the Federal Republic of Yugoslavia, including Kosovo. This was in reaction to the ongoing conflict in Kosovo. On **8 June 1998**, the US (**Executive Order 13088**), the EU, and Canada decided to freeze Yugoslav assets and ban investments. Japan followed on 16 June 1998.

The NATO leaders have decided on 23 April 1999 to impose an oil embargo on Yugoslavia. In a statement they said they were also studying ways of halting the shipment of war supplies to Yugoslavia by sea. The European Union also banned deliveries of petroleum and petroleum products to Yugoslavia on 4 October 1999 with the exception of supplies for humanitarian use (Council Regulation 2111/1999).

Resolution

On 9 October 2000, the US, the EU, and Canada announced a lifting of the sanctions against Yugoslavia. Japan followed on 22 December 2000. On **17 January 2001**, US President Bill Clinton notified congressional (**Executive Order 13192**) leaders that he is lifting economic sanctions that have been in place against Yugoslavia since the Kosovo crisis of 1999. On **8 October 2001**, a new Common Position (**2001/719/CFSP**) lifted the arms embargo on the Federal Republic of Yugoslavia as well as removing other restrictive measures. Council Decision 1999/481/CFSP had only lifted the embargo for small arms for the police forces deployed on the territory of Bosnia-Herzegovina. The oil embargo by the EU has been lifted on 9 October 2000 (Council Regulation 2228/2000). On **10 September 2001**, **Security Council resolution 1367** lifted the arms embargo after key elements of

Resolution 1160 were fulfilled (satisfied Council demands to withdraw from Kosovo and allow a political dialogue to begin).

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

GIGA (EU_FRY_98; UN_FRY_98; US_FRY_98); TIES (1998032501); HSE (98-2)

<http://edition.cnn.com/US/9904/20/us.kosovo.01/>

<http://news.bbc.co.uk/2/hi/europe/327002.stm>

1998050101

Indonesia (US)

On **1 May 1998**, Congressional Democrats dealt a blow to US President Bill Clinton by threatening to withdraw their support for the IMF over loans to Indonesia. In May 1998, the IMF was expected to restart bailout payments to Indonesia despite fierce criticism from US politicians, who say the IMF should link its loans to improvements in human rights and labor laws.

On 5 May 1998, the International Monetary Fund's decision to release \$1 billion in emergency aid to Indonesia (part of a \$US43 billion international aid package) seized the Indonesian Government on that news to announce that it was raising the price of fuel and electricity by as much as 70 percent (the price rises are part of International Monetary Fund-mandated reforms to which Indonesia agreed in exchange for a multi-billion dollar bailout package to ease Jakarta through its economic downturn). Coming after months of deepening economic hardship, the sudden price increases incensed Indonesians. Students turned up the volume, taking their placards beyond campus gates despite warnings of a military crackdown. And they were joined for the first time by other Indonesians – from unemployed youths in Medan, on Sumatra, to doctors and nurses in the capital, Jakarta. But troops fired on student rioters and tried to disperse 5000 students rallying in front of the Mercu Buana private university in West Jakarta.

The United States called off a military training exercise with Indonesia and is reviewing all other scheduled joint military activities because of concern over political unrest there, the Pentagon said on 8 May 1998. On **14 May 1998**, the US urged most of the nearly 11,000 Americans living in Indonesia to leave the country immediately, citing the worst political violence there in more than three decades. The Administration also joined European nations in delaying a \$1.4 billion emergency aid payment and ordered the evacuation of all nonessential employees of the United States Embassy in Jakarta, the Indonesia capital and the scene of the worst violence this week.

Resolution:

President Suharto resigned on 21 May 1998, after he did not have the full support of the army anymore. He was replaced by Habibie, his Vice President. The Clinton administration said that the resignation of President Suharto opens the way to a "real democratic transition", but a resumption of international financial help cannot begin immediately. State Department spokesman James P. Rubin said the proper conditions must be created in Indonesia for the United States to support a resumption of disbursements to Indonesia under a \$ 43 billion International Monetary Fund rescue package. Rubin outlined a series of principles – democracy, inclusiveness and dialogue – that the administration believes should be followed in the post-Suharto era.

On 4 June, the US urged political calm before IMF bailout funds can be fully effective. One day later, the IMF announced to start negotiations over the term of the next loan disbursements. On **2 July 1998**, the World Bank resumed aid to Indonesia for the first time since President Suharto was forced from office. It approved a \$1 billion loan and predicted that major industrial nations would soon announce another \$6 billion in aid.

HSE Score:

3 (policy result) X 2 (sanctions contribution) = 6 (sanctions success)

Source:

EUSANCT

1998051001

India (EU-US)

On **10 May 1998**, clear-cut evidence of three nuclear tests by India was recorded which created massive international critique. The United States condemned the tests and the imposition of sanctions as a reaction to the testing was discussed. One day after India's nuclear tests stunned the world, President Clinton pledged to implement U.S. laws that virtually guarantee punitive sanctions. A 1994 law intended to deter countries from conducting such tests allows for denial of credits and credit guarantees to countries that violate it. The law also bars loans from any U.S. bank except those which provide food or other agricultural commodities. Clinton further urged India's nervous neighbors "not to follow down the path of a dangerous arms race." After India conducted two further tests, several countries including the US, Canada, Japan, Germany and Australia imposed sanctions against the country.

On 12 May 1998, the European Union strongly condemned India's nuclear tests but calls for the bloc to follow the US and Japan by imposing sanctions were blocked by France and Germany. "The Presidency expresses its dismay at the news of the Indian nuclear test," the EU said in a statement issued by Derek Fatchett, a minister in Britain's Foreign Office.

On **13 May 1998**, India announced that it has conducted two more nuclear tests and President Clinton signed an order imposing sanctions against that country. Officials said the sanctions include an end to US assistance to India, with an exception for humanitarian aid; prohibiting the export of certain defense and technological equipment; an end to US credit and credit guarantees; and US opposition to lending by international financial institutions to India.

On **25 May 1998**, the European Union once again condemned India's nuclear tests but calls for the bloc to follow the US and Japan by imposing sanctions were blocked by France and Germany. In a veiled threat of possible future sanctions, the ministers warned that the EU stood ready to "take all necessary measures," should India not sign up to the test ban treaty and said they would work for a delay in consideration of loans to India from the World Bank and other international institutions. In June, the European parliament urged member states "to prevent export of equipment, materials and technology which could contribute to nuclear armament programmes or manufacture of nuclear missiles in either India or Pakistan."

Japan also suspended new economic aid and loans. However, while the United States, Japan and Canada have slapped economic sanctions on Pakistan for joining the nuclear club, most of the world has chosen to respond merely with words of condemnation. Only Germany, Denmark, Norway, Sweden, the Netherlands, Switzerland and Australia are following suit with punitive actions.

Resolution:

When the EU troika of ministers came to a one-day visit to New Delhi on 13 November 1998, recalling the "harshness" of the EU's initial reaction to the May tests, the spokesman said there was now more understanding from Brussels.

On 6 November 1998, US President Clinton has decided to lift some sanctions against India and Pakistan as a result of progress made by the two countries in curbing their nuclear weapons programs – Japan also announced to lift some sanctions on 18 November. On 14 January 1999, the IMF approved the first lending since it was suspended after the nuclear tests. On 10 June 1999, the US Senate voted to suspend economic sanctions on India and Pakistan for five years but keep a ban on military and nuclear technology sales in order to pressing them to return to civilian and democratic rule.

On **22 September 2001**, the US waived sanctions imposed on India and Pakistan after the two South Asian rivals sparked world alarm with tit-for-tat nuclear weapons tests in 1998. India had maintained a moratorium on further nuclear tests for three years. There are claims that the move was a quid pro quo for support offered by both sides to a new US war on terrorism following attacks on New York City and the Pentagon on September 11. Germany and Canada also lifted most sanctions on India. On 26 October 2001, Japan's government announced Friday it was lifting sanctions against India and Pakistan.

On 1 October 2008, the U.S. Congress gave final approval to the U.S.-India Nuclear Deal, facilitating nuclear cooperation between the United States and India.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA (backlist); TIES (1998051001); HSE; (98-1)

1998051002

Pakistan (US-EU)

On **10 May 1998**, clear-cut evidence of three nuclear tests by India was recorded which created massive international critique (see case 1998051001). The U.S. condemned the tests weighing tough sanctions and urged Pakistan to respond with restraint. One day after India's nuclear tests stunned the world, President Clinton pledged to implement U.S. laws that virtually guarantees punitive sanctions. He urged India's nervous neighbors "not to follow down the path of a dangerous arms race." Alarmed by the nuclear testing of its enduring rival India, Pakistan conducted own nuclear testing despite major international warnings and critique. On **28 May 1998**, Pakistan decided to match the Indian explosions and also conducted nuclear tests. In the following, a US-led coalition of states imposed sanctions against Pakistan. Clinton said that the US have no choice but to impose sanctions pursuant to the Glenn Amendment, as is required by law, which include a cut-off of all non-humanitarian aid and an effort to block all lending by the World Bank, IMF and other international financial agencies. Furthermore, the US prohibits companies from exporting anything to the Indian or Pakistani governments or any quasi-governmental entities involved in weapons development.

British Foreign Secretary Robin Cook immediately said the EU "will be urgently considering" sanctions against Pakistan, such as the ones already announced against India. The EU "is dismayed and disappointed at the news of a nuclear test by Pakistan," said a statement issued by Britain's Foreign Office. Britain currently holds the rotating presidency of the EU. In June, the European parliament urged member states "to prevent export of equipment, materials and technology which could contribute to nuclear armament programmes or manufacture of nuclear missiles in either India or Pakistan." On 16 June 1998, the Council also called on both countries to sign the Comprehensive Test Ban Treaty (CTBT) and the Nuclear Non-Proliferation Treaty, and warned that the EU "will consider further measures should India and Pakistan fail to make progress on these issues." Japan also suspended all new economic aid and loans. However, while the United States, Japan and Canada have slapped economic sanctions on Pakistan for joining the nuclear club, most of the world has chosen to respond merely with words of condemnation. Only Germany, Norway, the Netherlands, Switzerland and Australia are following suit with punitive actions.

Resolution:

On 6 November 1998, President Clinton has decided to lift some sanctions against India and Pakistan as a result of progress made by the two countries in curbing their nuclear weapons programs – Japan also announced to lift some sanctions on 18 November. On 14 January 1999, the IMF approved the first lending since it was suspended after the nuclear tests. On 10 June 1999, the US Senate voted to suspend economic sanctions on India and Pakistan for five years but keep a ban on military and nuclear technology sales in order to pressing them to return to civilian and democratic rule. On **22 September 2001**, the US waived sanctions imposed on India and Pakistan after the two South Asian rivals sparked world alarm with tit-for-tat nuclear weapons tests in 1998. India had maintained a moratorium on further nuclear tests for three years. There are claims that the move was a quid pro quo for support offered by both sides to a new US war on terrorism following attacks on New York City and the Pentagon on September 11. Germany and Canada also lifted most sanctions on Pakistan. On 26 October 2001, Japan's government announced Friday it was lifting sanctions against Pakistan.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

TIES (1998051002); HSE; (99-3)

1998070901

Belarus (EU-US)

Government of Belarus has taken certain measures or allowed certain measures to be carried out affecting the residences of ambassadors from several Member States of the European Union (Italy, France, Greece, Britain and Germany) which are an infringement of the Vienna Convention on Diplomatic Relations. On **9 July 1998**, the Council imposed a visa ban against members of the Government of Belarus following certain measures taken by that Government (98/448/CFSP).

The U.S. and ten other non-European countries joined the move on July 14, 1998, also suspending some military exchange programs involving GoB officials.

Resolution:

On **22 February 1999**, the Council lifted the restrictions due to the agreement reached on Drozdy on 10 December 1998. Under the deal, the ambassadors will seek new premises in the Belarus capital, and will vacate their old residences in a compound which was declared to be the property of Belarus President Alexander Lukashenko.

U.S. Ambassador Daniel Speckhard returned to Belarus on **14 September 1999** after the resolution of the compensation issue and additional assurances by the Belarusian government that it would strictly abide by the Vienna Convention on Diplomatic Relations in the future.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA;(EU_BLR_98): TIES (1998071401)

98/448/CFSP; 1999/156/CFSP

1998120101

Côte d'Ivoire (EU)

On 21 June 1999, the EU Commission said aid worth roughly 37 million euros (dlrs 17 million) was frozen in **December 1998** after an initial Commission audit pointed to fraudulent activity. The European Union announced on 21 June 1999 that it had decided to maintain a freeze on budget aid to Ivory Coast after an in-depth audit in May found evidence of "serious irregularities" in use of the funds.

Resolution:

On **20 February 2002**, the EU has decided to fully resume aid with the Ivory Coast, suspended in 1998 over bad governance. The decision followed "the Ivorian government's policy of openness".

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

GIGA: (EU_CIV_00); HSE (99-2); EUSANCT

1999021001

Eritrea (UN-EU)

The Eritrean-Ethiopian War took place from May 1998 to June 2000 between Ethiopia and Eritrea, forming one of the conflicts in the Horn of Africa. Eritrea and Ethiopia—two of the world's poorest countries—spent hundreds of millions of dollars on the war and suffered tens of thousands of casualties as a direct consequence of the conflict.

On **10 February 1999**, the UNSC adopted resolution 1227 and strongly urges all States to end immediately all sales of arms and munitions to Ethiopia and Eritrea – which is a prelude to a likely mandatory U.N. arms embargo if the fighting doesn't end soon. Britain was the last member of the council to abandon the idea of a mandatory arms embargo.

On **15 March 1999**, the EU Council adopted Common Position 1999/206/CFSP and imposed the voluntary arms embargo by the UN.

On 12 May 2000, the UN Security Council gave Ethiopia and Eritrea 72 hours to stop their war or face the threat of immediate action by the United Nations. France, Russia and China had blocked British attempts to make the threat of an arms embargo more specific in Friday's resolution, diplomats said.

On **17 May 2000**, the UNSC adopted resolution 1298.

Resolution:

On 18 June 2000, the governments of Eritrea and Ethiopia signed an Organisation of African Unity (OAU)-brokered peace agreement in Algiers, Algeria, designed to end the two-year border war between their countries. On **16 May 2001**, these measures were lifted when the Security Council acknowledged in a Statement by the President that Eritrea and Ethiopia had signed in good faith an Agreement of Cessation of Hostilities. The EU lifted its arms embargo accordingly in Common Position 2001/215/CFSP.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (UN_ETH_00); TIES; (1999021102)

SIPRI

UNSCR 1227

UNSCR 1298

1999/206/CFSP

2001/215/CFSP

S/PRST/2001/14

1999021002

Ethiopia (UN-EU)

The Eritrean-Ethiopian War took place from May 1998 to June 2000 between Ethiopia and Eritrea, forming one of the conflicts in the Horn of Africa. Eritrea and Ethiopia—two of the world's poorest countries—spent hundreds of millions of dollars on the war and suffered tens of thousands of casualties as a direct consequence of the conflict.

On **10 February 1999**, the UNSC adopted resolution 1227 and strongly urges all States to end immediately all sales of arms and munitions to Ethiopia and Eritrea – which is a prelude to a likely mandatory U.N. arms embargo if the fighting doesn't end soon. Britain was the last member of the council to abandon the idea of a mandatory arms embargo.

On **15 March 1999**, the EU Council adopted Common Position 1999/206/CFSP and imposed the voluntary arms embargo by the UN.

On 12 May 2000, the UN Security Council gave Ethiopia and Eritrea 72 hours to stop their war or face the threat of immediate action by the United Nations. France, Russia and China had blocked British attempts to make the threat of an arms embargo more specific in Friday's resolution, diplomats said.

On **17 May 2000**, the UNSC adopted resolution 1298, imposing an arms embargo on both countries.

Resolution:

On 18 June 2000, the governments of Eritrea and Ethiopia signed an Organisation of African Unity (OAU)-brokered peace agreement in Algiers, Algeria, designed to end the two-year border war between their countries. On **16 May 2001**, the measures were lifted when the Security Council acknowledged in a Statement by the President that Eritrea and Ethiopia had signed in good faith an Agreement of Cessation of Hostilities. The EU lifted its arms embargo accordingly in Common Position 2001/215/CFSP.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (UN_ETH_00); TIES (1999021103)

SIPRI

UNSCR 1227

UNSCR 1298

1999/206/CFSP

2001/215/CFSP

S/PRST/2001/14

1999022601

Nigeria (US)

On **26 February 1999**, the US announced that it determined that even though Nigeria did not fully meet the criteria established for certification, the vital interests of the U.S. require their certification and the US, thus, may soon resume aid to Nigeria, despite the African nation's poor performance in combating drug trafficking.

Resolution:

In its report of **1 March 2001**, the State Department regards Nigeria as a "worldwide hub of narcotics trafficking and money laundering activity." Centrally located near Asian heroin trade routes, Nigerian drug traffickers were responsible for a significant portion of the product imported into the United States, according to the report. Nigerian criminals also export South American cocaine into Europe, Asia and Africa. The report finds Nigerian law enforcement agencies have only had "sporadic success" in stemming the drug trade. However, in November the Nigerian authorities transferred four fugitives on the President's list of Significant Foreign Narcotics Traffickers in Nigeria into U.S. custody. Nigeria was thus certified without a waiver.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

EUSANCT

1999022602

Haiti (US)

On **26 February 1999**, the Clinton administration did not certify Haiti as fully cooperating because officials believe that country's anti-narcotics effort faces serious shortcomings. On that basis, it decertified Haiti but waived the sanctions.

Despite headway on some anti-narcotics fronts, Haiti did not achieve its 1998 counternarcotics goals. A prolonged political impasse between the executive and the legislative branches of government prevented parliamentary ratification of a prime minister and consideration of needed anti-drug legislation. Resource constraints, insufficiencies in the police, and a dysfunctional judicial system further reduced the effectiveness of Haitian efforts. Thus, while not up to the mark on full certification, Haiti's improving performance on interdiction, particularly in recent weeks, merits recognition. The president has certified that the vital national interests require the continuation of U.S. government programs that provide really a critical support to Haiti's democratic and economic development.

In 2003, the report noted that "Haiti remains a major and growing transshipment point for drugs, primarily cocaine, moving from South America to the United States. We're very concerned about the situation with respect to drug-related corruption in Haiti. The government of Haiti has done very little to cooperate with the United States to interdict the flow of drugs or to honor its international counternarcotics commitments. The police in Haiti continue to be very highly politicized. Haiti failed to increase resources to the coast guard. And Haiti's performance on drug seizures and arrests was very much deficient."

We believe that Haiti must act to improve its law enforcement and judicial capabilities and to also attack the problem of corruption. The president did provide a national interest waiver for Haiti, as in previous years, in view of the need for the United States to continue to provide assistance to attack some of the root causes of poverty which underlie many of the country's most severe problems.

Resolution:

On 16 September 2004, the President noted that, in sharp contrast to the Government of Haiti's dismal performance last year under the Aristide regime, the New Interim Government of Haiti headed by Prime Minister Latortue, has taken substantive – if limited – counternarcotics actions in the few months it has been in office. The President remains concerned, however, about the ability of Haitian law enforcement to reorganize and restructure sufficiently to carry out sustained counternarcotics efforts.

HSE Score:

3 (policy result) X 2 (sanctions contribution) = 6 (sanctions success)

Source:

EUSANCT

1999050701

Comoros (EU-US)

In 30 April 1999, acting president Massoude was ousted in a coup led by the chief of the General Staff, Col Azali Assoumani. The Organization of African Unity (OAU) and the French government condemned the military coup on 30 April 1999. On **7 May 1999**, the European Union clearly condemns the intervention of the Comoros Army which has overthrown the legal Government and has announced the dissolution of the constitution and of democratic institutions. The European Union will reexamine its development cooperation with Comoros. It is recalled that article 366a of the Lomé IV Convention allows for appropriate steps to be taken.

On 10 May 1999, the Organisation of African Unity urged all countries to refuse all cooperation with the new junta in the Comoros and decided to withdraw the military officers from its observer team in the Indian Ocean island chain. The U.S. government imposed military sanctions (suspension of military assistance) against the government on **10 June 1999**.

Resolution:

In the light of the commitments, and in view of the report of October 8 from the authorities raising doubts concerning their ability to respect the electoral timetable announced, the EU proposed to conclude the consultations and adopted on **14 February 2000** a decision. "There being no guarantee that democracy will be restored in the near future", as the letter to the Comoros authorities says, the EU has decided, by way of appropriate measures under Article 366a(3), to take "appropriate measures". The implementation of programmes already under way will continue as planned. However, future operations will be implemented according to a gradual and conditional approach reflecting proven progress observed during the transition period. In the run-up to the ballot, any support from the EU will go to the democratic process, humanitarian aid and, possibly, decentralised cooperation, as well as aid directly benefiting the population. Following the effective implementation of the electoral process, this aid will gradually be extended. Other development projects may be implemented after a democratically-elected Government takes office.

In January 2002, the army officer who seized power in 1999 decided to stand down in order to contest planned elections. On 18 January 2002, OAU Secretary General Amara Essy hailed the outcome of a constitutional referendum held in the Comoros last month, and called for more international assistance to help a transition to democracy.

On **1 August 2003**, the US State Department is considering resuming security aid to Comoros in a bid to prevent the Indian Ocean state's three islands becoming terrorist bases.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (EU_COM_99)

<http://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/comoros-1975-present/>

1999072801

Indonesia (EU-US)

In 1999, continued violence by armed anti-separatist militias in East Timor caused massive international critique of Indonesia. On **28 July 1999**, Australia, the US and European nations have warned Indonesia at the Paris meeting of Indonesia's major donors that any failure to ensure a secure environment for the East Timor independence vote could affect the international community's willingness to extend financial aid to the country. The US and the European Union (Finland which held the EU presidency) both delivered warnings to Indonesia which were stronger than Australia's. The United States Assistant Secretary of State, Mr Stanley Roth, speaking at Canberra's National Press Club on 27 August 1999, also warned Indonesia that if it allowed the ballot to be mired by violence, it would not expect to resume "business as usual" with Washington afterwards.

After the referendum of 30 August 1999 in which an overwhelming part voted for East Timor to become independent from Indonesia, pro-integration militia reacted with punitive violence. The US cut off all military aid to Indonesia and warned of a further suspension of international financial assistance, on **9 September 1999**, amid Jakarta's failure to halt violence in East Timor. Moreover, pressure mounted in Congress to ratify a declaration of US opposition to any new aid by international organizations to Indonesia, where military-backed militias continued to wreak havoc and murder in East Timor. The International Monetary Fund suspended discussions with Indonesia on its economic program, a fund spokesman said on 10 September 1999.

As Indonesia admitted on 11 September 1999 that it had lost control of some of its troops in East Timor, President Clinton suspended more than \$100 million in U.S. arms sales to Jakarta and demanded that U.N. peacekeepers be admitted to the embattled province. On the same day, Britain suspended arms sales and announced to lobby in the European Union for an arms embargo against Indonesia.

In September 1999, in reaction to serious violations of human rights and international humanitarian law in East Timor, the Council of the European Union adopted Common Position 1999/624/CFSP on **16 September 1999** that included an arms embargo on Indonesia. The Common Position also included a commitment to ban the supply of equipment that might be used for internal repression or terrorism to Indonesia. In October 1999 the Council of the European Union adopted a regulation, Common Position 2158/1999/CFSP, banning the supply of equipment that might be used for internal repression or terrorism, defining such items in an annex.

Resolution:

Indonesia agreed to the presence of the international peace-keeping troop "International Force East Timor" from 20 September 1999 - 28 February 2000. The "United Nations Transitional Administration in East Timor" took over administration on 25 October 1999 for its transition to full independence.

As a sign that the strained relations between Jakarta and the International Monetary Fund (IMF) could be on the mend, Indonesia has indicated its willingness to resume dialogue in October 1999.

On **17 January 2000**, the EU arms embargo expired and the EU did not prolong the embargo as a gesture of support for new Wahid government in Jakarta. Noting the historic changes in Indonesia in recent months Portugal, as the current EU president, said it was no longer necessary to impose the "restrictive measures ordered against the previous government of Indonesia." However, Human Rights Watch urged the European Union to reimpose the arms embargo, alleging ongoing rights

violations by the armed forces of the Southeast Asian nation. The US said it will not lift its arms embargo on Indonesia.

East Timor became independent on 20 May 2002 by the UN-sponsored act of self-determination. Indonesia gave up control over East Timor.

The US Congress was asked on 17 March 2004 to consider lifting restrictions on training for Indonesia's police to help the world's most populous Muslim nation combat terrorism and get its military completely out of internal security duties. The United States on 6 January 2005 warned Indonesia not to abuse its easing of an embargo on the supply of US military hardware to help boost relief efforts in the country's tsunami disaster. Washington also decided to restore a military education and training program for Indonesia.

On 26 May 2005, the United States has lifted a ban on the government sale of nonlethal defense equipment to Indonesia as part of a step-by-step process to restore full military ties frozen due to human rights abuses. The decision was made one day earlier, when Indonesian President Susilo Bambang Yudhoyono met with US leader George W. Bush at the White House and reaffirmed his commitment to reforms in the military, accused in the past of gross rights abuses. It was the "third step" in a process that began early this year, aimed at easing the military embargo on Indonesia following reformist Yudhoyono's win in the world's most populous Muslim nation's first direct presidential elections. Direct US commercial sales of nonlethal defense articles and services were allowed in January.

On **22 November 2005** the U.S. decided to lift a six-year ban on arms sales, saying the move would allow its military to upgrade aging weaponry. The State Department used powers granted by Congress earlier this month to waive on the basis of national security an embargo imposed after Indonesian troops ravaged East Timor when it broke from Jakarta in 1999. Parts of the embargo had already been lifted but until then, lethal weapons could not be sold to the world's most populous Muslim nation. But critics said that Indonesia's police – not the armed forces – should be responsible for fighting terror and lifting the ban gave the country a free pass on military human rights violations in the former province of East Timor. Analysts said the decision to lift the embargo may also reflect the U.S. desire to boost its influence in Southeast Asia to counter China's growing economic and strategic clout – and to recognize Indonesia's support in the fight against terrorism.

In November, The Observer showed that British military equipment is being used by the Indonesian authorities against civilians in remote parts of the country. Despite promises by Foreign Office ministers that UK arms exported to the country are not used for internal repression, a photograph seen by The Observer shows a British-made Tactica water cannon vehicle deployed in the troubled eastern province of West Papua.

Still, moving with unusual speed, the Bush administration officially normalized military relations with Indonesia on **30 March 2006** when the State Department posted a formal notice permitting the sale of lethal military equipment to Jakarta for the first time in seven years.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE: 12)

Source:

GIGA; (EU_IDN_98) TIES (1999090901)

https://www.sipri.org/databases/embargoes/eu_arms_embargoes/indonesia

1999070901

Guinea-Bissau (EU)

In May 1998, a military uprising erupted in Guinea-Bissau. The European Union on 30 July 1998 welcomed the signing of a ceasefire between the government of the West African nation of Guinea-Bissau and the leaders of a breakaway military faction: the government and the self-proclaimed Junta Militar in Guinea-Bissau agreed to a ceasefire to end their seven-week old conflict, which has displaced some 200,000 people about one-fifth of the population. On 3 November 1998, the government and rebels in the West African state of Guinea-Bissau signed an agreement to end the country's five-month-old civil war.

Thousands of people on 1 February 1999 fled the capital of Guinea-Bissau, where fighting intensified between loyalist forces and rebels who threatened a "final assault" on the city. At least 15 people were reported killed. The president of Guinea-Bissau and the rebel leader seeking to oust him agreed to a cease-fire on 3 February 1999, halting the small West African nation's renewed civil war.

On 6/7 May 1999, an army insurrection toppled long-standing ruler Joao Bernardo Vieira, leading to rejoicing but also causing at least 70 deaths.

The Commission, on **9 July 1999**, proposed to open consultations with Guinea-Bissau pursuant to Article 366a of the Lomé Convention. Consultations were opened on 19 July 1999 (with Portugal declaring its opposition to aid cuts, supported by the Netherlands and Sweden) and held on 26 July 1999.

Resolution:

The representative of the European Union in Bissau, Luis Amado, on 29 November 1999 praised the transparency of Guinea-Bissau's legislative and presidential elections. "Despite a few disturbances, which have not affected the regularity of the process, it was transparent," said Amado.

Consultations were closed on **6 December 1999** – the "EU was satisfied with the results of the consultations. Under proposal of the Commission, the Council closed the consultations, without any appropriate measures. The EU acknowledged the efforts that Guinea Bissau was pursuing in the restoration of democracy and seemed to consider them sufficient. Strong opposition of some Member States may have played a role in the decision not to take appropriate measures" (Fierro 2003, 333).

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

<http://aei.pitt.edu/3559/1/3559.pdf>

Fierro, E. (2003). *European Union's Approach to Human Rights Conditionality in Practice*. Martinus Nijhoff Publishers.

1999101301

Pakistan (US-EU)

One day after the military takeover in Pakistan, on **13 October 1999**, the White House said that the United States may call on international financial organizations to suspend aid to Pakistan if a military regime is set up in that country.

On **15 October**, the US announced limited sanctions on Pakistan, pressing its military rulers to restore democracy. "The president has asked his foreign policy and legal team to apply the ... sanctions because clearly this is a situation where the military has engaged in a coup on a democratically elected government," said White House spokesman Joe Lockhart. State Department officials said the sanctions would be limited to a relatively small amount, some 2.5 million dollars in US aid while 2.5 million dollars in aid to anti-drug operations would be unaffected. The new sanctions are in addition to earlier sanctions slapped on Islamabad and New Delhi in May last year after both nations launched nuclear tests.

On **16 October 1999**, the EU leaders condemned the military coup in Pakistan and threatened to halt aid unless democratic rule is restored while Britain froze aid and banned arms sales. Japan, however, will not impose more economic sanctions. International Monetary Fund managing director Michel Camdessus said Pakistan will receive no further financial aid from the IMF until democracy is restored.

The Commonwealth suspended Pakistan on 18 October 1999 and threatened further measures.

Resolution:

On 5 July 2000, Britain lifted the arms embargo on Pakistan. On 16 October 2001, the US Congress authorized President George W. Bush to lift sanctions against Pakistan in a bid to strengthen the US-led alliance against international terrorism. Canada also resumed aid.

On **25 September 2001**, the EU recognized "the difficulties Pakistan is facing and wants to increase cooperation. We want to construct a new long-term partnership."

On **14 March 2003**, Islamabad's cooperation has kept it winning a host of rewards as Washington announced the lifting of the last remaining military sanctions imposed after General Musharraf's coup in October 1999. Pakistan is a pivotal player in the US-led campaign to wipe out the al-Qaeda terror network and hunt down its su-premo Osama bin Laden. Moreover, Pakistan is not being punished for refusing to back the planned war against Iraq. However, coup leader Musharraf is still in power.

On 22 May 2004, the Commonwealth readmitted Pakistan after having suspended the nation in 1999, following President Pervez Musharraf's bloodless coup. The members decided that sufficient democratic progress had been made in Pakistan.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

TIES (1999101601); HSE; (99-3)

1999120601

Russia (EU-US)

In reaction to the brutal proceeding of Russia in the Chechenian war, especially the threat to bomb the capital of Grozny, a coalition of Western states protested and threatened to impose economic sanctions against Russia.

On **6 December 1999**, US President Bill Clinton and the EU Foreign Ministers Council threatened to halt free EU food supplies, a freeze on the signing of new cooperation agreements, and suspension of IMF crediting. The board of the International Monetary Fund (IMF) has put immediately off the disbursement of a US\$640m loan tranche to Russia.

On **10 December**, the EU agreed to suspend some of the provision of an EU-Russia partnership agreement, and to transfer some funds away from technical assistance and toward humanitarian aid. In March 2000, an ECSC decision aimed at reducing by 20% the quotas for the year 2000 on imports of certain steel products.

On 22 December, the Clinton administration blocked \$500 million in loans to an oil company partially owned by the Russian government. Proceeds would have gone directly to American companies. Administration officials denied that the decision was related to strong U.S. objections to Russian military actions in Chechnya, although it came amid calls for a halt to such loans over Chechnya from members of Congress and Democratic presidential hopeful Bill Bradley.

The Council of Europe suspended Russia from April 2000 to January 2001.

Resolution:

The comparatively limited, rather symbolic sanctions did not have any major impact on the Russian policy.

On 6 April 2000, the U.S. Export-Import Bank approved \$500 million in long-term loan guarantees to allow Russia's Tyumen Oil Co. to buy oil field and refinery equipment from two U.S. companies. The 4-0 vote of the bank board followed a decision by Secretary of State Madeleine Albright to reverse a move last December blocking the loan guarantees because of concerns over Tyumen's business practices.

The European Union on 10 July 2000 restored its 92 million euro (90 million dollar) technical aid program to Russia that had been frozen last March in protest at the Kremlin's heavy-handed policy in breakaway Chechnya.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (1999121002)

1999121801

Australia (UN)

On **18 December 1999**, the United Nation's drug agency, the International Narcotics Control Board (INCB), threatened to impose an international embargo of Australia's legal opiate exports if the country would continue proceed heroin trials and to pursue its plans to legalize heroin injecting rooms.

Resolution:

On 24 February 2000, the International Narcotics Control Board has renewed its attack on Australia's planned trials of heroin safe injecting rooms, warning that participating governments would be "aiding in the commission of crimes" and "facilitating illicit drug trafficking". The United Nations drugs body says support of the so-called shooting galleries by the NSW, Victorian and ACT governments would be seen as "a step in the direction of drug legalization". However, an earlier warning that Australia could face an international embargo of its \$160 million-a-year legal opiates trade if it proceeded with the trials was not repeated in the annual report.

On **10 July 2000**, in its report to the Federal Government, the UN's International Narcotics Control Board reiterated its concern about plans to establish a clinical trial of injecting rooms in NSW, Victoria and the ACT, but failed to judge conclusively that Australia would be in breach of its international obligations if it went ahead. The UN said the Australian government should look at the possible "adverse effects" of campaigns that blur the line between legal and illegal drugs. The report backed the Howard Government's opposition to supervised heroin injecting rooms, under trial in New South Wales, warning it would do nothing to tackle the worsening drug problem. The ACT Government abandoned plans to introduce safe injecting rooms.

In May 2001, Australia's first legal heroin injecting room has opened its doors to drug users in Sydney's red-light district.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score).

Source:

TIES (1999121801)

1999122801

Côte d'Ivoire (US-EU)

On 24 December 1999 a military coup in Côte d'Ivoire's capital city, Abidjan, brought to power General Robert Guei, the former chief of staff who dismissed the head of state and dissolved the government, the national assembly, the supreme court and the constitutional council. On 25 December, a National Committee of Public Safety was set up. Chaired by General Guei, it draws all nine of its members from the armed forces. An interim government was formed on 14 January 2000. The international community has unanimously condemned the coup.

Condemning the forceful ouster of an elected government by elements of the Ivorian military, the State Department suspended U.S. aid and all transfers of arms to Ivory Coast on **28 December 1999**. Canada also suspended aid to Ivory Coast.

The 15-nation EU condemned the coup on 30 December 1999. On **6 January 2000**, the EU was poised to propose to open consultations with Ivory Coast, following a request from France. Consultations under Article 366a of the fourth ACP-EC Convention were held on 7 February 2000 with the ACP countries and Côte d'Ivoire, at which the Ivorian authorities gave specific undertakings concerning the restoration of democracy by the end of October 2000. The consultations concluded on **16 June 2000** determined a "gradual and conditional approach" and tight restriction of EC co-operation, which in practice has meant that our support was mainly confined to the election process (i.e. referendum, presidential elections).

Resolution:

The United States will reconsider sanctions imposed on the Ivory Coast, Foreign Minister Abou Drahmane Sangare said **25 January 2002** after two days of talks with a US delegation in the Ivorian capital. The US delegation is committed to re-examining sanctions imposed on Ivory Coast since the December 1999 coup.

Given that significant measures have already been taken, although some are still to be implemented, the Council has decided on to resume cooperation gradually, by adopting measures on 25 June 2001. Cooperation is fully resumed on **30 June 2002**.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score) (HSE)

Source:

GIGA;(US_CIV_99; EU_CIV_00); HSE; (99-2)

2001/510/EC; COM/99/0899; COM/2000/0258

http://europa.eu/rapid/press-release_SPEECH-00-399_en.htm

http://ec.europa.eu/development/body/publications/courier/courier192/en/en_026.pdf

2000012101

Ecuador (US)

The Ecuadoran military threw its weight behind demonstrations demanding Mahuad's resignation on **21 January 2000**. Mahuad, elected for a five-year term in August 1998, branded the action a military coup and said he would remain in office. Earlier, indigenous protesters stormed the Congress building in Quito and announced the formation of a new government headed by Colonel Lucio Gutierrez. It was the latest in a series of protests that have dogged Mahuad's presidency.

While the Organization of American States (OAS) called an emergency session, US State Department officials issued a strong condemnation of moves to oust Mahuad and threatened to cut foreign aid and discourage foreign investment in Ecuador if they succeeded.

The military junta did succeed in occupying Congress and removing the president. Mahuad was ousted on 21 January 2000 after Indian protesters supported by some junior officers in the armed forces stormed the Congress building. They announced a new government led by a three-man junta initially formed of an army colonel, the head of the movement of indigenous people that organized the protests, and a former president of the Supreme Court.

Resolution:

On **22 January 2000**, the colonel was replaced by Gen. Carlos Mendoza, the armed forces chief. He subsequently dissolved the junta and handed over power to Vice President Gustavo Noboa, a 62-year-old former university professor. Mendoza said he did so after discussions with U.S. officials, who threatened to cut foreign aid and discourage foreign investment in Ecuador if power were not restored to the elected government. The military officers in charge of the coup were imprisoned.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score) (HSE)

Source:

HSE; (00-1)

2000031001

Burkina Faso (UN)

An embargo ordered by the United Nations 1998 ago to stop Angolan rebels from using diamonds to pay for their war has been undermined by several African nations. The so-called "Fowler Report", of **10 March 2000**, said widespread sanctions-busting has allowed diamonds to continue playing "a uniquely important role" for the Angolan rebels, whose group is known as UNITA (National Union for the Total Independence of Angola), allowing them to purchase weapons from Bulgaria while buying favors from governments in Africa. According to the Report, Togo busted sanctions related to arms and military equipment, diamonds, petroleum and petroleum products, representation and travel.

In order to add credibility and seriousness to sanctions resolutions and restrict UNITA's capacity to evade the sanctions, the Security Council should apply sanctions against leaders and governments found to have been deliberately breaking the sanctions relating to the supply of arms and military equipment to UNITA. Sanctions on identified sanctions busters might include an embargo on arms sales to named countries for 3 years, to be followed by 3 years of international probation.

To enhance the effectiveness of the sanctions against the supply of diamonds as well as petroleum and petroleum products to UNITA, tighter internal controls should be designed and implemented within Angola. A serious and genuine political initiative is also needed to weed out and punish corrupt officials in government circles and in the private sector who are facilitating the supply of fuel to UNITA. Member States of the United Nations should apply sanctions against individuals and enterprises discovered to be intentionally breaking United Nations sanctions relating to UNITA diamonds. Sanctions on identified sanctions busters might also include requesting all Member States to revoke any special travel, diplomatic or passport recognition privileges accorded to countries found to have issued passports to senior UNITA officials or other prohibited persons in violation of United Nations sanctions. On 18 April 2000, the Security Council adopted resolution 1295, giving countries accused of violating sanctions against Angola's UNITA rebels six months to improve their records before deciding whether to impose U.N. penalties on them. In a unanimously adopted resolution, the council warned that it would consider "appropriate action" against violators based on accusations in a blunt report on breaches of the sanctions and a continuing investigation by a monitoring panel.

Resolution:

Even though Burkina Faso reported efforts to strengthen the implementation of the arms embargo, the interim report stated that Burkina Faso has not yet imposed any controls on the movement of diamonds through their territory. The final report pulls back from accusations that the president of Burkina Faso was directly implicated in the illegal trade. But it does find Burkina Faso still involved in the activities of the Unita rebel movement of Angola.

The interim report of the Panel of Experts of 18 October 2000 did not call for any measures against governments. Additionally, the deadline of **18 November 2000** passed without the imposition of sanctions and in the next resolution of the Security Council on Angola (UNSCR 1336, 23 January 2001) the Council did not consider any secondary sanctions.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000031101)

2000031002

Togo (UN)

An embargo ordered by the United Nations 1998 ago to stop Angolan rebels from using diamonds to pay for their war has been undermined by several African nations. The so-called "Fowler Report", of **10 March 2000**, said widespread sanctions-busting has allowed diamonds to continue playing "a uniquely important role" for the Angolan rebels, whose group is known as UNITA (National Union for the Total Independence of Angola), allowing them to purchase weapons from Bulgaria while buying favors from governments in Africa. According to the Fowler Report, Togo busted sanctions related to arms and military equipment, finances and assets, as well as representation and travel.

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Resolution:

The interim report stated that Togo has issued an executive order banning all transactions involving Angolan diamonds not certified by the government, which the panel said it will monitor. The final report does not name the Togolese president anymore. But it refers to the complicity of authorities in allowing UNITA representatives to do deals in their countries.

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HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

TIES (2000031102)

2000031003

Côte d'Ivoire (UN)

An embargo ordered by the United Nations 1998 ago to stop Angolan rebels from using diamonds to pay for their war has been undermined by several African nations. The so-called "Fowler Report", of **10 March 2000**, said widespread sanctions-busting has allowed diamonds to continue playing "a uniquely important role" for the Angolan rebels, whose group is known as UNITA (National Union for the Total Independence of Angola), allowing them to purchase weapons from Bulgaria while buying favors from governments in Africa. According to the Fowler Report, Côte d'Ivoire busted sanctions related to representation and travel.

In order to add credibility and seriousness to sanctions resolutions, the Security Council should apply sanctions against Governments found to have been intentionally breaking the sanctions relating to UNITA representation and travel abroad. Sanctions on identified sanctions busters might include requesting all Member States to revoke any special travel, diplomatic or passport recognition privileges accorded to countries found to have issued passports to senior UNITA officials or other prohibited persons in violation of United Nations sanctions.

On 18 April 2000, the Security Council adopted resolution 1295, giving countries accused of violating sanctions against Angola's UNITA rebels six months to improve their records before deciding whether to impose U.N. penalties on them. In a unanimously adopted resolution, the council warned that it would consider "appropriate action" against violators based on accusations in a blunt report on breaches of the sanctions and a continuing investigation by a monitoring panel.

Resolution:

The final report mentions that Côte d'Ivoire probably still is important to UNITA, largely due to the Ivorian passports issued to UNITA officials. However, the Government has decided to replace all passports in order to remove from circulation passports that were given "loosely" to non-Ivorian nationals.

The interim report of the Panel of Experts of 18 October 2000 did not call for any measures against governments. Additionally, the deadline of **18 November 2000** passed without the imposition of sanctions and in the next resolution of the Security Council on Angola (UNSCR 1336, 23 January 2001) the Council did not consider any secondary sanctions.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (2000031103); HSE; (99-2)

2000031004

Gabon (UN)

An embargo ordered by the United Nations 1998 ago to stop Angolan rebels from using diamonds to pay for their war has been undermined by several African nations. The so-called "Fowler Report", of **10 March 2000**, said widespread sanctions-busting has allowed diamonds to continue playing "a uniquely important role" for the Angolan rebels, whose group is known as UNITA (National Union for the Total Independence of Angola), allowing them to purchase weapons from Bulgaria while buying favors from governments in Africa.

In cataloging the help that African nations have given UNITA, often in exchange for diamonds, the report said that large amounts of fuel were obtained from Gabon, an oil-producing state in West Africa where Mr. Savimbi "maintained a very cordial relationship" with President Omar Bongo. But accusations that Gabon's president violated sanctions on the sale of fuel to UNITA were removed from the final version because of insufficient evidence, according to a member of the panel.

To enhance the effectiveness of the sanctions against the supply of petroleum and petroleum products to UNITA, tighter internal controls should be designed and implemented within Angola. A serious and genuine political initiative is also needed to weed out and punish corrupt officials in government circles and in the private sector who are facilitating the supply of fuel to UNITA.

On 18 April 2000, the Security Council adopted resolution 1295, giving countries accused of violating sanctions against Angola's UNITA rebels six months to improve their records before deciding whether to impose U.N. penalties on them. In a unanimously adopted resolution, the council warned that it would consider "appropriate action" against violators based on accusations in a blunt report on breaches of the sanctions and a continuing investigation by a monitoring panel.

Resolution:

On 27 July 2000, a British foreign office minister, Peter Hain, criticized the authorities in Gabon for failing to take action against the sale of diamonds by Unita in the capital, Libreville. He has in the past condemned the sale of "blood diamonds" to fuel Unita's war effort. In the final report, Gabon was not mentioned anymore.

The interim report of the Panel of Experts of 18 October 2000 did not call for any measures against governments. Additionally, the deadline of **18 November 2000** passed without the imposition of sanctions and in the next resolution of the Security Council on Angola (UNSCR 1336, 23 January 2001) the Council did not consider any secondary sanctions.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

TIES (2000031104)

2000031005

Rwanda (UN)

An embargo ordered by the United Nations 1998 ago to stop Angolan rebels from using diamonds to pay for their war has been undermined by several African nations. The so-called "Fowler Report", of **10 March 2000**, said widespread sanctions-busting has allowed diamonds to continue playing "a uniquely important role" for the Angolan rebels, whose group is known as UNITA (National Union for the Total Independence of Angola), allowing them to purchase weapons from Bulgaria while buying favors from governments in Africa. According to the Fowler Report, Côte d'Ivoire busted sanctions related to diamonds as well as representation and travel.

In order to add credibility and seriousness to sanctions resolutions and restrict UNITA's capacity to evade the sanctions, Member States of the United Nations should apply sanctions against individuals and enterprises discovered to be intentionally breaking United Nations sanctions relating to UNITA diamonds. Sanctions on identified sanctions busters might also include requesting all Member States to revoke any special travel, diplomatic or passport recognition privileges accorded to countries found to have issued passports to senior UNITA officials or other prohibited persons in violation of United Nations sanctions.

On 18 April 2000, the Security Council adopted resolution 1295, giving countries accused of violating sanctions against Angola's UNITA rebels six months to improve their records before deciding whether to impose U.N. penalties on them. In a unanimously adopted resolution, the council warned that it would consider "appropriate action" against violators based on accusations in a blunt report on breaches of the sanctions and a continuing investigation by a monitoring panel.

Resolution:

The interim report stated that Rwanda has not yet imposed any controls on the movement of diamonds through their territory.

The interim report of the Panel of Experts of 18 October 2000 did not call for any measures against governments. Additionally, the deadline of **18 November 2000** passed without the imposition of sanctions and in the next resolution of the Security Council on Angola (UNSCR 1336, 23 January 2001) the Council did not consider any secondary sanctions.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000031105)

2000031006

Zambia (UN)

An embargo ordered by the United Nations 1998 ago to stop Angolan rebels from using diamonds to pay for their war has been undermined by several African nations. The so-called "Fowler Report", of **10 March 2000**, said widespread sanctions-busting has allowed diamonds to continue playing "a uniquely important role" for the Angolan rebels, whose group is known as UNITA (National Union for the Total Independence of Angola), allowing them to purchase weapons from Bulgaria while buying favors from governments in Africa. According to the Fowler Report, Zambia busted sanctions related to representation and travel.

In order to add credibility and seriousness to sanctions resolutions, the Security Council should apply sanctions against Governments found to have been intentionally breaking the sanctions relating to UNITA representation and travel abroad. Sanctions on identified sanctions busters might include requesting all Member States to revoke any special travel, diplomatic or passport recognition privileges accorded to countries found to have issued passports to senior UNITA officials or other prohibited persons in violation of United Nations sanctions.

On 18 April 2000, the Security Council adopted resolution 1295, giving countries accused of violating sanctions against Angola's UNITA rebels six months to improve their records before deciding whether to impose U.N. penalties on them. In a unanimously adopted resolution, the council warned that it would consider "appropriate action" against violators based on accusations in a blunt report on breaches of the sanctions and a continuing investigation by a monitoring panel.

Resolution:

The final report said that limited quantities of fuel are still imported from Zambia. All information received indicating that this is still the case does, however, also underline that nothing enters in significant amounts and that the supplies are often carried by UNITA across the border on foot.

The interim report of the Panel of Experts of 18 October 2000 did not call for any measures against governments. Additionally, the deadline of **18 November 2000** passed without the imposition of sanctions and in the next resolution of the Security Council on Angola (UNSCR 1336, 23 January 2001) the Council did not consider any secondary sanctions.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

2000031007

Bulgaria (UN)

According to the Fowler Report, Bulgaria busted sanctions related to arms and military equipment. The report suggested that Bulgaria's involvement in sanctions-busting should be an obstacle to its joining NATO.

On 18 April 2000, the Security Council adopted resolution 1295, giving countries accused of violating sanctions against Angola's UNITA rebels six months to improve their records before deciding whether to impose U.N. penalties on them. In a unanimously adopted resolution, the council warned that it would consider "appropriate action" against violators based on accusations in a blunt report on breaches of the sanctions and a continuing investigation by a monitoring panel.

Resolution:

Assessing the ban on arms sales to UNITA, the panel said Bulgaria reported efforts to strengthen implementation of the embargo, which will be monitored.

On 5 April 2001, Bulgarian government has cracked down on arms trafficking in a major way. The stinging revelations of a U.N. investigation, together with Bulgaria's desire to join NATO and the European Union, helped push it toward that economically painful step. In the past 18 months, foreign arms sales have dropped to about \$ 100 million a year -- a 90 percent decline from the country's peak years under communism, according to Western officials who have spoken to executives at the Bulgarian arms-trading company Kintex.

The interim report of the Panel of Experts of 18 October 2000 did not call for any measures against governments. Additionally, the deadline of **18 November 2000** passed without the imposition of sanctions and in the next resolution of the Security Council on Angola (UNSCR 1336, 23 January 2001) the Council did not consider any secondary sanctions.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

2000040601

Zimbabwe (EU-US)

On 5 April 2000, Zimbabwe's President Mugabe warned that he is prepared to go to war with Britain over land, i.e. white-owned farms. The declaration, apparently calculated to whip up support at home, came amid claims that he is orchestrating a reign of terror in a desperate attempt to cling on to power as elections loom. According to the Commercial Farmers' Union nearly 1,000 farms had been invaded and 504 were occupied. Opposition leaders and white farmers yesterday reported a wave of arson attacks and assaults. Eight policemen were ambushed and had their automatic rifles taken when they tried to investigate a reported assault on a farm northeast of the capital.

On **6 April 2000**, the United States suspended assistance to Zimbabwe's land reform plan due to government inaction against farm squatters and condemned attacks on property and political demonstrations – after Zimbabwe's parliament allowed the seizure of farms without compensating their white owners. However, the European Commission saw no reason at this stage to join the US in suspending aid to Zimbabwe, despite violence and bloodshed linked to its land reform policy.

At first there was no common European action. Denmark and Norway froze aid, Britain imposed an arms embargo. However, on **4 July 2000**, EU officials announced that future European aid hinges on the restoration of law and order. The World Bank and the IMF also suspended aid to Zimbabwe. As a reaction, Zimbabwe threatened to retaliate by imposing measure that could include the suspension of Democratic rights. In May 2001, Canada suspended aid to Zimbabwe and the EU considered economic sanctions against the government of Mugabe.

On 5 December 2001, the US House of Representatives passed the Zimbabwe Democracy and Economic Recovery Act which allows for targeted sanctions against people identified as responsible for political violence in the country. Over the year 2001, the EU moved closer to impose sanctions. However, the EU foreign ministers threatened with targeted sanctions on 28 January 2002 and imposed travel bans and asset freezes against Mugabe and 19 members of his administration as well as an arms embargo on 18 February. On 22 February 2002, US president Bush also imposed travel sanctions on Mugabe and members of his government.

The European Union and the United States declared that Mugabe's reelection in March 2002 had no democratic legitimacy and threatened a broadening of sanctions. The United States added six Mugabe aides to the travel ban list (19 March) and imposed an arms embargo on 17 April 2002. Switzerland imposed targeted sanctions on Zimbabwe on 19 March 2002 – and New Zealand imposed travel bans on 15 April 2002.

On 22 July 2002, the EU added 52 associates of Zimbabwean President Mugabe to the blacklist. On 13 October 2002, Australia imposed targeted sanctions as well. Norway also aligned its policy the EU. On 7 March 2003, US President Bush added asset freezes to the targeted sanctions against Mugabe and 76 other government officials. On 19 March 2002, a Commonwealth troika -- Australia, Nigeria and South Africa -- suspended Zimbabwe from ministerial meetings of the group. However, the Commonwealth failed to agree on suspending Zimbabwe's membership. But Zimbabwe withdrew from the association when the Commonwealth refused to lift the restrictions in late 2003.

On 2 March 2004, the United States widened the sanctions and banned any transaction with seven government-related businesses. On 23 November 2004, US President Bush has frozen the assets of 128 people and 33 entities deemed to be "hindering democratic reform in Zimbabwe" and thus widened the list of 77 people.

After controversial elections in June 2008, sanctioning countries renewed threats of further restrictive measures. The United States drafted a UN resolution which would impose targeted sanctions and an arms embargo. Russia, China and several African countries refused imposing global sanctions on Zimbabwe. In the aftermath, on 22 July 2008, the EU sanctions blacklist of those linked to Mugabe's government was raised to 172 people, adding 37 individuals and four companies believed to financially support Mugabe and his ZANU-PF party. The US expanded their sanctions on 25 July 2008. In September, Canada joined the US and the EU in extending the sanctions.

In September 2008, Zimbabwe's President Robert Mugabe called for the lifting of what he called "illegally imposed sanctions" on his regime, vowing to cooperate with all countries which respect his country's sovereignty. However, by the end of 2008, the EU, the US and Australia strengthened their sanctions. On 26 January 2009, the EU further tightened sanctions against Zimbabwe.

Resolution:

On 8 May 2009, the executive board of the IMF lifted the suspension of technical assistance to Zimbabwe in targeted areas. The sanctioning countries acknowledged some progress but refused to lift sanctions despite further calls from southern African leaders in September. In 2010, there were only slight changes in the sanctions list despite renewing demand for the lifting of the sanctions in order to make any concessions by Mugabe.

On 15 February 2011, the EU removed 35 people from the blacklist due to progress made by Harare in delivering basic services to its citizens. On 17 February 2012, the EU eased sanctions to encourage further progress in political reforms and thus removed targeted sanctions on 51 individuals and 20 entities. The US made clear in May that it would not lift sanctions before there are signs of permanent political reforms. On 23 July 2012, the EU promised to lift most of the sanctions slapped against Zimbabwe a decade ago if the country holds a "credible" vote on a new constitution.

On 18 February 2013, the EU removed 21 people out of 112, and one entity out of 11. On 16 March 2013, Zimbabwe held a constitutional referendum. The EU afterwards suspended most of its sanctions. However, President Robert Mugabe remained among 10 Zimbabweans still targeted by an EU travel ban and assets freeze. The EU suspended its sanctions in the lead-up to the July 31 vote to reward the coalition government for reforms that included a new constitution as well as encourage the country to hold free and fair elections – but did not remove the sanctions. Australia joined the EU in rewarding the government. On 25 September 2013, the EU lifted sanctions (following the murder of hundreds of so called illegal diamond panners by state security forces) against the Zimbabwe Mining Development Corporation which was also accused to trade illegal diamonds.

The EU on 17 February 2014 lifted a visa ban and assets freeze against members of Zimbabwe's ruling elite with the exception of President Robert Mugabe and his wife, who remain blacklisted. The European Union on 16 February 2015 unveiled a \$270 million aid package to support Zimbabwe's agriculture and health sectors, marking the resumption of direct funding after more than 10 years. On 20 February 2017, the EU renewed the listings of the 7 people and 1 entity targeted by its Zimbabwe sanctions as well as the arms embargo with certain exceptions.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (EU_ZWE_02; US_ZWE_02) TIES (2000040601); HSE

2000040901

Haiti (EU-US)

In the spring of 2000, the US troops who helped Aristide back into power under Operation Restore Democracy are all gone but democracy isn't looking very healthy. On **9 April 2000**, pressure was building for economic sanctions against Haiti, as politicians in Washington start to lose patience with the country. "We are deeply troubled by the failure of the Haitian government to set a new date for elections," said Peter Romero, the State Department's assistant secretary for Western Hemisphere affairs. The deadline is the end of May. If there are no polls before then, then the new parliamentary term starts on 12 June, and it will be too late. That "would risk isolating Haiti from the community of democracies and jeopardise future cooperation", said Mr Romero. The US may even apply sanctions.

Defying threats of an international aid cutoff, Haiti's leaders were sticking with disputed election results in July 2000 that could give former President Jean-Bertrand Aristide a stranglehold on power for a decade. On 24 July 2000, Japan blocked development aid to Haiti.

Following the election, the European Union expressed disquiet about the electoral process in its declaration of **12 July 2000** and signalled to the Haitian Government that failure to take account of its concerns might have repercussions on cooperation with Haiti. The Council of the European Union therefore decided on 2 August 2000 to invite the Haitian authorities and the ACP States to enter into consultations with a view to a thorough examination of the situation.

On 5 September 2000, the Clinton administration threatened again to impose economic sanctions against Haiti unless it strengthens democratic procedures in advance of presidential and legislative elections set for 26 November – following serious irregularities and deficiencies that were evident during parliamentary runoff elections in May. A Report to Congressional Requesters of **17 October 2000** indicated that Congress banned any U.S. assistance from being channeled through the Haitian government. The United States did also not send observers or provide electoral assistance to support presidential elections in Haiti because authorities there had refused to address "serious irregularities" dating from legislative and local elections in May.

The European Union suspended government-to-government economic assistance to Haiti on **29 January 2001** – after the opposition party boycotted Haiti's November 2000 elections won by Jean-Bertrand Aristide, leader of the Lavalas party, and following consultations within the Cotonou Partnership Agreement.

Resolution:

Rebels took control of much of the country in February 2004, and President Jean-Bertrand Aristide went into exile. The United States and UN peacekeeping troops intervened to quell the ensuing violence. In March 2004, Aristide attempted to return to Haiti but was forced instead to go to Jamaica, and then to South Africa, where he gained asylum.

On **20 July 2004**, the United States and other donors resumed aid to support the Haitian people through the Interim Cooperation Framework. The European Union unblocked \$87 million in development aid for Haiti on **17 October 2005**.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

GIGA (EU_HTI_01; US_HTI_02 HSE: (post-2000)

2000041401

North Korea (US)

On **14 April 2000**, the US imposed new sanctions against North Korea for engaging in the export of military technology, namely on a North Korean firm (Changgwang Sinyong Corp.) over Iran missile exports according to the Iran Nonproliferation Act of 2000 as missile technology has been sold to Iran.

Talks between US and North Korea to end missile exports end in deadlock over North Korean demand for compensation of \$1 billion annually.

In 2002, the US imposed further (symbolic) targeted sanctions against Changgwang Sinyong Corp. (the marketing arm for Pyongyang's missile export program) for selling Scud missile components to Yemen. In 2003, the US imposed sanctions for selling missiles to Pakistan. In 2004, the same company exported weapons to Nigeria.

Resolution:

Ongoing. Changgwang Sinyong Corp. is still on the SDN list of the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

GIGA; (US_PRK_93); TIES (2001020101); HSE; (93-1)

<https://piie.com/commentary/speeches-papers/case-50-1-and-93-1>

2000042501

Peru (US)

In May and June 2000, contentious elections were scheduled in Peru. The opposition accused the government of irregularities and a lack of transparency. The OAS and the US called for a postponement of the elections to ensure a fair procedure and threatened sanctions otherwise. On **25 April 2000**, President Clinton signed a congressional resolution warning Peruvian President Alberto Fujimori that Peru could face political and economic sanctions if international monitors continue to report electoral irregularities. The European Union and the United States withdrew election observers.

Resolution:

Peruvian president Fujimori insisted on holding the elections at the scheduled date. The OAS took a resolution criticizing the election, but rejected a US proposal to impose sanctions. On **2 June 2000**, American diplomats have ruled out U.S. calls for sanctions against Peru

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score).

Source:

TIES (2000052101)

2000060101

Fiji (EU-US)

In May 2000, the businessman George Speight took the Fiji Prime Minister Mahendra Chaudhry, his cabinet and members of parliament hostage and wanted to take over power. Subsequently, a broad coalition of countries threatened and imposed economic sanctions against Fiji. The European Union condemned the 19 May 2000 coup and has expressed its deep concern at the ensuing political events in Fiji, deploring the deposing of President Ratu Sir Kamisese Mara, the taking hostage and the unconstitutional replacement of the democratically elected government, and the repeal of the 1997 Constitution. The Commonwealth Secretary-General Don McKinnon said in a statement from London that he was "sad and angry" at the coup in the South Pacific islands, and warned that the country risked sanctions from the 54-nation grouping.

The US State Department said on **1 June** that it is considering a range of punitive actions against the military leaders in Fiji who declared martial law following a coup staged by rebels. The 15-member EU has threatened to stop subsidizing the Fijian sugar industry by favorable trade agreements. On 6 June 2000, Commonwealth foreign ministers voted to suspend Fiji from the organization's councils as the parliamentary hostage standoff in the Pacific nation drags on. On 17 July, the New Zealand government announced a raft of sanctions, including the halving of its development aid. It also published a list of 300 people involved in the coup, who it said would be banned from entering the country, and ended a series of military and student exchanges. Australia will cancel most non-humanitarian aid programs to Fiji among a range of sanctions stopping short of major trade bans.

On **19 July 2000**, Washington has suspended all security assistance and defense cooperation with Fiji, and is examining whether to apply a federal law that would immediately cancel all aid if an elected government is deposed. The United States and Britain took the lead from Australia and New Zealand. On 25 July 2000, the EU presidency declared that the European Union will consider appropriate measures if these conditions are not fulfilled as soon as possible and may well be obliged to review its policy towards Fiji – particularly as regards development cooperation should the democratic rule of law not be restored. On **28 April 2001**, the EU suspended foreign aid to Fiji until free and fair elections have taken place and a legitimate Government has assumed office.

Resolution:

Australia lifted its sanctions on 5 October 2001 since Fiji has made clear progress. On 20 December, Fiji was readmitted in the Commonwealth and New Zealand lifted its sanctions on 21 December. The United States suspended aid but resumed assistance in **September 2003** after the government "resolved political differences between its ethnic communities in a manner consistent with Fiji's constitution," according to the 2006 annual report of the State Department. On **17 November 2003**, the Council decided to resume aid to Fiji without restrictions. Elections were held in August/September 2001. These were declared free and fair. However the composition of government was ruled not to be in conformity with the constitutional. In response to a ruling by the Fijian Supreme Court in July 2003 the Government has now complied with Fiji's Constitutional Law.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

GIGA; (EU_FJI_01); TIES (2000051901); HSE; (post-2000)

P 108/00; 2001/334/EC; L120/35; IP/03/1555

2000061401 Tajikistan (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Tajikistan ratified the Rome Statute on **5 May 2000**.

Resolution:

Tajikistan signed the agreement on 27 August 2002. The agreement entered into force on **23 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000061401)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061402

Belize (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

On **1 July 2003**, the State Department declared Belize ineligible to receive military assistance.

Resolution:

Belize signed the agreement which entered into force on **8 December 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000061402)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061403

Senegal (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Resolution:

Senegal signed the agreement on 21 June 2003. The agreement entered into force on **27 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000061403)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061404

Ghana (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Resolution:

Ghana signed the agreement at Accra on 17 April 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **31 October 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000061404)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061405

Venezuela (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

On **1 July 2003**, the State Department declared Venezuela ineligible to receive military assistance. However, Venezuela did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000061405)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061406

Bolivia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

On 1 July 2003, the State Department issued a waiver on ASPA provisions until **1 January 2004** because Bolivia signed the agreement on 19 May 2003. However, the House did not ratify the agreement, the waiver has not been extended. In December 2004, the US threatened to cut off all type of aid to Bolivia.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000061406)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061407

Fiji (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

On **1 July 2003**, the State Department declared Fiji ineligible to receive military assistance.

Resolution:

Fiji signed the agreement at Suva on **17 December 2003**. The agreement entered into force on the same day.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000061407)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061409

San Marino (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

San Marino did not sign the agreement. However, San Marino also did not receive US aid.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000061409)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061411

Trinidad and Tobago (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on **14 June 2000**.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

On **1 July 2003**, the State Department declared Trinidad and Tobago ineligible to receive military assistance. However, Trinidad and Tobago did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000061411);

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000061601

Uganda (UN)

Uganda and Rwanda both sent troops to Congo in 1998 to back rebels seeking to overthrow former President Laurent Kabila. Both countries also sought to secure their borders from attacks by Rwandan and Ugandan rebels operating in Congo. In 1999, all warring sides in the Congo war signed a peace agreement in Lusaka, Zambia. The Lusaka accords are designed to bring democracy to Congo.

In June 2000, the Security Council opened initial consultations on a French draft resolution demanding Rwanda and Uganda withdraw from Congo and warning of possible sanctions against them if they don't. It wasn't at all clear, however, if the sanctions threat would remain. On 17 June 2000, the Rwandan army withdrew from Kisangani, the U.N. military observers said, while Ugandan forces were still in the process of pulling out from the northern Congolese city where the two former allies had clashed repeatedly. In New York, the U.N. Security Council demanded on **16 June 2000** (UNSCR 1304) that Rwanda and Uganda withdraw their forces from Congo immediately and threatened to consider sanctions if they don't pull out.

On 28 December 2000, the UNSC again urged Rwanda and Uganda to halt military offensives in the Democratic Republic of the Congo, and to withdraw their forces from that country. But it stopped well short of reacting to a call from the government of DRC to slap an arms embargo and other sanctions on Rwanda and Uganda, which back rival rebel groups opposed to President Laurent Kabila.

A U.N.-appointed panel investigating the illegal plundering of resources in war-ravaged Congo urged the Security Council on 16 April 2001 to punish Rwanda, Uganda and Burundi for their exploitation by halting all their trade in diamonds, gold, timber and minerals. The panel called for trade sanctions against Rwanda, Uganda and Burundi until the council declares that their exploitation of Congo's resources has stopped. Any country breaking this embargo should face sanctions, it said. The interim report recommended a mandatory arms embargo and a freeze on the rebels' financial assets. It also said the International Monetary Fund and the World Bank should suspend aid to Rwanda and Uganda, the rebels' supporters, until peace has been achieved.

On 29 April 2001, Uganda's president withdrew from a peace accord designed to end Congo's 2 1/2 year war Sunday, saying a U.N. report on the exploitation of the DRC's natural resources proved the world's indifference to the region and misunderstanding of the causes of the conflict.

On 4 May, the U.N. Security Council urged Rwanda, Uganda and Burundi to investigate allegations that they plundered Congo's rich mineral deposits during its civil war, asking that they take immediate steps to end illegal exploitation.

Resolution:

The plunder of natural resources in the war-torn Democratic Republic of Congo continues unabated, a UN panel said on **20 November 2001**, while softening a previous call for punitive measures to stop it, recommending a moratorium on imports of gold, diamonds, copper, cobalt, timber, coffee and other valuable commodities from rebel-held areas of the central African nation.

A judicial commission set up 19 months ago to probe allegations that Ugandan officials were involved in the plunder of natural resources in the Democratic Republic of Congo on 31 January 2003 handed its report to the government.

In the report of October 2002, the panel of experts recommended sanctions against companies and people who exploited resources during the war in the DRC. The Security Council on 28 July 2003

(UNSCR 1493) imposed a ban on military and financial support for armed groups in eastern Congo but only urges Rwanda and Uganda to contribute to peace in the region.

A U.N. Security Council panel of experts said in a report made public in January 2005 that Rwanda and Uganda continue to funnel weapons and military support into eastern Congo despite a current arms embargo.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2000061602 Rwanda (UN)

Uganda and Rwanda both sent troops to Congo in 1998 to back rebels seeking to overthrow former President Laurent Kabila. Both countries also sought to secure their borders from attacks by Rwandan and Ugandan rebels operating in Congo. In 1999, all warring sides in the Congo war signed a peace agreement in Lusaka, Zambia. The Lusaka accords are designed to bring democracy to Congo.

In June 2000, the Security Council opened initial consultations on a French draft resolution demanding Rwanda and Uganda withdraw from Congo and warning of possible sanctions against them if they don't. It wasn't at all clear, however, if the sanctions threat would remain. On 17 June 2000, the Rwandan army withdrew from Kisangani, the U.N. military observers said, while Ugandan forces were still in the process of pulling out from the northern Congolese city where the two former allies had clashed repeatedly. In New York, the U.N. Security Council demanded on **16 June 2000** (UNSCR 1304) that Rwanda and Uganda withdraw their forces from Congo immediately and threatened to consider sanctions if they don't pull out.

On 28 December 2000, the UNSC again urged Rwanda and Uganda to halt military offensives in the Democratic Republic of the Congo, and to withdraw their forces from that country. But it stopped well short of reacting to a call from the government of DRC to slap an arms embargo and other sanctions on Rwanda and Uganda, which back rival rebel groups opposed to President Laurent Kabila.

A U.N.-appointed panel investigating the illegal plundering of resources in war-ravaged Congo urged the Security Council on 16 April 2001 to punish Rwanda, Uganda and Burundi for their exploitation by halting all their trade in diamonds, gold, timber and minerals. The panel called for trade sanctions against Rwanda, Uganda and Burundi until the council declares that their exploitation of Congo's resources has stopped. Any country breaking this embargo should face sanctions, it said. The interim report recommended a mandatory arms embargo and a freeze on the rebels' financial assets. It also said the International Monetary Fund and the World Bank should suspend aid to Rwanda and Uganda, the rebels' supporters, until peace has been achieved.

On 4 May, the U.N. Security Council urged Rwanda, Uganda and Burundi to investigate allegations that they plundered Congo's rich mineral deposits during its civil war, asking that they take immediate steps to end illegal exploitation.

On 11 November 2001, DRC President Kabila demanded sanctions against Rwanda because Rwanda is actually reinforcing its military presence in the Congo.

Resolution:

The plunder of natural resources in the war-torn Democratic Republic of Congo continues unabated, a UN panel said on **20 November 2001**, while softening a previous call for punitive measures to stop it, recommending a moratorium on imports of gold, diamonds, copper, cobalt, timber, coffee and other valuable commodities from rebel-held areas of the central African nation.

In the report of October 2002, the panel of experts recommended sanctions against companies and people who exploited resources during the war in the DRC. Rwanda dismissed a United Nations report claiming Rwandan military officers were involved in looting natural resources and other goods from the Democratic Republic of Congo (DRC). The Security Council on 28 July 2003 (UNSCR 1493) imposed a ban on military and financial support for armed groups in eastern Congo but only urges Rwanda and Uganda to contribute to peace in the region.

The Rwandan military is backing a rebel group that has battled Congolese forces and U.N. peacekeepers in eastern Congo, a flagrant violation of U.N. sanctions and the terms of a fragile peace accord, an unpublished U.N. report says in July 2004.

A U.N. Security Council panel of experts said in a report made public in January 2005 that Rwanda and Uganda continue to funnel weapons and military support into eastern Congo despite a current arms embargo.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2000071701

Liberia (UN-EU-US)

The United Nations Panel of Experts found that diamonds represent a major and primary source of income for the Revolutionary United Front (RUF), that the bulk of RUF diamonds leave Sierra Leone through Liberia and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials. So the Liberian government was accused to support the rebels in Sierra Leone's civil war. On 5 July 2000, the UN imposed a diamond ban and explicitly named Liberia as a transit point for illicit diamond sales (UNSCR 1306).

On **10 June 2000**, Britain called to block a European aid package for Liberia. The EU suspended aid on **13 June 2000**.

On **17 July 2000**, the US threatened to impose sanctions on Liberia unless it terminates the support of rebels in Sierra Leone.

On 31 July 2000, the United States and Britain threatened to impose sanctions on Liberia. Officials said they could include denying entry visas to senior government officials, freezing assets in the United States, blocking foreign aid and pressing for wider sanctions in the U.N. Security Council.

On **11 October 2000**, President Bill Clinton announced diplomatic sanctions against Liberian President Charles Taylor, his family and closest aides, barring them from entering the United States until they end their support for rebels in neighboring Sierra Leone. The State Department announced that it was withdrawing all of its non-essential staff from Liberia and because of expected anti-US demonstrations due to the sanctions.

Members of the UN Security Council began studying a draft resolution on 18 January 2001 to greatly extend an eight-year-old arms embargo to curb its support for rebels in Sierra Leone, after a UN Panel of Experts called for an embargo on diamonds from Liberia on **19 December 2000**. If adopted, it would also ban trade in rough diamonds and tropical woods from Liberia, deny all flights into and out of the country, and restrict travel by senior members of President Charles Taylor's government.

On **7 May 2001**, the UN imposed an arms embargo, a ban on diamond exports and a travel ban on former President Charles Taylor and his top associates (UNSCR 1343). The economic sanctions include a ban on imports of all rough diamonds originating in or passing through Liberia, and restrictions on air travel by senior Liberian government and military officials and their wives.

On **11 August 2003**, President Charles Taylor was to hand over power to his vice president before heading into exile in Nigeria after months of crushing international pressure. However, with UNSCR 1521, the sanctions were reimposed until all demands were fulfilled. The Security Council, in 2004, furthermore placed several other Liberians on the travel ban and assets freeze list for their links to former President Charles Taylor.

Resolution:

On 23 July 2001, the EU decided to open consultations under article 96 of the Cotonou Agreement. The Council Decision of 25 March 2002 introduced additional conditionality for new aid. On 25 August 2003, the EU agreed to relax restrictions on aid after signing the peace pact in August 2003 which forced exit of President Taylor. On **27 June 2006**, the Council lifted all ACP measures.

In June 2006, the embargo was modified by UN Security Council resolution 1683 which also lifted the sanctions on wood. In the same year, the IMF lifted a financial embargo. In July 2007, the UNSC lifted the sanctions on diamonds. In December, the UN lifts sanctions against ex-government officials. On

17 December 2009, the UN Security Council lifted the arms embargo on the government (UNSCR 1903). The remaining targeted sanctions were still directed to former President Taylor.

HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score) (HSE)

Source:

GIGA (UN_LBR_01); TIES (2000080102); HSE (92-1)

UNSCR 1343; UNSCR 1521; UNSCR 1903

COM/2002/0103

2002/274/EC; 2003/631/EC; 2006/450/EC

<http://news.bbc.co.uk/2/hi/africa/789128.stm>

2000073101

Burkina Faso (US)

Human Rights Watch said on 14 May 2000 that the United Nations has failed to enforce an arms embargo against Sierra Leone's rebels, enabling them to obtain weapons and prolong the West African nation's civil war.

On **31 July 2000**, the United States and Britain publicly accused Liberia and Burkina Faso of fueling the war in Sierra Leone by helping its notorious rebels sell diamonds and buy arms. "The United States intends to support measures against both Burkina Faso and Liberia unless they cease their support for the war in Sierra Leone," U.S. Ambassador Richard Holbrooke warned. U.S. officials said the measures under consideration include freezing the foreign assets of both countries and visa restrictions on senior officials. Washington is also prepared to reexamine U.S. assistance, the officials said. The two countries demanded proof of the allegations, but promised to cooperate with investigations and asked for aid to end the illegal trade in diamonds and arms in their countries.

Resolution:

The Security Council's resolution of early July 2000 referred to illegal diamonds being shipped through neighboring Liberia but didn't mention Burkina Faso. On 19 December 2000, a UN Panel of Experts called for an embargo on diamonds from Liberia but not from Burkina Faso. After the new report, the United States and Britain considered sanctions on Liberia but did not mention Burkina Faso anymore – even though the report mentioned Burkina Faso as being a country favored by rebel movements as a means of trafficking diamonds and arms.

On **7 March 2001**, Liberia banned the export of so-called "blood diamonds" in a last-ditch attempt to avoid further UN sanctions. Burkina Faso was no issue anymore when the UN passed resolution 1343 on the same day.

On 18 December 2001, Burkina Faso's ruling party says it will support Liberian opposition leaders trying to oust Liberian President Charles Taylor.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (2000080101)

2000081601

Mali (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Mali ratified the Rome Statute on **16 August 2000**. On **1 July 2003**, the State Department declared Mali ineligible to receive military assistance. However, Mali did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000081601)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000090601

Lesotho (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Lesotho ratified the Rome Statute on **6 September 2000**. On **1 July 2003**, the State Department declared Lesotho ineligible to receive military assistance.

Resolution:

Lesotho signed the agreement on at Maseru on **21 June 2006** which entered into force on the same day.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000090601)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000090801

Botswana (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Botswana ratified the Rome Statute on **8 September 2000**.

Resolution:

Botswana signed the agreement on 30 June 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **28 September 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002090801)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000091502

Sierra Leone (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Sierra Leone ratified the Rome Statute on **15 September 2000**.

Resolution:

Sierra Leone signed the agreement on 31 March 2003 in Freetown. The agreement entered into force on **20 May 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000091502)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000091801

Indonesia (US)

On 6 September 2000, thousands of militia members and their supporters stormed a U.N. office in West Timor, killing three foreign U.N. staffers who worked to help refugees and burning their bodies. A U.N. force flew into the Indonesian territory to evacuate remaining workers. On **18 September 2000**, U.S. Defense Secretary William Cohen met with President Abdurrahman Wahid and other leading officials to get them to disband militia groups that have killed U.N. peacekeepers and aid workers on Timor island. Cohen warned the government to take action against the army-controlled gangs or risk international isolation – and lose crucial economic aid if it does not end militia violence on the divided island of Timor. On 29 September 2000, Britain joined the United States in warning Indonesia that it risked losing foreign aid if it doesn't disarm militias in West Timor and arrest those responsible for slaying three U.N. aid workers.

At first, defense minister, Mahfud M.D., has publicly accused Australia of being behind the attack on the U.N. office, claiming that the killings were designed to prevent East Timor's reintegration into Indonesia. Moreover, President Wahid said that although the militias have already been disarmed, many of them had concealed their weapons in jungles and mountains where it was difficult for the security forces to find them, according to Mahfud.

Resolution:

Indonesia's president confronted the country's two biggest problems – corruption and violence – on 4 October 2000, when he refused to pardon the youngest son of former dictator Suharto and ordered the arrest of a Timorese militia chief, Eurico Guterres, as part of a U.N.-demanded move against gangs causing havoc in Indonesian-controlled West Timor.

An upcoming meeting of Indonesia's main donors is unlikely to withhold aid pledges for the country, a visiting British government minister, Britain's International Development Minister Clare Short, said on 11 October 2000. Indonesia has been warned by the World Bank and the United States that financial aid would be jeopardized if it failed to disarm and disband East Timorese militias in West Timor following the slaying of three UN relief workers at the hands of militiamen. Short said she had been told that only 80 light weapons had been handed in under the disarmament effort. "We think there's been some progress. It needs driving forward and the international community needs to support these efforts," Short said. Indonesia's major donors on **18 October 2000** pledged 4.8 billion dollars in new aid loans at a World Bank-chaired meeting in Tokyo, but urged more action to restore security in militia-plagued West Timor. "Indonesia has very much recognised the problem, and committed itself to do what is in its power. But there is obviously resistance from within the army," a European diplomat said.

The United States said on 4 May 2001 it was "extremely disappointed" with lenient sentences handed down to six East Timorese men for the murders last year of three UN aid workers, one of whom was American. The U.S. government will insist that Indonesia bring to justice all those responsible for the murder last year of Carlos Caceres, an U.S. relief worker, a senior State Department official said on 30 August 2001. However, no sanction threats were issued.

HSE Score:

3 (policy result) X 3 (sanctions contribution) = 9 (sanctions success)

Source:

TIES (2000091801)

2000092001

Gabon (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Gabon ratified the Rome Statute on **20 September 2000**.

Resolution:

Gabon signed the agreement which entered into force on **15 April 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000092001)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000112701

South Africa (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

South Africa ratified the Rome Statute on **27 November 2000**. On **1 July 2003**, the State Department declared South Africa ineligible to receive military assistance. However, South Africa did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2000112701)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000120701

Marshall Islands (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

The Marshall Islands ratified the Rome Statute on **7 December 2000**.

Resolution:

The Marshall Islands signed the agreement at Majuro on 10 September 2002 which entered into force on **26 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2000120701)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

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<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000122001

Gambia (UN)

On 20 December 2000, Gambia was accused by a UN report of violating U.N. embargoes on trade in arms and rough diamonds with Sierra Leone. The U.N. panel probing the illicit diamonds-for-arms trade in Sierra Leone called for the Security Council to prohibit Liberian and Gambian diamond sales. The UK and the US threatened to impose an economic embargo on diamond sales from Gambia. Diplomats said Washington had begun drawing up measures against Liberia, although no document is expected to be introduced yet.

On 3 January 2001, the Gambian government denied claims by a United Nations panel that it is involved in trafficking so-called conflict diamonds, thereby aiding rebels in Angola and Sierra Leone. "It is true that a lot of private Gambian citizens have been involved in the informal diamond trade, particularly in Sierra Leone and Angola, and these activities date well before independence," the statement said. "Therefore, while it is likely that diamonds may be transiting through Gambia to other European Union destinations, the government of Gambia has neither condoned nor involved itself in such transactions and consequently does not derive any revenue from this trade, either through taxes or otherwise."

Resolution:

Sanctions were not imposed – and threats were not reiterated. However, Gambia seemed to be lasting a destination of illegal diamonds.

The panel, in its report of **26 October 2001** did not mention Gambia. In the report of 25 October 2002, the panel claimed that Gambia "remains a nerve centre for diamond smuggling in West Africa". However, no sanction threats were mentioned. Instead, the report said that Gambia "should not be able to issue its own certificates of origin, since this would potentially weaken the system. It could, however, become a regulated transit country."

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2000122001)

2000122801

Austria (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Austria ratified the Rome Statute on **28 December 2000**. Austria did not sign the agreement. However, Austria also did not receive US aid affected by ASPA.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000122801)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2000122901

Finland (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Finland ratified the Rome Statute on **29 December 2000**. Finland did not sign the agreement. However, Finland also did not receive US aid affected by ASPA.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

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<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001011701

Former Republic of Yugoslavia (US)

Issue: Cooperation with the International Criminal Tribunal

Executive Order 13192 of **17 January 2001** lifted the economic sanctions against Yugoslavia but, at the same time, blocked the property of Milosevic, his close associates and other persons, and those individuals capacity to repress democracy or perpetrate or promote further human rights abuses. Moreover, the US demand full cooperation with the International Criminal Tribunal for the former Yugoslavia. On 26 June 2001, executive order 13219 reaffirms the blocking of the property of persons who threaten the international stabilization efforts in the Western Balkans. The US has threatened to block aid pay-outs if no progress is made. Contrarily, an EU delegation said that it would set no deadline for cooperation. On 2 April 2001, the State Department said that U.S. assistance to Yugoslavia will continue, following the arrest of former President Slobodan Milosevic.

On 1 April 2002, US Secretary of State Colin Powell on Monday indefinitely postponed a decision to certify Yugoslavia's cooperation with a UN war crimes tribunal, a move that keeps millions of dollars in much-needed assistance to Belgrade frozen. US assistance to Belgrade was frozen at midnight on Sunday when a March 31 deadline for Powell to certify its full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) passed with no action.

Resolution:

However, on 21 May 2002, the Bush administration certified that Yugoslavia is cooperating with an international war-crimes tribunal, paving the way for the resumption of US aid and international loans. Secretary of State Powell made the FY2003 certification on 15 June 2003. On **28 May 2003**, Executive Order 13304 terminated the national emergency in the Western Balkans. After the collapse of Slobodan Milosevic's regime in Serbia in 2000, President Clinton suspended or lifted all sanctions on the former Yugoslavia with the exception of those on Milosevic and his associates. Milosevic is now on trial for war crimes at the International Criminal Tribunal for the former Yugoslavia in The Hague. Still, the executive order introduced additional steps with respect to acts obstructing implementation of the Ohrid Framework Agreement of 2001 relating to Macedonia. Bush's new order retains a freeze on property and assets of anyone charged with war crimes and crimes against humanity, as well as those who "pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region." These measures were extended beyond 26 June 2016 but are not government-related.

The situation has been significantly altered by the peaceful transition to democracy and other positive developments in Serbia and Montenegro (formerly the Federal Republic of Yugoslavia). But the threat constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia and Herzegovina or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, has not been resolved.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2001020801); GIGA; (US_FRY_99); HSE; (91-1)

<https://www.whitehouse.gov/the-press-office/2016/06/21/message-continuation-national-emergency-respect-western-balkans>

2001021601

Israel (EU)

The European Union pressed Israel on **16 February 2001** over the economic impact of its security measures that prevent Palestinians reaching their jobs in Israel and the suspension of tax transfers to the Palestinian authorities. Israeli newspaper claimed that the French Government and the Danish Foreign Minister recommended EU sanctions against Israel. Both EU countries denied these reports. However, the Belgian foreign minister, Louis Michel, whose government is next in line for the European presidency, angered the Israeli government by threatening EU sanctions.

In May 2001, rumors circulated that the EU will threaten the suspension of a free trade accord that took effect last June. However, the Commission stressed that it has no intention of imposing economic sanctions on Israel – and the EU-Israel Association Committee meeting in Brussels was not used to threaten to impose economic sanctions.

In November 2001, the EU, one of the main financial backers of the Palestinian Authority, said in a declaration during the association meeting that it understands Israel's security concerns, but violations of human rights and other international laws must stop. Of particular concern, it said, were "extra-judicial killings of Palestinians carried out by Israeli security forces."

On 4 February 2002, the European Union informed Israel it may seek reparations for dflrs 14.7 million worth of EU-funded projects in the West Bank and Gaza Strip destroyed by Israeli troops in the past 16 months of fighting in what one EU official called "vandalism." Moreover, by the end of February, the EU urged Israel to lift all restrictions on Palestinian leader Yasser Arafat as part of a package of measures towards Middle East peace. The European Council concluded on 15 and 16 March 2002 that "Israel, notwithstanding its right to fight terrorism, must immediately withdraw its military forces from areas placed under the control of the PA, stop extra-judicial executions, lift the closures and restrictions, freeze settlements and respect international law. Both parties must respect international human rights standards."

On 9 April 2002, Romano Prodi, President of the European Commission, called for early talks with Mr Ariel Sharon's government to discuss the EU-Israel association agreement, which provides for preferential trade and political dialogue. "The Israeli government must immediately pull out its forces from recently occupied territories," he said, warning of a "major humanitarian crisis" in the West Bank. Prodi's remarks followed weekend statements by several EU governments suggesting that sanctions could be imposed if Israel continued to defy US and European demands for a pull-back. Josep Pique, the Spanish Foreign Minister and current holder of the EU presidency, said EU foreign ministers would discuss sanctions against Israel if it went on rejecting calls for a ceasefire.

After Israel had defied urgent calls for a ceasefire in the Palestinian territories, the European Parliament on **10 April 2002** issued a resolution to impose sanctions against Israel: suspending the trade agreement and imposing an arms embargo. But suspending the pact with Israel would require the unanimous approval of all the member states – something that political analysts said is unlikely to materialize in the immediate future. European Commission president Romano Prodi said that the association agreement must stay in effect, in order to maintain a channel for dialogue with the Israelis. On 11 April, the EU commissioner in charge of administrative reforms said that sanctions against Israel would not serve as an effective tool to try to end the violence in the Middle East. Moreover, Germany is set to make its European partners angry, as the German foreign affairs minister Joschka Fischer intends to block again economic sanctions against Israel. The German government will however be ready to criticize the Israeli government for his military offensive in the Palestinian territories.

Even though the US, UN, EU and Russia called for halt to Israeli offensive, no other sender issued a sanctions threat.

Resolution:

The tensions between Israel and Palestine continued. However, no further sanction threats were issued even though the situation did not improve at all: Israel blocked a U.N. fact-finding team to look into fighting at the Jenin refugee camp in the end of April 2002 – and military attacks further occurred in Gaza and the West Bank. In 2005, then Israeli prime minister Ariel Sharon withdrew Israeli forces and settlements from the Gaza Strip. Nonetheless, Israel is then still considered to occupy de facto Gaza's borders, air space and territorial waters.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score).

Source:

TIES (2001112001);

2001041601 Burundi (UN)

A U.N.-appointed panel investigating the illegal plundering of resources in war-ravaged Congo urged the Security Council on **16 April 2001** to punish Rwanda, Uganda and Burundi for their exploitation by halting all their trade in diamonds, gold, timber and minerals. The panel called for trade sanctions against Rwanda, Uganda and Burundi until the council declares that their exploitation of Congo's resources has stopped. Any country breaking this embargo should face sanctions, it said. The interim report recommended a mandatory arms embargo and a freeze on the rebels' financial assets. It also said the International Monetary Fund and the World Bank should suspend aid to Rwanda and Uganda, the rebels' supporters, until peace has been achieved.

On 4 May, the U.N. Security Council urged Rwanda, Uganda and Burundi to investigate allegations that they plundered Congo's rich mineral deposits during its civil war, asking that they take immediate steps to end illegal exploitation.

Resolution:

Burundi was ready to pursue dialogue with all parties to secure the borders and end all the tensions tearing the region apart. Burundi was still prepared to offer its full cooperation to the Panel, and would carry out its own inquiry into the involvement of Burundians in the illegal exploitation of Congolese resources.

The plunder of natural resources in the war-torn Democratic Republic of Congo continues unabated, a UN panel said on **20 November 2001**, while softening a previous call for punitive measures to stop it, recommending a moratorium on imports of gold, diamonds, copper, cobalt, timber, coffee and other valuable commodities from rebel-held areas of the central African nation.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

2001043001

Andorra (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Andorra ratified the Rome Statute on **30 April 2001**. Andorra did not sign the agreement. However, Andorra also did not receive US aid affected by ASPA.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001043001)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001040501

China (US)

In April 2001, a US air plane entered the Chinese airspace and collided with a Chinese plane. The crew of the American plane was arrested and questioned. The US demanded the immediate release of the plane and the crew and threatened sanctions.

President George W. Bush on 3 April 2001 adopted a steely new tone on the affair, saying it was time for Beijing to act or risk escalating a row which erupted on 1 April 2001 when a E-P3 Aries plane made an emergency landing in China after colliding with a Chinese fighter.

On **5 April 2001**, some lawmakers urged caution over moves in the House to wipe out China's normal trade status with the United States as a way to punish China for its refusal to free 24 crew members of a U.S. spy plane damaged in a collision with a Chinese jet fighter.

US lawmakers turned up their anti-China rhetoric on 15 April 2001 ahead of crucial talks aimed at resolving the still-simmering Sino-US spy plane crisis, warning Beijing its behavior could threaten its trade with the United States.

Resolution:

The United States and China reached an agreement involving a compromise on both sides. The United States gave up on the cheaper and quicker option – repairing the plane on site and then flying it out. On **3 July 2001**, the spy plane left China, marking the end of the 1 April incident that shook U.S.-Chinese relations.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (2001040101)

2001051401

Paraguay (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Paraguay ratified the Rome Statute on **14 May 2001**. On **1 July 2003**, the State Department declared Paraguay ineligible to receive military assistance. However, Paraguay did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001051401)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001052101

Croatia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Croatia ratified the Rome Statute on **21 May 2001**. On **1 July 2003**, the State Department declared Croatia ineligible to receive military assistance. However, Croatia did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000061410)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001060701

Costa Rica (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Costa Rica ratified the Rome Statute on **7 June 2001**. On **1 July 2003**, the State Department declared Costa Rica ineligible to receive military assistance. However, Costa Rica did not sign the agreement as it will "maintain the integrity of the Rome Statute".

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2002020502)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001061801

Antigua & Barbuda (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Antigua and Barbuda ratified the Rome Statute on **18 June 2001**. On **1 July 2003**, the State Department declared Antigua and Barbuda ineligible to receive military assistance.

Resolution:

Antigua and Barbuda signed the agreement on **29 September 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2001061801)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001062601

Macedonia (EU)

On **26 June 2001**, the European Union issued an urgent appeal to Macedonians to “stand back now from the brink” and choose political means of settling their differences. After ongoing violent conflict between the Macedonian government and Albanian rebels and following a night of violence in the Macedonian capital Skopje, the plea came in a joint statement from EU foreign policy chief Javier Solana, EU External Relations Commissioner Chris Patten and Swedish Foreign Minister Anna Lindh, whose country holds the EU presidency through the end of the month. They also made clear that no EU economic aid would be forthcoming until a political solution is reached.

Resolution:

After a peace accord had been reached in August 2001, an international aid conference was to be held to help anchor peace in Macedonia. The European Union on **14 August 2001** pledged millions in financial aid to Macedonia, on the condition that political leaders from the country's Slavic majority and ethnic Albanian minority can implement the peace agreement they have signed.

Despite the initial threat to cut aid, the EU rather offered positive incentives to find a peace agreement by offering additional aid.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score).

Source:

TIES (2001062601)

2001062801

Sweden (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Sweden ratified the Rome Statute on **28 June 2001**. Sweden did not sign the agreement. However, Sweden also did not receive US aid affected by ASPA.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001062801)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001071201

Ukraine (US)

On **12 July 2001**, U.S. diplomat William Taylor Thursday threatened a cutoff of U.S. aid payments because of the slow progress on the high-profile murders of two Ukrainian journalists. The Ukrainian government must bring the murderers to justice, and accelerate economic reforms, or risk a U.S. Congress cutoff of all assistance payments, he said.

Citing fresh evidence of voter fraud, both the Senate and House of Representatives warned in recent resolutions that American aid to Ukraine would suffer if the elections did not express the popular will. On **20 March 2002**, the Congress reduced funding due to concerns about continuing setbacks to needed reform and the unresolved deaths of prominent dissidents and journalists.

The amounts of assistance that Congress appropriated for Ukraine fell annually, from \$138.7 million in fiscal 2002, to \$92.6 million in fiscal 2004.

Resolution:

After the inauguration on 23 January 2005 of President Yushchenko who won in elections against President Kuchma, both sides were eager to develop stronger bilateral ties.

In April 2005, Yushchenko appealed for US support for his country's political and economic overhaul after the "Orange Revolution" that swept him to power earlier this year. In a landmark speech to a joint session of the US Congress, Yushchenko portrayed his country as a future beacon of democratic and free-market principles.

The Ukrainian and US governments signed a memorandum of understanding as to the main objectives of the aid programme on **21 November 2005**.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2001090601

Serbia and Montenegro (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

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Serbia and Montenegro ratified the Rome Statute on **6 September 2001**. On **1 July 2003**, the State Department declared Serbia and Montenegro ineligible to receive military assistance. However, Serbia and Montenegro did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: EUSANCT

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

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<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001092701

Nigeria (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Nigeria ratified the Rome Statute on **27 September 2001**.

Resolution:

Nigeria signed the agreement on 30 June 2003. The agreement entered into force on **6 October 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2001092701)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001100201

Liechtenstein (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Liechtenstein ratified the Rome Statute on **2 October 2001**. Liechtenstein did not sign the agreement. However, Liechtenstein also did not receive US aid affected by ASPA.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001100201)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001100301

Central African Republic (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

The Central African Republic ratified the Rome Statute on **3 October 2001**. On **1 July 2003**, the State Department declared the Central African Republic ineligible to receive military assistance.

Resolution:

The Central African Republic signed the agreement which entered into force on **19 January 2004**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2001100301)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001101201

Switzerland (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Switzerland ratified the Rome Statute on **12 October 2001**. Switzerland did not sign the agreement. However, Switzerland also did not receive US aid affected by ASPA.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001101201)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001110701

Guinea (US)

On **7 November 2001**, Secretary of State Colin Powell sent a message urging Guinean authorities to “hold free and fair elections to guarantee stability in Guinea. If the Guinean authorities are not able to guarantee those standards, we will be forced to reduce our aid to Guinea,” Powell warned. The EU also expressed its concern for the democratic development and stability of the country.

Resolution:

Ignoring the opinion of the international community, Guinea held the referendum on **11 November 2001** in dubious circumstances which extended President Lansana Conte’s 17-year grip on power, amid calls from the opposition to boycott the poll.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2001111101

Peru (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Peru ratified the Rome Statute on **10 November 2001**. On **1 July 2003**, the State Department declared Peru ineligible to receive military assistance. However, Peru did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001111101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001111201

Nauru (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Nauru ratified the Rome Statute on **12 November 2001**.

Resolution:

Nauru signed the agreement on 26 February 2003. The agreement entered into force on **4 December 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001112901

Malta (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Malta ratified the Rome Statute on **29 November 2002**. On **1 July 2003**, the State Department declared Malta ineligible to receive military assistance. However, Malta did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2001112901)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2001123101 Slovenia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Slovenia ratified the Rome Statute on **31 December 2001**. On **1 July 2003**, the State Department declared Slovenia ineligible to receive military assistance.

Resolution:

On **21 November 2003**, Slovenia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2001123101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002012201

Benin (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Benin ratified the Rome Statute on **22 January 2002**. On **1 July 2003**, the State Department declared Benin ineligible to receive military assistance.

Resolution:

Benin signed the agreement in September 2005 which entered into force on **25 August 2005**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002012201)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002013001

Estonia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Estonia ratified the Rome Statute on **30 January 2002**. On **1 July 2003**, the State Department declared Estonia ineligible to receive military assistance.

Resolution:

On **21 November 2003**, Estonia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2002013001)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002020501

Ecuador (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Ecuador ratified the Rome Statute on **5 February 2002**. On **1 July 2003**, the State Department declared Ecuador ineligible to receive military assistance. However, Ecuador did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2002020501)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002021201

Dominica (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Dominica ratified the Rome Statute on **12 February 2001**. On **1 July 2003**, the State Department declared Dominica ineligible to receive military assistance.

Resolution:

Dominica signed the agreement which entered into force on **20 May 2004**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002021201)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002022501

Afghanistan (US)

On 16 January 2002, Afghanistan's interim leader issued a decree banning the cultivation of opium poppies, reviving a struggle previously waged by the Taliban against Afghanistan's most lucrative crop. Thereafter, on **25 February 2002**, the U.S. waived narcotics sanctions against Afghanistan despite the country's "demonstrable failure" to curb poppy cultivation in a move aimed at supporting the interim government in Kabul.

By October 2002, Afghanistan was set to reclaim its position as one of the world's leading producers of opium. In the following years, the International Narcotics Control Strategy Report always named Afghanistan as the biggest producer of opium poppies. Still, the U.S. did not reimpose sanctions as they recognize the efforts of the Afghanistan government.

Resolution:

In 2003, Afghanistan was certified without a waiver. In the report of **31 January 2003**, Assistant Secretary of State for international narcotics and law enforcement affairs stated: "The Afghan poppy crop runs from – it's planted in the fall and it's harvested the following summer. So the information that we have relates to the crop that was harvested last summer, 2002, and that crop was substantially larger than the crop the year before. Farmers definitely returned to poppy cultivation in Afghanistan, and we have estimates that range up to at least 30,000 hectares of poppy were grown in Afghanistan, which is a substantial increase, and which returns it to one of the largest poppy-growing countries. This is obviously a very troubling development. But at the same time, we've been working internationally very actively to begin to provide the transitional Afghan government with the tools that it needs to get this situation under control. [...] We're looking into the key areas, including interdiction, alternative development, institution building. But it's going to be a long-term process in Afghanistan. The rural economy is very weak there. The security situation in the rural areas is complex. And the institutions need to be completely rebuilt. And so it's going to be a very difficult effort. But we're fully committed to working with the Afghan government, as well as the U.K. and other international partners, to make progress there.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2002022701

Belarus (US)

On **27 February 2002**, U.S. officials suggested they could apply sanctions against Belarus. U.S. State Department spokesman Richard Boucher said the United States took “very seriously” reports of arms transfers from Belarus to countries or groups sponsoring terrorism. “He reiterated the U.S. position that Belarus should not be in the business of selling arms to countries with histories of supporting terrorism or fomenting regional conflict,” Boucher said. “We use a variety of means, including bilateral approaches to supplier countries and, where necessary, application of our sanctions laws, to prevent such transfers.”

Belarus vehemently denied reports that it sells weapons to terrorists and countries that support them. “We’d like to make it clear once again that Belarus never traded, is not trading and does not intend to trade weapons in violation of sanctions of the United Nations Security Council, nor does it sell weapons to states suspected of supporting terrorism,” Foreign Ministry spokesman Pavel Latushko said.

Resolution:

On **12 August 2002**, a U.S. official criticized Belarus for isolating itself and said the government of the former Soviet republic must choose which side it is on in the war against terror. In a video linkup from Washington, Deputy Assistant Secretary of State Steven Pifer – who in February expressed concern about reports that Belarus has sold weapons to terrorist states or groups and provided them military training – said the country had done nothing to make its arms sales more transparent. However, he did not mention sanctions anymore.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2002030501

Mauritius (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Mauritius ratified the Rome Statute on **5 March 2002**.

Resolution:

Mauritius signed the agreement on 25 June 2003. The agreement entered into force on **30 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002030501)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002030601

Macedonia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Macedonia ratified the Rome Statute on **6 March 2002**.

Resolution:

Macedonia signed the agreement in Skopje on 30 June 2003. The agreement entered into force on **12 November 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002030601)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002030702

Cyprus (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Cyprus ratified the Rome Statute on **7 March 2002**. However, Cyprus did not receive US aid affected by ASPA. So \$13.5 million from USAID was threatened under the Nethercutt Amendment. On **8 December 2004**, Congress enacted the Consolidated Appropriations Act which contained the Nethercutt Amendment which cut US Aid in FY05 and FY06. However, Cyprus did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2002030702)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002032101

Panama (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Panama ratified the Rome Statute on **21 March 2002**.

Resolution:

Panama signed the agreement on 23 June 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **6 November 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002032101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002040101

Ireland (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Ireland ratified the Rome Statute on **11 April 2002**. However, Ireland did not receive US aid affected by ASPA. So \$12 million from USAID was threatened under the Nethercutt Amendment. On **8 December 2004**, Congress enacted the Consolidated Appropriations Act which contained the Nethercutt Amendment which cut US Aid in FY05 and FY06. However, Ireland did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2002040101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041101

Bosnia and Herzegovina (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Bosnia and Herzegovina ratified the Rome Statute on **11 April 2002**.

Resolution:

Bosnia and Herzegovina signed the agreement at Sarajevo on 16 May 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **7 July 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002041101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041102

Slovakia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Slovakia ratified the Rome Statute on **11 April 2002**. On **1 July 2003**, the State Department declared Slovakia ineligible to receive military assistance.

Resolution:

On **21 November 2003**, Slovakia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2002041102)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041103

Democratic Republic of the Congo (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

The Democratic Republic of the Congo ratified the Rome Statute on **14 April 2002**.

Resolution:

The Democratic Republic of the Congo signed the agreement on 18 March 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **22 July 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002041103)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041104

Cambodia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Cambodia ratified the Rome Statute on **11 April 2002**. On **1 July 2003**, the State Department did not issue a waiver for Cambodia when it declared several countries ineligible to receive military assistance.

Resolution:

Cambodia signed the agreement at Phnom Penh on 17 June 2003 which entered into force on **29 June 2005**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002041104)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041105

Mongolia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Mongolia ratified the Rome Statute on **11 April 2002**.

Resolution:

Mongolia signed the agreement on 6 June 2003. The agreement entered into force on **27 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002041105)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041106

Romania (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Romania ratified the Rome Statute on **11 April 2002**.

Resolution:

Romania signed the agreement on 1 August 2002 but refused to ratify it. On 1 July 2003, President Bush waived the ASPA provisions until 1 November 2003 which was extended for another 6 months until 1 May 2004 on the bases of "national interest". Romania joined NATO on **29 March 2004**.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2002041106)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041107

Bulgaria (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Bulgaria ratified the Rome Statute on **11 April 2002**. On **1 July 2003**, the State Department declared Bulgaria ineligible to receive military assistance. However, Bulgaria did not sign the agreement as it would "side with the EU common position".

Resolution:

On **21 November 2003**, Bulgaria received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2002041107)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041108

Niger (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Niger ratified the Rome Statute on **11 April 2002**. On **1 July 2003**, the State Department declared Niger ineligible to receive military assistance. However, Niger did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000061408)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002041801

Syria (US)

On **18 April 2002**, the Syria Accountability Act was introduced but failed due to resistance of the Bush administration which heavily opposed the sanctions bill. Accusing Damascus of colluding with the militant Islamic group Hezbollah and continuing its “occupation” of Lebanon, the bill calls for a ban on sales of munitions and dual-use items to Syria and prohibits financial assistance to US businesses considering projects in that country. It also asks the president to choose at least two out of six other punitive measures, which include an embargo on non-humanitarian exports and investments, and a ban on Syrian aircraft landing in the United States or overflying its territory. After this bill failed, it was simply renamed and petitioned again until it passed in 2003.

US President Bush on 13 December 2003 signed the bill into law. After months of debate within his administration, President Bush imposed economic sanctions against Syria on **11 May 2004**, charging Syria that it has failed to take action against terrorist groups fighting Israel, halt the flow of foreign fighters into Iraq and because of Syria’s efforts to obtain weapons of mass destruction.

Executive Order 13338 **banned virtually all American exports**, except for food and medicine, and **barring flights** between Syria and the United States, except during emergencies. The president also told the Treasury Department to **freeze the assets of Syrians with known ties to terrorism, weapons of mass destruction, the occupation of Lebanon or terrorist activities in Iraq**. In deciding on sanctions, Mr. Bush went beyond the lawmakers’ list to order American financial institutions to **cut any ties with the Commercial Bank of Syria**, citing money laundering concerns. The president explicitly **barred the export of military equipment or dual-use items like chemicals, nuclear technology and propulsion equipment**, and he threatened to take other measures if Syria did not “take serious and concrete steps” to change its behavior. Besides, officials constantly issued threats of further sanctions if no change was forthcoming.

UNSCR 1559, adopted on 2 September 2004, called on Syria to withdraw from Lebanon and to cease intervening in the internal politics of Lebanon. France and the United States warned that the UN could slap sanctions on Syria if it fails to comply with a UN resolution calling for its withdrawal from Lebanon – and issued a draft resolution on 25 October 2005. However, the Security Council was divided and did not agree on issuing a sanctions threat.

On 5 November 2007, the Bush administration added four individuals to the sanctions list. Moreover, on 13 February 2008, President George W. Bush expanded targeted sanctions with EO 13460, saying the nation’s leaders have engaged in a pattern of violating human rights in their own country.

On 27 July 2009, President Obama eased trade sanctions against Syria because of some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria. Still, one year later, U.S.-Syria relations worsened.

Resolution:

On **29 April 2011**, this episode ends, and a new episode of sanctions begins.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

GIGA; (US_SYR_86); TIES (2002041801); HSE; (post-2000)

2002061401

Uganda (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Uganda ratified the Rome Statute on **14 June 2002**.

Resolution:

Uganda signed the agreement on 12 June 2003. The agreement entered into force on **23 October 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002061401)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002062001

Brazil (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Brazil ratified the Rome Statute on **20 June 2002**. On **1 July 2003**, the State Department declared Brazil ineligible to receive military assistance. However, Brazil did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2000071401)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002062501

Namibia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Namibia ratified the Rome Statute on **25 June 2002**. On **1 July 2003**, the State Department declared Namibia ineligible to receive military assistance. However, Namibia did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2002062501)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002062801

Latvia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Latvia ratified the Rome Statute on **28 June 2002**. On **1 July 2003**, the State Department declared Latvia ineligible to receive military assistance.

Resolution:

On **21 November 2003**, Latvia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2002062801)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002062802

Gambia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Gambia ratified the Rome Statute on **28 June 2002**.

Resolution:

Gambia signed the agreement at Banjul on 5 October 2002. The agreement entered into force on **27 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002062802)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002062803

Uruguay (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Uruguay ratified the Rome Statute on **28 June 2002**. On **1 July 2003**, the State Department declared Uruguay ineligible to receive military assistance. However, Uruguay did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2002062803)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002070101

Honduras (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Honduras ratified the Rome Statute on **1 July 2002**.

Resolution:

Honduras signed the agreement on 19 September 2002. The agreement entered into force on **30 June 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002070101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002071501

Morocco (EU)

On 11 July 2000, Moroccan soldiers seized Spanish Perejil Island (Parsley Island) whose sovereignty is disputed between Spain and Morocco. EU officials condemned the invasion. "This is clearly a regrettable incident. It constitutes a violation of Spanish territory," the European commission spokesman, Gunar Wiegand, told a news briefing.

In a reportedly "tense" telephone exchange with European Commission President Romano Prodi, Moroccan Prime Minister Abd ar-Rahman el-Youssoufi said that he wanted to "resolve the matter very quickly". The Rabat government has rejected Spanish demands immediately to return the tiny uninhabited island 200 metres off the coast of Morocco. "Perejil is Moroccan, so there is nothing to discuss," Information Minister Mohammed Achaari told the Spanish daily El Pais, accusing Madrid of dramatising the situation.

The European Union's current Danish presidency declared the EU's "complete solidarity" with Spain on 14 July 2002 and called on Morocco to withdraw from the disputed island of Perejil. On the same day, the Spanish newspaper ABC reported that Madrid's plan for managing the crisis included sanctions and, as a last resort, the military removal of the Moroccan forces. Spanish Foreign Minister Ana Palacio, however, said she preferred any kind of diplomatic solution.

The European Union hinted on **15 July 2002** that it may be prepared to slap sanctions against Morocco if it refuses to heed calls for the withdrawal of its troops from a disputed Mediterranean island. While stating that the dispute should be resolved peacefully through diplomatic means, Prodi added that "measures could be taken at the community level if necessary." He declined to specify which measures could be taken. However, on 16 July, European Commission spokesman Gunnar Wiegand told reporters that the European Commission was not considering any trade or aid sanctions against Morocco.

Spain withdrew its ambassador from Rabat after Moroccan frontier guards had occupied the disputed island and because it feared the Moroccan government would try to drive home its claim to two Spanish enclaves on the north African coast, Ceuta and Melilla.

Resolution:

On 17 July, the confrontation between Spain and Morocco over the islet of Perejil entered a new and dangerous phase yesterday after elite Spanish assault troops retook the barren rock, capturing six Moroccan soldiers who were immediately returned to their country.

After repeatedly expressing its "unflinching solidarity" with Spain, the European Union is now seeking to carve out a new position calling for dialogue, European diplomats said on 20 July 2002. One day earlier, US Secretary of State Colin Powell launched a diplomatic drive to mediate a solution to the dispute and US officials said a solution was imminent. The US mediation mission was seen as a diplomatic failure for the EU, highlighting its inability to address a contentious issue in its own backyard.

On **22 July 2002**, Spain and Morocco formally declared peace over the disputed Parsley island after a meeting between their two foreign ministers in the Moroccan capital, Rabat. Ana Palacio of Spain and her Moroccan counterpart, Mohammed Banaissa, said in a joint statement that they had agreed to abide by the agreement drawn up by the US secretary of state, Colin Powell, over the small, rocky outcrop in the strait of Gibraltar. The foreign ministers have formally confirmed the agreement to re-

establish and maintain the situation with respect to the island of Perejil/Tourah to that which existed prior to July.

HSE Score:

3 (policy result) X 3 (sanctions contribution) = 9 (sanctions success)

Source:

TIES (2002071301)

<https://www.theguardian.com/world/2002/jul/13/spain.gilestremlett>

<https://www.theguardian.com/world/2002/jul/18/spain.gilestremlett>

<https://www.theguardian.com/world/2002/jul/23/spain.gilestremlett>

2002080501

Colombia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Colombia ratified the Rome Statute on **5 August 2002**. On **1 July 2003**, the State Department declared Colombia ineligible to receive military assistance.

Resolution:

Colombia signed the agreement which entered into force on **17 September 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002080501)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002082001

Tanzania (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Tanzania ratified the Rome Statute on **20 August 2002**. On **1 July 2003**, the State Department declared Tanzania ineligible to receive military assistance. However, Tanzania did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2002082001)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002090601

East Timor (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

East Timor ratified the Rome Statute on **6 September 2002**.

Resolution:

East Timor signed the agreement in Dili on 23 August 2002. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **30 October 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002090601)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002091601

Samoa (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Samoa ratified the Rome Statute on **16 September 2002**. On 1 July 2003, the State Department declared Samoa ineligible to receive military assistance. However, Samoa did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2002091601)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002091901

Malawi (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Malawi ratified the Rome Statute on **19 September 2002**. On **1 July 2003**, the State Department declared Malawi ineligible to receive military assistance.

Resolution:

Malawi signed the agreement on 20 September 2003. The agreement entered into force on **23 September 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002091901)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002092401

Ukraine (US)

The Ukrainian administration around President Kuchma has been in turmoil since early 2001, when a former presidential guard fled to the United States with a cache of tape recordings that seem to implicate Mr. Kuchma in questionable or illegal activities, including election fraud and a vendetta against a Kiev journalist whose headless body was found in a suburban woods. The killing has yet to be solved. In late March 2002, opponents contended that new tapes would tie Mr. Kuchma to plots to smuggle Ukrainian weapons to Iraq. Investigators have long said that Ukrainian weapons have flowed to a number of trouble spots, and that Ukrainian arms dealers have been implicated in weapons-smuggling to Iraq and other so-called rogue states. But evidence of direct government involvement has been slim. Kuchma and other officials repeatedly denied the accusations.

On **24 September 2002**, the United States has frozen financial aid to Ukraine's government because of evidence it calls "authentic" that President Leonid Kuchma personally approved the clandestine sale of sophisticated air defence radar equipment to Iraq in violation of United Nations sanctions, the State Department said. The temporary suspension of aid to Ukraine's central government affects about 35 percent, or 54 million dollars, of a 154.2-million-dollar US aid program provided under the Freedom Support Act. Untouched are military aid, private-sector financing and other programmes aimed to help Ukraine's economic reforms.

British Minister of Defense Geoff Hoon demanded a "full investigation" by Ukraine into allegations that it sold sophisticated military radars to Iraq. The four military radar systems could be used against US and British military patrols in no-fly zones that the two countries have declared over the country. The Ukrainian presidency has invited international experts to Ukraine, in particular Americans, to investigate the allegations.

On 14 October 2002, US and British experts began investigating claims that President Leonid Kuchma defied a UN embargo and approved the sale of military radar to Iraq. However, evidence from the one-week visit was inconclusive. On 31 October 2002, a US official said that the United States is expected to impose additional penalties on Ukraine. Amid the U.S. allegations against Kuchma, NATO declined to invite him to its summit in Prague in November. NATO plans to go ahead with ministerial-level meetings with Ukraine during the gathering in the Czech capital.

On 6 November 2002, the United States rejected Ukrainian President Leonid Kuchma's offer for a new probe into allegations of illegal arms sales to Iraq and demanded Kiev provide answers to outstanding questions raised by a US-British team of experts. On 25 November 2002, the report was made public. In their report, the investigators said they had been unable to prove that Ukraine transferred radar systems to Iraq "under openly declared contracts," but said that "covert or illegal arms transfers, particularly with the complicity of third parties, remain a credible possibility."

Ukraine, on 11 January 2003, denied US accusations it had broken UN sanctions and sold Iraq special quick-assembly floating bridges, most often used for military purposes.

On 31 January 2003, the US decided to divert millions of dollars in aid intended for the Ukrainian government to private pro-democracy programs to punish Kiev and President Leonid Kuchma for illegal arms sales to Iraq.

Resolution:

The U.S. ambassador to Ukraine said on 28 March 2003 that American forces in Iraq have so far found no radar systems that Washington suspected were sold to Baghdad and would put American and British pilots at risk. No radar systems have been found in Iraq.

The FY2003 appropriations prohibits most funds for the Government of Ukraine unless the Secretary of State certifies that it has not facilitated or engaged in arms transfers to Iraq. This provision has been dropped for FY2004 from both H.R. 2800 and S. 1426, approved by the Senate and the House on 17 and **23 July 2003**, respectively.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2002092401)

<http://www.au.af.mil/au/awc/awcgate/crs/ib95077.pdf>

2002101101

Sudan (US-EU)

Issue: Civil war

On **11 October 2002**, the US Congress has sent the White House a resolution calling for a series of sanctions against Khartoum if it fails to make progress on ending its 19-year civil war. On 21 October 2002, US President George W. Bush signed legislation Monday (Sudan Peace Act) calling for sanctions on Sudan if he finds Khartoum is not negotiating in good faith with southern rebels to end a bloody 19-year civil war.

On **9 January 2004**, the European Union, given the ongoing civil war, decided to maintain the arms embargo established in 1994 due to sponsoring of terrorism but consolidated the measures in a single instrument (2004/31/CFSP) and repealed Decision 94/165/CFSP.

On 19 April 2004, US officials threatened that a failure to reach a new peace deal could lead to severe US sanctions on both parties.

Resolution:

The Sudanese government and rebels fighting a 19-year civil war agreed on 26 October to allow aid groups unimpeded access to areas they control in Sudan. Representative of the government of President Omar el-Bashir, the rebel Sudan People's Liberation Army and the United Nations signed the agreement at peace talks in Machakos, 50 kilometers (30 miles) southeast of Nairobi, said Ronald Sibanda, the U.N.'s humanitarian coordinator for Sudan. In February 2003, Sudanese government officials and the rebel group formally agreed to a set of measures aimed at preventing further violations of a ceasefire pact (Machakos pact). In April, the Sudanese government will argue it has done all it can to reach a peace with the southern rebels to avoid being slapped with US sanctions.

US President George W. Bush decided against imposing sanctions against Sudan due to its good faith efforts to negotiate a peace deal with rebels. A Comprehensive Peace Agreement was signed on 9 January 2005.

On **30 May 2005**, the Council repealed 2004/31/CFSP in order to integrate these measures with the UN resolution related to the conflict in Darfur.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

2002101601

North Korea (UN-US-EU)

After the Agreed Framework between the USA and North Korea in 1994, both the United States and North Korea gradually lifted restrictions on commerce and some of the sanctions. From 1998-1999, however, tensions remained and North Korea restrained access to certain sites. North Korea conducted missile tests in order to pressure the US to lift all sanctions – but the US thereafter tightened sanctions and North Korea, as a reactions, refused access to nuclear sites. In 2000, after North Korea assured to suspend missile testing, Japan resumed food aid, South Korea resumed diplomatic relations and the US relaxed its sanctions.

On 29 January 2002, US President Bush labelled North Korea part of an “axis of evil” along with Iraq and Iran, and accused it of trying to develop weapons of mass destruction. On 16 October 2002, North Korea admitted having secret nuclear arms and a spiral of threats started. Canada and Japan also immediately threatened to pull aid unless nuclear arsenal is abandoned.

On **14 November 2002**, the Executive Board of the Korean Peninsula Energy Development Organization (US, Republic of Korea, Japan, and the EU) as well as Australia agreed in view of North Korea’s pursuit of the production of highly-enriched uranium for nuclear weapons to suspend heavy fuel oil deliveries.

In early 2003, North Korea announced its withdrawal from the Nuclear Non-Proliferation Treaty and threatened to abandon the 1953 Korean War armistice if the US imposed sanctions. In August 2003, February 2004, and June 2004, the six-nation talks between North Korea, China, South Korea, Russia, Japan, and the US were held in Beijing but without a major breakthrough. North Korea announced that it will only dismantle its nuclear program for major US concessions. Contrarily, the US further put human rights violations on the table which complicated the talks.

North Korea conducted ballistic missile tests on 3 May 2005. After the fourth round of six-party talks in September 2005, North Korea agreed to eliminate its nuclear weapons program. In November 2005, North Korea denied US accusations of involvement in drug trafficking and counterfeiting US currency and demanded the removal of economic sanctions. Thus, the fifth round of six-party talks ended in a stalemate and a clash regarding the issue of financial sanctions.

After further missile tests in July 2006, the EU, Japan, and the US put effort into imposing UN sanctions. Despite of Chinese veto threats, the UNSC passed resolution 1695 on **15 July 2006**, imposing an arms embargo and financial sanctions on North Korea. Japan and Australia imposed further targeted financial sanctions. The United Nations took further action by passing Resolution 1718, banning the export of luxury goods, arms and related material to North Korea. The United Nations also froze the assets of designated entities. In June 2009 (UNSCR 1874) and March 2013 (UNSCR 2094) extended the sanctions.

On 11 October 2008, North Korea submitted its declaration of nuclear programs listing 15 facilities and the following day destroys the cooling tower in Yongbyon. In turn, President Bush announced his intention to remove North Korea from the list of state sponsors of terrorism within 45 days and lifts economic sanctions under the Trading with the Enemy Act. However, on the same day, the President declares that “the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute an unusual and extraordinary threat” to the national security of the United States. Moreover, sanctions pursuant to Arms Export Control Act on countries “that do not cooperate fully with United States antiterrorism efforts” remain in effect.

On 27 July 2009, the Council adopted Common Position 2009/573/CFSP introducing EU autonomous measures.

Resolution:

Ongoing. Sanctions cannot deter North Korea from pursuing its nuclear program.

HSE Score:

1 (policy result) x 1 (sanctions contribution) = 1 (success score) (HSE)

Source:

TIES; (2002101601); GIGA; (UN_PRK_06); HSE; (93-1)

2002110501

Djibouti (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Djibouti ratified the Rome Statute on **5 November 2002**.

Resolution:

Djibouti signed the agreement on 24 January 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **2 July 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002110501)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002111301

Zambia (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Zambia ratified the Rome Statute on **13 November 2002**. On **1 July 2003**, the State Department declared Zambia ineligible to receive military assistance.

Resolution:

Zambia signed the agreement at Lusaka which entered into force on **2 July 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2002111301)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002111501

Belarus (EU)

OSCE was forced to leave Belarus due to expiring visa. Visa extension was not offered. On **15 November 2002**, the European Union planned to ban the President of Belarus, Alexander Lukashenko, and up to 50 members of his government from travelling to EU and candidate countries because of continuing violations of democracy and human rights.

On **19 November 2002**, 14 EU member states (Portugal opted out) agreed to enforce an “individual” visa ban against Mr Lukashenko and “seven of his closest aides” because of the country's poor human rights record.

The United States followed the lead of 14 European countries on **26 November** and imposed a travel ban on the Belarus president and seven top ministers over alleged human rights violations in the former Soviet republic.

Resolution:

On **14 April 2003**, 14 Member States to lift the travel ban as a response to the positive assessment by the Head of the OSCE Mission in Minsk of the “effective functioning of the office” – but they remain critical of country's human rights record. These sanctions were imposed and suspended in tandem with the United States.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (2002111403)

<http://news.bbc.co.uk/2/hi/europe/2480949.stm>

<http://news.bbc.co.uk/2/hi/europe/2492939.stm>

2002112501

Pakistan (US)

In June 2002, the Central Intelligence Agency delivered a comprehensive analysis of North Korea's nuclear ambitions to President Bush and his top advisers. The document's most politically sensitive information, however, was about Pakistan. Since 1997, the C.I.A. said, Pakistan had been sharing sophisticated technology, warhead-design information, and weapons-testing data with the Pyongyang regime. Pakistan, one of the Bush Administration's important allies in the war on terror, was helping North Korea build the bomb. Secretary of State Colin Powell said on **25 November 2002** that he has received assurances from Pakistani President Musharraf that "there are no further contacts" between Pakistan and North Korea concerning transfers of nuclear weapons technology: "I have made it clear to him (Musharraf) that any sort of contact between Pakistan and North Korea we believe would be improper, inappropriate and would have consequences," Powell said.

Despite recent threats to do more, Bush administration imposes largely symbolic sanctions in response to Pakistan's alleged assistance to North Korea's nuclear program. On **24 March 2003**, the United States has slapped sanctions on a Pakistani firm (A.Q. Khan Research Laboratories (KRL), a uranium enrichment facility named after the man credited as the father of Pakistan's nuclear program, Dr. Abdul Qadeer Khan) and North Korea over an alleged barter deal in which it is claimed Pyongyang swapped missile components for expertise in developing a nuclear program, officials said. However, the sanctions would not affect KRL because the plant "had no interaction, no commercial links with any firms in the US."

Resolution:

On 19 January 2004, Pakistan announced that investigations into the alleged illegal transfer of nuclear technology to Iran would continue. "We are interrogating five to six scientists under Pakistani laws, which require to conclude debriefings in a comprehensive and satisfactory manner," Foreign Office spokesman Masood Khan told reporters at a press briefing. But families and friends of the people being quizzed claim at least 25 KRL scientists and administration officials are being currently interrogated in connection with allegations that some of them might have supplied nuclear information and materials to Iran and North Korea.

On 1 February 2004, Pakistan's most prominent nuclear weapons scientist, Abdul Qadeer Khan, was fired from his government job Saturday after investigators concluded that he made millions of dollars from the sale of nuclear secrets to Iran and Libya, officials said. At the same time, President Musharraf is eager to remain on good terms with the United States and to demonstrate Pakistan's commitment to curbing the spread of nuclear weapons technology, in part by showing that he takes the allegations against Khan and other scientists seriously. On 6 February, A.Q. Khan confessed that he had sold nuclear secrets and technology to Iran, Libya and North Korea. Despite the confession, Pakistani President Pervez Musharraf pardoned Khan who enjoys a celebrity status in the country as the father of the Pakistani nuclear bomb.

On **30 March 2004**, an U.S. official announced that the "United States does not believe that nuclear sanctions can be applied to Pakistan on the basis of the activities of the now defunct network of nuclear proliferators."

In March 2005, US Secretary of State Condoleezza Rice said during a visit to Islamabad that Washington wants to crush the "tentacles" of the Khan network, but added that Pakistan was cooperating. On 29 March 2005, the U.S. also draw the decision to supply F-16s to Pakistan. However, US officials are still clearly chafing under Pakistan's refusal to grant them access to

disgraced nuclear scientist Abdul Qadeer Khan, who was sacked but pardoned for operating a global sales network for nuclear materiel – and whether Musharraf knew about this.

On 5 January 2006, Pakistan said it had taken all "appropriate action" to break up the underground nuclear network run by its former chief nuclear scientist Abdul Qadeer Khan.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

TIES (2003032401)

2002120301

St. Vincent and the Grenadines (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

St. Vincent and the Grenadines ratified the Rome Statute on **3 December 2002**. On **1 July 2003**, the State Department declared St. Vincent and the Grenadines ineligible to receive military assistance. However, St. Vincent and the Grenadines did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2002120301)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2002121001

Barbados (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Barbados ratified the Rome Statute on **10 December 2002**. On **1 July 2003**, the State Department declared Barbados ineligible to receive military assistance. However, Barbados did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2002121001)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2003013101

Guatemala (US)

On **31 January 2003**, the Bush administration has listed Guatemala as a nation that has “failed demonstrably” during the past year to meet the obligations under international counternarcotics agreements. In signing the presidential determination, however, President Bush exempted Guatemala from a provision of the legislation that would have made them ineligible for most types of U.S. foreign assistance, saying that U.S. vital national interests required continuation of assistance.

Resolution:

US President George W. Bush on **15 September 2003** removed the threat of narcotics-related sanctions against Guatemala, certifying that it is cooperating in the fight against drug production and trafficking. The decision to drop Guatemala means that Guatemala no longer requires the special presidential waiver to avoid the sanctions, officials said. While praising Guatemala’s recent anti-narcotics efforts, Bush said “the permanence of these improvements has yet to be demonstrated. I expect Guatemala to continue its efforts and to demonstrate further progress in the coming year,” he said.

HSE Score:

3 (policy result) X 4 (sanctions contribution) = 12 (sanctions success)

Source:

EUSANCT

2003013101

Albania (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Albania ratified the Rome Statute on **31 January 2003**.

Resolution:

Albania signed the agreement on 2 May 2003 in Tirana and ratified it on 19 June 2003. On 1 July 2003, the State Department issued a waiver on ASPA provisions. The agreement entered into force on **7 July 2003**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2003013101)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2003020401

Côte d'Ivoire (UN)

In 2000, Laurent Gbagbo became President. Fighting erupts between President Gbagbo's mainly southern Christian supporters and followers of his main opponent Alassandre Ouattara, who are mostly Muslims from the north. A civil war beginning in September 2002 after a new coup attempt effectively split the country into Muslim rebel-held north and government-controlled Christian south after renegade soldiers try to oust President Gbagbo.

In the light of the Ivorian Crisis, on **4 February 2003**, the UNSC declares its readiness to take appropriate measures. On **15 November 2004**, United Nations Security Council Resolution 1572 established an arms embargo against Côte d'Ivoire to end the military conflict. The UNSC further threatened a visa ban and an asset-freeze for those who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire comes into force. On 15 December 2005, the UNSCR 1643 extended for one year a sanctions regime for the Ivory Coast and broadened an embargo to cover diamonds in addition to arms.

The President of the EU Commission threatened sanctions on **13 November 2003** and the Commission proposed consultations on 10 August 2004. However, Côte d'Ivoire in 2004 has been the only case where the Council decided against the proposal of the Commission to start consultations.

On 7 February 2006, the UNSC imposed sanctions against three opponents of peace in Ivory Coast from both sides of the conflict.

After President Gbagbo handed power over to President Ouattara, the sanctions remained in place.

Resolution:

U.N. Security Council in Resolution 2153 of 29 April 2014 partially eased a decade-long arms embargo on Ivory Coast and removed a ban on its diamond exports, a measure that U.N. experts said had failed to stop illicit trafficking. Government forces are allowed to buy light weapons.

In Resolution 2283, the UNSCR welcomed the progress achieved in the stabilization of Côte d'Ivoire, including in relation to disarmament, demobilization and reintegration (DDR) and security sector reform (SSR), national reconciliation and the fight against impunity, as well as the successful conduct of the presidential election. On **28 April 2016**, the UNSCR terminated, with immediate effect, all measures.

On 14 September 2016, President Obama lifted the U.S. sanctions against Ivory Coast. The EU lifted their sanctions against the Ivory Coast on 11 June 2016. However, Canada still keeps the sanctions.

HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score) (HSE)

Source:

GIGA; (UN_CIV_04); TIES (2004062401); HSE (post-2000)

UNSCR 1464; UNSCR 1572; UNSCR 1643; UNSCR 2153; UNSCR 2283

2003021001

Afghanistan (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

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Afghanistan ratified the Rome Statute on **10 February 2003**.

Resolution:

Even though Afghanistan had already signed the agreement in September 2002, it only entered into force on **23 August 2003**. On 1 July 2003, President Bush waived the ASPA provisions until 1 November 2003. On 24 September 2003, the waiver was extended indefinitely, due to the BIA.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2003021001)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

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http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2003031501

Central African Republic (EU-US)

On **15 March 2003**, former military Chief of Staff General Francis Bozize seized power in a military coup from democratically elected President Ange-Felix Patasse. Bozize issued a decree suspending the constitution and other government institutions.

Section 508 of the Foreign Operations, Export Financing and Related Programs Appropriations Act prohibits most direct assistance to the government of any country when the duly elected head of government is deposed by decree or military coup. In accordance with that provision, the U.S. government ended all military and other assistance covered by section 508 to the Central African Republic (CAR) in 2003.

On **21 March 2003**, the European Union firmly condemns the military coup d'état which took place on 15 March in the Central African Republic. Council Decision 2003/837/EC, published on **4 December 2003**, introduces a partial suspension of cooperation because the human rights situation, status of the opposition, missing actions from the electoral timetable.

The African Union suspended the CAR's participation in the African Union.

Resolution:

The EU did not extend the sanctions on **30 June 2005** after CAR held presidential and legislative elections, recognized as generally free and fair (HSE) and the African Union lifted its sanctions as well. The United States lifted its ban on government-to-government aid in **September 2005**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score) (HSE)

Source:

GIGA; (EU_CAF_03; US_CAF_03)

2003/837/EC

<http://www.state.gov/t/pm/rls/rpt/fmtrpt/2006/74682.htm>

2003032101

Nigeria (US)

The Bush administration on **21 March 2003** confirmed a suspension of U.S. military aid to Nigeria and said that the aid cut-off was mandated by Congress because of human rights concerns about Nigeria's military. Briefing reporters, State Department spokesman Richard Boucher said the sanction stems from the Nigerian military's reported role in a massacre of hundreds of civilians in central Benue state in October 2001.

The US-led war against Iraq may be just days old, but political analysts say it is already rocking the "excellent" relations between Nigeria and the US. By an inexplicable coincidence, the announcement of Washington's suspension of military assistance to Nigeria came about the same time it publicized its opposition to the war in Iraq and the need to act under the auspices of the UN in disarming Iraq. US officials said the suspension of military assistance had nothing to do with Nigeria's stance. A Nigerian foreign ministry official said that the U.S. move was an act of "sheer intimidation" because of Nigeria's position against the Iraq war. The U.S. denied Nigerian charges that it is retaliation for the country's opposition to the U.S.-led war on Iraq. The State Department said that the timing at the start of the war against Iraq is purely coincidental.

Resolution:

There is no evidence for Nigeria having changed its position with regard to Iraq. However, Nigeria has suffered from its fight against terrorism which destabilizes the region and harms U.S. interests. So the Pentagon informed Congress on **3 August 2009** to bolster the Nigerian military with new shipments of gear to counter violent extremists such as al Qaeda in the Islamic Maghreb, Jemaah Islamiyah and the Abu Sayyaf Group. The assistance package was coordinated with the State Department and approved by Defense Secretary Robert Gates and Secretary of State Hillary Clinton. The new package would provide millions of dollars in military aid to oil-rich and strife-stricken Nigeria, which "lacks the capability to effectively identify, locate and close with terrorist elements" operating within and across its borders, according to the Pentagon.

The United States military Africa Command (Africom) was on 17 August 2011 ready to offer assistance to the Nigerian military, according to Africom commander Carter Ham, as the country faces a growing number of internal and external security threats. On 4 June 2012, Nigeria and the United States (US) governments opened a significant meeting in Washington on the Nigeria-US Bi-National Commission, considering further assistance that Nigeria can benefit from the Americans in the area of military assistance and curtailment of terrorism.

However, despite concerns about Boko Haram, the United States' efforts to expand military cooperation with Nigeria diminished during the presidency of Goodluck Jonathan, who was defeated in the March 2015 election. American officials expressed frustration with human rights abuses and corruption in Nigeria's military. The election of Mr. Buhari, a former general who has vowed to make fighting Boko Haram a priority, has created a new opportunity to increase military aid. On 3 August 2015, United States congressman, Darrell Issa, has said that the US government would soon relax or completely lift the restriction on military assistance imposed on Nigeria under Leahy Law.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2003032101)

<http://www.panapress.com/iraq-war-strains-Nigeria-US-relations--13-475334-18-lang1-index.html>

2003032301 Thailand (US)

The United States has threatened to downgrade Thailand's rating on human trafficking prevention in light of alleged poor performance by the kingdom in stemming illicit migration, blaming local authorities for insufficient action to solve prostitution and human trafficking, Thai lawmakers said on 15 March 2003. However, it was not immediately clear whether there would be and penalties imposed on Thailand, such as a slashing of US aid.

US economic attaché Timothy M. Scherer said on **23 March 2003** in a meeting with Thai parliamentary members that unless the Thai government does more to stamp out human trafficking it could face a reduction in its US aid allocation, blaming the failure of the current system on bribery and corruption among lower ranking officials.

Another threat of an aid cut by the United States was made with respect to the extraordinary campaign of government-approved killings which was under way in Thailand – a crackdown on drug dealers that has taken as many as 2,000 lives over the past two months, an average of 30 a day. Thai Prime Minister Thaksin Shinawatra has dismissed fears of a possible cut in U.S. financial aid as “not a big deal” following reports of American concern over the high body count in Thailand's war on drugs, it was reported on 8 May 2003.

Resolution:

The Thai government is ready to launch a war against “influential figures” in crime, including smugglers, gambling house operators, pimps, illegal arms dealers, ruffians and criminal gangs, the Bangkok Post reported on 14 May 2003.

President Bush and Prime Minister Shinawatra met on **10 June 2003**. President Bush recognized Prime Minister Thaksin's determination to combat transnational crime in all its forms, including drug trafficking and trafficking in persons. Regarding recent press allegations that Thai security services carried out extrajudicial killings during a counternarcotics campaign in Thailand, Prime Minister Thaksin stated unequivocally that the Thai Government does not tolerate extrajudicial killings and assured President Bush that all allegations regarding killings are being investigated thoroughly.

The United States expanded anti-drug and law enforcement cooperation with Thailand, pledging aid of 7.4 million dollars over the next year, the Bangkok Post reported on 23 September 2003. Moreover, the United States will give Thailand more than 38 million baht (US\$950,000) to help fight human trafficking, the U.S. Embassy said on 6 October 2003.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (2003032301)

Being a "Tier 3" country in the "Trafficking in Persons Report" does not suffice as a sanctions threat since the listing is mostly a symbolic exercise in public shaming (e.g.

https://www.washingtonpost.com/news/monkey-cage/wp/2015/07/28/who-cares-how-the-u-s-ranks-nations-efforts-on-human-trafficking/?utm_term=.e476774504bb). In order to include

countries mentioned in the report, there must be an additional threat.

2003033101

Turkey (US)

On **1 March 2003**, the Turkish parliament rejected an earlier US request to allow the deployment of 62,000 US troops in the country and to use Turkish bases. The US hoped to be able to go through Turkey for an attack on Iraq. As a consequence, President Bush's administration withdrew its six billion dollars offer in aid to Turkey in exchange for military cooperation. The withdrawal of the aid unsettled Turkey's volatile financial markets, which fear that the country's economy will not withstand the shock of a war next door as it struggles back from a major crisis last year.

The Turkish government tried to negotiate a compromise by approving overflight rights for US aircraft and the dispatch of Turkish soldiers abroad. Even a limited deployment would force Iraqi troops to fight on two fronts and ease the burden of a main invasion force entering Iraq from Kuwait. However, the US said that the six-billion-dollar package was not available anymore. "We have said that the package that was developed was based on full participation and involvement of Turkey," spokesman Richard Boucher said.

Resolution:

The White House thanked Turkey on 20 March 2003 for opening its airspace to US warplanes striking Iraq but ruled out reviving a multibillion dollar aid package for its NATO ally. "There had been discussion of a package of aid for Turkey that was contingent on Turkey's acceptance of a total cooperation package. That did not develop and that package is not on the table and that package will not be on the table," said spokesman Ari Fleischer.

The United States on **22 September 2003** granted Turkey a loan of up to 8.5 billion dollars to help Ankara's economic reform programme and soften the blow struck to its battered economy by the war in neighbouring Iraq. "It is in the US interests that Turkey maintain its economic stability and continue its ambitious economic and political reform process. The US assistance aims to reinforce the Turkish government's own economic policies," US Treasury Secretary John Snow said.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2003033101)

<http://www.cfr.org/iraq/iraq-us-turkey-relations/p7795#p3>

<http://edition.cnn.com/2003/WORLD/meast/03/01/spri.irq.main/>

<https://2001-2009.state.gov/r/pa/ho/pubs/fs/33355.htm>

2003042901

Cuba (EU)

EU relations with Cuba are governed by Common Position 96/697/CFSP from 2 December 1996. The objective of the European Union in its relations with Cuba is to encourage a process of transition to a pluralist democracy and respect for human rights and fundamental freedoms, as well as a sustainable recovery and improvement in the living standards of the Cuban people.

On 14 April 2003, the Council condemned “the recent actions of the Cuban authorities, notably the executions, the large-scale arrests of dissidents, the unfair trials and the arbitrary and excessive sentences imposed. It calls for the immediate release of all political prisoners. These latest developments which mark a further deterioration in the Human Rights situation in Cuba will affect the EU’s relationship with Cuba and the prospects for increased cooperation. The Council will keep the situation under close review.”

On **29 April 2003**, Italy is ready to propose EU economic sanctions on Cuba if the government of President Fidel Castro continues its policy of repression, a government minister said during a parliamentary debate on Cuba. Italy is due to take over the rotating presidency of the EU in July.

On **5 June 2003**, the EU declared that it is deeply concerned about the continuing flagrant violation of human rights and of fundamental freedoms of members of the Cuban opposition and of independent journalists, being deprived of their freedom for having expressed freely their opinion, calls once again the Cuban authorities to release immediately all political prisoners (Black Spring). The EU limited the bilateral high-level governmental visits and reduced the profile of member states' participation in cultural events.

Resolution:

On **31 January 2005**, the Council decided that the EU would develop more intense relations with the peaceful political opposition and broader layers of civil society in Cuba, through enhanced and more regular dialogue – and temporarily suspended all measures taken on 5 June 2003 even though there was no satisfactory progress satisfactory in terms of promoting the development of democracy and respect for human rights in Cuba. The temporary suspension of these measures was confirmed on 13 June 2005 – and the sanctions were finally lifted on 19 June 2008.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT; GIGA; (EU_CUB_03);

96/697/CFSP

P/03/65

C/05/132

2003051201

Lithuania (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Lithuania ratified the Rome Statute on **12 May 2003**. On **1 July 2003**, the State Department declared Lithuania ineligible to receive military assistance.

Resolution:

On **21 November 2003**, Lithuania received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2003051201)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2003071401

Guinea (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Guinea ratified the Rome Statute on **14 July 2003**. On 1 July 2003, the State Department has declared ICC member states which have not signed the bilateral non-surrender agreement ineligible to receive military assistance.

Resolution:

Guinea signed the agreement at Conakry on 23 August 2003. The agreement entered into force on **24 March 2004**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2003071401)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2003080401

Israel (US)

On **4 August 2003**, the U.S. State Department is proposing cuts in American loan guarantees to Israel, hoping to pressure it to stop building a security barrier in the West Bank, an Israel newspaper reported. In March, the United States tentatively approved US\$9 billion in loan guarantees and US\$1 billion in military aid to Israel. U.S. Congress has yet to approve the aid. The guarantees are regarded as a crucial element in stabilizing the Israeli economy; per capita income has fallen from US\$18,000 to about US\$15,000 per year since the outbreak of Israeli-Palestinian violence in September 2000.

The U.S. State Department proposed cutting the guarantees by the same amount Israel spends to build portions of the barrier east of the so-called "Green Line" – Israel's border with Jordan before it captured the West Bank in the 1967 Middle East War.

The Bush administration announced on 17 September 2003, that it would reduce loan guarantees to Israel to meet Congressional restrictions on providing financial support to Israel's continued expansion of settlements in the West Bank and Gaza. The administration said it might further restrict the guarantees to protest Israel's construction of a barrier dividing what it considers its land from Palestinian territory. The action was almost totally symbolic. It came on the same day that Israel sold \$1.6 billion of bonds on Wall Street, all backed by a guarantee of repayment by the United States government under legislation passed last spring that provides Israel with up to \$3 billion in loan guarantees annually for three years. It is the first such move the administration has taken against Israel. As a practical matter, the decision will reduce by an as-yet-undetermined amount the level of loan guarantees available to Israel in the year starting Oct. 1, and it is unclear whether Israel will even seek to use the full amount of the guarantees available to it.

US President George W. Bush's administration informed Congress on 30 September 2003 that Israel will be monetarily penalized for settlements in Palestinian areas but that no decision has yet been made on the amount of the penalty, the State Department said. The law in question authorized Bush to provide Israel with nine billion dollars in loan guarantees over three years. It also requires that the funds be spent only in areas under Israeli control before the 1967 war. The legislation also requires the administration to reduce the guarantees by an amount equal to that which Israel spends on activities Bush finds to be "inconsistent" with US efforts to promote Israeli-Palestinian peace. Israel is eligible to receive up to three billion dollars in loan guarantees in fiscal 2004, which begins October 1.

On **25 November 2003**, the Bush administration decided to reduce U.S. loan guarantees to Israel by \$289.5 million as a way of registering its disapproval of Israeli actions on the West Bank. The cut will be made from \$1.4 billion in U.S. guarantees due this year, the Israeli Embassy said. Overall, Israel has been due to receive \$9 billion in guarantees over three years. The embassy said in a brief statement that the amount was "suggested" by Israel. "Israel accepts that the United States does not view some of the Israeli activities to date in parts of Judea, Samaria and Gaza as being consistent with US policy," the statement reads. "Israel understands that the US should not finance directly, or indirectly, activities with which it does not agree [...] and] therefore suggested that the US deduct the agreed sum of 289.5 million dollars from the 3 billion dollars in loan guarantees currently available."

As a practical matter, the decision will reduce the level of loan guarantees available to Israel in the year starting Oct. 1. However, it is unclear whether Israel will even seek to use the full amount of the guarantees available to it. So the action was almost totally symbolic.

Resolution:

On **8 April 2004**, US Secretary of State Colin Powell said that the US will not punish Israel for its controversial West Bank security barrier by withholding loan guarantees as it had threatened to do last year. He said Israel had a right to construct it for self-defense and that Washington did not plan to deduct any amount of loan guarantees worth billions of dollars.

President Bush on 15 April 2004 endorsed Israel's claim to parts of the West Bank seized in the 1967 Middle East war and asserted that Palestinian refugees cannot expect to return to their homes inside Israel, an explicit shift in U.S. policy immediately attacked by Palestinian political leaders. Standing alongside Israeli Prime Minister Ariel Sharon at the White House, Bush said it would be "unrealistic" to return to the region's prewar boundaries, affirming that some large Israeli settlements long considered illegal by American and international diplomats would be allowed to remain.

The United States is to provide loan guarantees totaling three billion dollars to Israel for 2005-2008, a joint statement said on 19 April 2005.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score).

Source:

TIES (2003091601)

2003082601

Guinea (EU)

The EU sent out a fact-finding mission in April 2002 to assess progress in the electoral process and gauge whether giving support for the elections and dispatching observers was desirable, useful and viable. The mission concluded that the conditions set for democratic elections had not been met. The EU therefore decided not to become involved in a process already marred by serious irregularities. It has therefore not provided financial and technical aid or sent out election observers.

On **26 August 2003**, the Commission proposed that the Council invite Guinea for consultations under the Cotonou Agreement.

On 31 March 2004, the European Union decided to open consultations with Guinea under Article 96 of the Cotonou Agreement. This decision was taken because of the deterioration of democracy and the rule of law, failure to respect human rights and fundamental freedoms and the lack of good economic governance. The gradual deterioration of the democratic environment culminated in the presidential elections of December 2003, held in contentious conditions and without real electoral competition. The consultations began in Brussels on 20 July 2004.

On **14 April 2005**, Council Decision 2005/321/EC concluded the consultations. The European Union reduced its disbursement of aid to Guinea through the 9th European Development Fund (2002–07) by 65 million euros.

Resolution:

European Union (EU) announced on **22 December 2006** that it would resume provision of development aid to Guinea. Progress in the implementation of political and economic reforms was cited as the driving force behind the EU's decision to resume the aid flow.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA (EU_GIN_02); TIES (2002999901);

2005/321/EC

2003091401

Guinea-Bissau (US-EU)

On **14 September 2003**, armed forces have staged a bloodless coup in Guinea Bissau and taken President Kumba Yala prisoner. Identifying himself as Commander Zamora Induta, the officer claimed he was speaking on behalf of the national armed forces. He said the army had taken power in Guinea Bissau because, as he put it, the government had proved incapable of solving the country's problems. The coup immediately triggered a sanctions threat since, under US law, Washington must suspend all non-humanitarian assistance to countries in which an elected government is toppled by undemocratic means.

On **17 September 2003**, the US suspended almost all of the modest amount of military assistance it provides to Guinea-Bissau after they have strongly condemned the coup d'état.

On **19 December 2003**, the EU decided to open consultations with Guinea-Bissau under Article 96 of the Cotonou Partnership Agreement. The consultations took place in Brussels starting 19 January 2004. However, in contrast to most Article 96 cases, the EU decided not to suspend its cooperation with the country, not even partially.

Resolution:

On **14 June 2004**, the Commission issued a proposal to conclude consultations with Guinea-Bissau.

On **26 August 2004**, the United States lifted sanctions after generally free and fair legislative elections were held.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score) (HSE)

Source:

GIGA; (US_GNB_03); HSE; (post-2000)

2004022301

Russia (EU)

In February 2004, Moscow is refusing to extend automatically the same political and trade agreements it has with existing EU member states to the new ones (Poland, Hungary, Latvia, Lithuania, Estonia, the Czech Republic, Slovenia, Slovakia, Malta and Cyprus which are joining the EU on 1 May). But if it discriminates against goods from the new EU states, then the EU could hit back with trade sanctions on Russia, an EU official has warned. Russia says it has more favourable arrangements with several of the nations and fears it could be squeezed out of existing markets.

On **23 February 2004**, EU foreign ministers warned Moscow of a “serious impact” on relations if it failed to renew the accord before 1 May 2004 – which diplomats said at the time was a veiled threat of trade sanctions.

On 26 March 2004, the European Union leaders called for Russia to renew “without precondition” a partnership agreement before the EU enlarges deep into Eastern Europe in May. But in their statement, the EU leaders made no reference to repercussions if Russia does not renew the pact in time. Russia said it has reached a “political understanding” with the European Union to ensure trade disputes linked to the EU's expansion are solved by 1 May, when eight former communist nations will join.

Resolution:

On 27 April 2004, the European Union agreed to temporary measures to cushion Russia from the loss of traditional markets when eight former Soviet satellite states and two other countries join the EU this weekend.

Russian Foreign Minister Sergei Lavrov, meeting with European Union officials in Luxembourg on 27 April signed an amendment to the 1994 Partnership and Cooperation Agreement between the EU and Russia that extended the pact's coverage to the 10 countries set to join the EU. The measure addressed Russian concerns that the EU expansion could damage Russia's bilateral trade with the new EU states. The deal lowered the average EU tariffs on Russian imports to 4%, from 9%. It also increased quotas for Russian steel, softened antidumping duties and preserved nuclear-material supply agreements between Russia and the new EU states. The EU pledged to protect language rights for ethnic Russians in Estonia and Latvia, and allow the free shipment of cargo between Russia proper and the Russian enclave of Kaliningrad, which was surrounded by new EU states Poland and Lithuania.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (2004022101)

2004030301

Former Yugoslav Republic (US)

Issue: Cooperation with the International Criminal Tribunal

US ambassador at large for war crimes Pierre-Richard Prosper warned the new Serbian government on **3 March 2004** that its reluctance to cooperate with the UN tribunal may jeopardize a multi-million US aid package: "The level of cooperation at this moment is not satisfactory," Prosper said, commenting on Serbia's prospects for obtaining an annual US aid package worth 100 million dollars (83 million euros).

On **31 March 2004**, Secretary of State Colin Powell suspended \$25 million in assistance to Serbia-Montenegro for failing to hand over war crime suspects to the international tribunal at the Hague. He added that about 16 war crimes suspects who have not yet been turned over to the tribunal spend the preponderance of their time in Serbia-Montenegro.

Resolution:

In January 2005, the State Department issued a statement on Serbia and Montenegro: "In March of 2004, the Secretary declined to certify to Congress that Serbia and Montenegro was cooperating with the International Criminal Tribunal for the former Yugoslavia resulting in the withholding of a significant portion of our assistance after March 31, 2004. Since the Secretary's decision last March, there has been no improvement in Serbia and Montenegro's cooperation with the Tribunal." Despite failings to cooperate, the Secretary of State has determined and certified on **9 June 2005** that Serbia and Montenegro has met the criteria and released \$10 million in assistance that was suspended: "Since January, Serbia and Montenegro has taken major steps to comply with the criteria of Section 563, including transferring twelve ICTY indictees to The Hague. We welcome the recent actions by Serbia and Montenegro and the Republic of Serbia to improve cooperation with the Tribunal. The Secretary's decision does not indicate that Serbia and Montenegro has fully met its obligation to arrest and transfer all indictees to the Tribunal. [...] we expect all leaders in the region to arrest and transfer to the ICTY in The Hague all the remaining indictees still at large, particularly Radovan Karadzic, Ratko Mladic, and Ante Gotovina.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

TIES (2001020801)

2004042801

Belarus (US-EU)

On **28 April 2004**, the COE passed a resolution inviting its member and Observer states to apply political pressure (including sanctions) on the Belarusian Government in order to send it a strong signal that impunity for enforced disappearances is not tolerated by the international community.

On **24 September 2004**, the Council, in view of the apparent obstruction of justice, has decided to implement targeted sanctions in the form of restrictions on admission against key actors in the disappearances of four persons in Belarus in 1999/2000 and the subsequent obstruction of justice.

On **20 October 2004**, the US also implemented the Belarus Democracy Act of 2004, providing a framework for assistance to parties, NGOs, and independent media working for democracy and human rights in Belarus. However, Belarusian authorities should not receive various types of non-humanitarian financial aid from the U.S.

The International Election Observation Mission came to the conclusion that the parliamentary elections and referendum on 17 October 2004 fell significantly short of basic OSCE commitments. Violent attacks were carried out by police and other security forces against opposition leaders and media representatives on the occasion of peaceful political demonstrations in Minsk after the elections and the referendum. The Council, on 22 November 2004, expanded the scope of the sanctions to persons who are responsible for the fraudulent elections and referendum and against those responsible for severe human rights violations in the repression of peaceful demonstrators.

On 20 March 2006, the United States rejected the result of the Belarus presidential election swept by Alexander Lukashenko and vowed new sanctions against his government. White House spokesman McClellan said the United States would consider new sanctions on the hardline regime. "Certainly travel restrictions and targeted financial sanctions of individuals are things that we will look at," the White House spokesman said. On June 19, 2006, Executive Order 13405 came into force: asset-freezes and travel bans on individuals and entities.

EU sanctions were repealed on 10 April 2006 and additional restrictive measures should be consolidated in a single instrument due to the action taken by the Belarus authorities in arresting peaceful demonstrators exercising at the conduct of the presidential elections held in Belarus on 19 March 2006. On 18 May 2006, the Council further imposed a freezing of funds and resources.

In June 2007, the EU withdraw tariffs because of Minsk's failure to reform labor rights.

With a view to encouraging dialogue with the Belarusian authorities and the adoption of measures to strengthen democracy and respect for human rights, the Council, on 10 November 2008, suspended travel restrictions but excluded those involved in the disappearances which occurred in 1999/2000.

On 20 June 2011, in view of the gravity of the situation in Belarus, additional restrictive measures should be imposed: additional persons and entities are included as well as an arms embargo, a prohibition on internal repression equipment, and a ban of certain services. On 15 October 2012, all restrictive measures were integrated into a single legal instrument.

Resolution:

From 31 October 2015, U.S. Treasury allows most transactions with nine sanctioned entities in Belarus for the next six months. State Department spokesman John Kirby said the United States was taking the step "in light of the positive move by the Belarusian government to release all six of its political prisoners on 22 August 2015."

On 25 February 2016, travel bans and asset-freeze were suspended except for key actors in the disappearances of four persons in Belarus in 1999/2000. The arms embargo continues.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE)

Source:

GIGA; (EU_BLR_00; US_BLR_04); TIES (2004072301; 2004042801); HSE

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17209&lang=en>

2004/661/CFSP; 2004/848/CFSP; **2006/276/CFSP**; 2006/362/CFSP; 2008/844/CFSP; 2011/357/CFSP;
2012/642/CFSP

Council Regulation 2016/277, 2016/280/CFSP (<http://www.consilium.europa.eu/en/press/press-releases/2016/02/15-fac-belarus-conclusions/>)

Executive Order 13405

2004050301

Democratic Republic of the Congo (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Congo ratified the Rome Statute on **3 May 2004**. On 1 July 2003, the State Department has declared ICC member states which have not signed the bilateral non-surrender agreement ineligible to receive military assistance.

Resolution:

Congo signed the agreement on **2 June 2004** which entered into force on the same day.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

TIES (2004050301)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2004071301

Uzbekistan (EU-US)

On **6 April 2004**, the Western government-dominated EBRD, Uzbekistan's largest foreign investor, announced that Uzbekistan had failed to meet a one-year deadline to fulfil demands for human rights, democratic and economic reforms. The European Bank for Reconstruction (EBRD) thus suspended much of its lending to the widely criticized Central Asian country. On **13 July 2004**, the United States froze aid to Uzbekistan due to lack of progress in democratic reforms and restrictions on American assistance partners in the central Asian state.

On 13 May 2005, there was a violent crackdown on a demonstration in Andijan where officially 173 people were killed but independent witnesses and human rights organizations put the number of victims at between 500 and 1,000.

On 16 May 2005, Switzerland announced to review aid for Uzbekistan. On **13 June 2005**, the EU foreign ministers threatened a partial suspension of cooperation mechanisms between the EU and Uzbekistan if it continues to refuse an international inquiry into shootings in Andijan, the same day the United States threatened to withhold millions of dollars in new aid for Uzbekistan if it spurns calls for an international probe of an alleged massacre of anti-government protesters.

On **3 October 2005**, the European Union imposed an arms embargo on Uzbekistan, cut aid, and suspended a cooperation accord to punish the increasingly isolated country for refusing to investigate the violent suppression of an uprising in May. Furthermore, the EU imposed travel bans against officials who they said were responsible for "the indiscriminate and disproportionate use of force". In November, the EU extended the travel bans and the arms embargo but eased the suspension of the cooperation pact. On 31 January 2006, Switzerland also imposed an arms embargo and travel restrictions.

Resolution:

In May 2007, the EU dropped the visa ban against four Uzbek officials but extends the other remaining sanctions. The EU "appreciates the readiness of the Uzbek side to engage in this dialogue". In October, the EU suspended the travel restrictions but kept the arms embargo.

On **27 October 2009**, the EU lifted all remaining sanctions against Uzbekistan despite continuing concerns over human rights.

On 4 November 2009, the Swiss cabinet voted not to renew the sanctions as Uzbekistan has made progress in addressing human rights abuses.

On **1 February 2012**, the Obama administration lifted the ban on military assistance to Uzbekistan.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE)

Source:

GIGA; (EU_UZB_05; US_UZB_05); (TIES (2004040701); HSE; (post-2000)

2004073001

Sudan (UN-EU-US)

Issue: Darfur:

On **21 May 2004**, a senior US State Department official announced that the United States is willing to press for UN sanctions against Sudan if the East African nation's government fails to stop raging violence in the western region of Darfur. The conflict in Darfur, a region neighboring Chad, started in February 2003. It pits government troops and pro-government Arab militias against non-Arab Muslim rebels.

On **12 July 2004**, the EU threatened sanctions against Sudan (against the government of Sudan and all other parties) if it fails end the crisis in the western region of Darfur.

Targeted sanctions against top Sudanese officials were under active consideration in June 2004. The sanctions threat was renewed several times and the United States put forward a draft resolution in the UN Security Council. However, the UNSC was divided. Russia, China, and the Arab League opposed sanctions and argued that the threat of sanctions would be counterproductive. On **30 July 2004**, the UNSC (UNSCR 1556) threatened to consider diplomatic, targeted and economic sanctions (oil embargo) and imposed an arms embargo.

In September, the EU and the US renewed their sanctions threats. But in the UN, sanctions are regarded as the last instrument – and so the UN only threatened to “envisage” further sanctions (UNSCR 1564), such as an oil embargo.

On 7 December 2004, the Sudan act (Public Law 108–497) passed by the US Senate and in November by the House of Representatives sanctions the government of Sudan, imposing an asset freeze and calling for a travel ban. President Bush signed the bill on **23 December 2004**.

The demands for UN sanctions continued in spring 2005. On **29 March 2005**, the UNSC (UNSCR 1591) imposed targeted sanctions (asset freeze and travel bans) and strengthened the imposed arms embargo. After a long decision process, the UN imposed (UNSCR 1672), on 25 April 2006, these targeted sanctions on four individuals.

On **30 May 2005**, the Council repealed 2004/31/CFSP in order to integrate the existing arms embargo with the UN resolution related to the conflict in Darfur.

On 13 October 2006, President Bush signed an executive order and legislation (Darfur Peace and Accountability Act – Public Law 109–344) imposing sanctions against the government of Sudan and Arab militia responsible for killing tens of thousands of people in Darfur. The House of Representatives approved a measure passed earlier by the Senate, as lawmakers urged intensified U.S. and international efforts to overcome Sudanese government resistance to a U.N. force for Darfur.

In spring 2007, European leaders and the US called for new sanctions – such as a no-fly zone. Since the Sudanese government rejected plans to deploy UN troops and continued the bloodshed in Darfur, President Bush imposed on 29 May 2007 new US economic sanctions targeting government-run companies involved in Sudan's oil industry and further targeted sanctions – and demanded new UN sanctions. Again, there was opposition from China, Russia and other states.

The United States issued further sanctions threats if the Sudanese government further hampers progress towards deploying a hybrid African Union/United Nations peacekeeping force. On 31 July

2007, the UN adopted resolution 1769, mandating joint African Union-UN peacekeeping in Darfur – and the United States threatened with further sanctions if Sudan fails to comply with the resolution.

By the end of 2007, the United States, the European Union and human right groups threatened and urged further sanctions due to continuous attacks in the Darfur region despite the ceasefire.

In 2008, the United States, the European Union as well as the UN threatened new sanctions after attacks by Sudanese troops on UN peacekeepers in Darfur and hindering the deployment of peacekeepers. China broke the UN arms embargo most often.

In March 2009, China, one of the Five Veto waving Permanent Members of the United Nations Security Council (UNSC), refused to endorse the draft statement calling for the government of Sudan (GoS) to backtrack on its expulsion of 13 humanitarian aid organizations from Darfur. Therefore, the United States and several European countries are debating with NATO the possibility of imposing an air embargo.

In March 2011, an UN-mandated panel of experts recommended to impose a tougher arms embargo on Sudan since there are several violations – and extended the mandate for the panel in February 2012, regretting ongoing violence against civilians. There is evidence that Russia and China deliver weapons to Sudan despite of the arms embargo. In March 2013, Sudan breached UN sanctions by using warplanes and rockets bought from Belarus and Russia in the Darfur conflict, according to UN experts who have called for a tightened embargo.

In February 2014, the UNSC regretted that some individuals of the Government and armed groups in Darfur persisted in committing violence against civilians and impeding the peace process, expressing its intention to impose targeted sanctions. On 12 February 2015, the United Nations (UNSCR 2200) threatened new sanctions against Sudanese government officials and armed groups that attack civilians in Darfur.

Resolution:

Ongoing.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

GIGA; (UN_SDN_05); HSE; (post-2000)

2004091501

Eritrea (US)

The U.S. Commission on International Religious Freedom is a federal government commission headquartered in Washington, D.C. It was created by the International Religious Freedom Act of 1998 (Public Law 105-292) to monitor religious freedom in other countries and advise the President, the Secretary of State, and Congress on how best to promote it. The annual report by the Commission names countries as “countries of particular concern”. In the case of Eritrea, the panel recommends that the US government redirect development aid to programs promoting democracy and human rights.

The State Department has designated Eritrea as a CPC under the International Religious Freedom Act of 1998 since **15 September 2004**. Effective as of **12 September 2005**, the US State Department published an arms embargo (suspension of all licenses and approvals for the export or transfer to Eritrea of defense articles and services) against Eritrea due to severe violations of religious freedom and acts to deny the rights of worshippers. These actions are taken in accordance with Section 405(a)(13)(B) of the International Religious Freedom (IRF) Act. It was the first time sanctions were applied to any country under the U.S. religious freedom law.

Practices included closing all churches but those officially sanctioned by the Government of the State of Eritrea (GSE), imprisonment of hundreds of worshippers without trial, detention of prisoners in metal shipping containers in the desert (punishment cells), and an ongoing denial from the GSE of any significant religious freedom problem. Despite the attempts of several U.S. officials, talks with senior GSE representatives have proved futile.

Resolution:

Ongoing. The Eritrean government continues to repress religious freedom for unregistered – and in some cases registered – religious communities. Systematic, ongoing, and egregious religious freedom violations include torture or other ill treatment of religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities of unregistered religious groups, and interference in the internal affairs of registered religious groups.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

GIGA; (US_ERI_06); TIES; (2004041501)

US State Department Public Notice 5335

US State Department Public Notice 6384

US State Department Public Notice 7552

2004091502

Saudi Arabia (US)

The U.S. Commission on International Religious Freedom is a federal government commission headquartered in Washington, D.C. It was created by the International Religious Freedom Act of 1998 (Public Law 105-292) to monitor religious freedom in other countries and advise the President, the Secretary of State, and Congress on how best to promote it. The annual report by the Commission names countries as “countries of particular concern”.

The State Department has designated Saudi Arabia as a CPC under the International Religious Freedom Act of 1998 since **15 September 2004**. The CPC designation could mean sanctions for Saudi Arabia, but any such action appears to be unlikely. The United States could impose sanctions on these countries under the law, but Secretary of State Colin Powell said Washington would use diplomacy. The US Commission on International Religious Freedom (USCIRF) recommended that Saudi officials responsible for religious rights violations be barred from entering the United States.

However, by 30 September 2005, the Bush administration has postponed punishing Saudi Arabia for restricting religious freedom, giving the U.S. ally six more months to show it has made progress in its treatment of religious minorities.

Resolution:

Although the State Department has designated Saudi Arabia as a CPC repeatedly since 2004, an indefinite waiver has been in place since **13 November 2006**. In July 2006, the Secretary decided to leave in place a waiver “to further the purposes of the Act” by announcing that bilateral discussions with Saudi Arabia had enabled the United States to identify and confirm a number of policies that the Saudi government “is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups.” Because previous reform pledges made by the Saudi government have not been implemented in practice, the Commission remains concerned about whether and how the newly reported Saudi policies will be implemented and how the United States will monitor them.

In 2008, the report said that it should be reiterated that the Commission did not meet with a fully representational set of interlocutors during its visit. The majority of persons with whom the Commission met, both in and outside the government, stated their view that King Abdullah is making some efforts to bring much needed human rights reforms to the Kingdom. Most agreed that the pace of reform has been slow, and that obstacles – including but not limited to corruption and resistance within the Royal family and religious establishment from elements that oppose change – have hindered progress.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2004091503

Vietnam (US)

The U.S. Commission on International Religious Freedom is a federal government commission headquartered in Washington, D.C. It was created by the International Religious Freedom Act of 1998 (Public Law 105-292) to monitor religious freedom in other countries and advise the President, the Secretary of State, and Congress on how best to promote it. The annual report by the Commission names countries as “countries of particular concern”.

The State Department has designated Vietnam as a CPC under the International Religious Freedom Act of 1998 since **15 September 2004**. The CPC designation could mean sanctions. The US Commission on International Religious Freedom (USCIRF) recommended that Vietnamese officials responsible for religious rights violations be barred from entering the United States.

Resolution:

On 5 May 2005, the US government said it had reached an agreement with Vietnam that “addresses a number of important religious freedom concerns” pending more talks with Hanoi. On **13 November 2006**, the United States dropped Vietnam from its list. It is true that after Vietnam was designated as a CPC in 2004, the Vietnamese government released some prominent religious prisoners and issued new ordinances regarding religion. It also made promises to improve conditions for its ethnic and religious minorities – promises that, at the time of the Report’s publication, however, had not yet been translated into concrete changes.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2004091601

Maldives (EU)

The government of the Maldives declared a state of emergency after the unprecedented Aug. 13 protest by 3,000 anti-government demonstrators in the capital, Male. Having regard to the EU's fact-finding mission to the Maldives following the imposition of a state of emergency and the subsequent mass arrests (the protest was to demand constitutional reform and the release of political prisoners), the European parliament, on **16 September 2004**, called on the Commission and Member States forthwith to cease all non-humanitarian aid to the Maldives and to impose an immediate travel ban in order to prevent members of the Government and other officials of the Maldives from entering the Member States of the European Union.

The sanctions should lead to a repeal of the state of emergency in the Maldives, guarantee the fundamental human rights of its citizens, release the pro-democracy reformers and press ahead an open and thorough reform process. The Maldivian government said it regretted that an offer made to members of the European Parliament to make an assessment of the situation before the resolution was moved had not been accepted – and consistently denied any torture of detainees.

Resolution:

On 8 October 2004, the Maldives restored some rights it suspended after a pro-democracy protest in August, following international criticism of its poor human rights record. President Maumoon Abdul Gayoom restored the right of persons detained for more than 24 hours to know the reason for their arrest and be given access to a lawyer. Bans on public gatherings, demonstrations and criticism of the government remain in effect, and 78 of the 185 protesters arrested remain in custody.

On 10 October 2004, Maldivian President Gayoom lifted a state of emergency he clamped on the Indian Ocean atoll nation three months ago to crush pro-democracy protests. The Maldives launched moves towards democratic reform, but dissidents complained the process had got off to a difficult start. Two days after President Gayoom lifted a state of emergency he brought in to crack down on political activists, a parliamentary session known as the Special Majlis opened in the capital island Male. Dissidents have welcomed the lifting of the emergency after two months, but said there could be no real change as long as the president remained the chief judicial officer.

In December, officials from the Maldives defended their efforts to carry out reforms, rejecting European Union criticism of the Indian Ocean nation's human rights record. Ahmed Shaheed, spokesman for Maldives' President Maumoon Abdul Gayoom, said the archipelago would implement a slew of democratic reforms over the next two years. On **31 December 2014**, Gayoom announced the withdrawal of high treason charges against four leading opposition figures, saying the nation needed unity to rebuild after the worst natural disaster in its history. The tsunami that swamped the low-lying Maldivian islands may have brought an unexpected benefit: political tensions have eased since the disaster and some see new hope now for democratic reform in the Indian Ocean archipelago. Government officials and opposition politicians said the announcement could clear the way for the biggest democratic reforms in the 26-year rule of Gayoom, Asia's longest-serving leader.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score).

Source:

TIES (2004091501)

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2004-0017&language=EN&ring=B6-2004-0058>

2004111701

Israel (US)

The United States has raised concerns about arms sales to China with Israel but has not demanded the resignation of any Israeli official over reported transfers of sensitive weapons or technology to Beijing, a Pentagon spokesman said on 16 December 2004. The spokesman would not comment specifically on a report by an Israeli television channel that Washington was angered because Israel took back a sensitive weapon system, an unmanned attack drone, the Harpy, for upgrading that it had sold to China in the mid 1990s.

Israel is China's second-largest military supplier, behind Russia, according to a 2004 report to Congress by the U.S.-China Economic and Security Review Commission. Israelis contend the sales give them leverage to prevent China from selling certain weapons to their foes. But the United States is also Israel's biggest supplier of military assistance, amounting to \$2.2 billion in fiscal 2005. Pentagon officials worry that Israel is essentially giving China's military back-door access to U.S. technology. The United States and the European Union banned all arms sales to China in 1989 after its crackdown on student protests in Tiananmen Square.

The United States has been concerned with Israel's arms sales to China for several years. In 2000, President Bill Clinton forced Israel to terminate a \$1 billion deal to deliver Phalcon early-warning aircraft to China, contending that the planes would threaten stability in the region.

In a clear sign that the Bush administration's anger over Israeli-Chinese military ties is nearing a boiling point, the United States has suspended cooperation with the Israeli air force on developing a new jet in the Joint Strike Fighter project and other high-tech military equipment used by ground troops. Moreover, Washington has demanded that its close ally Israel provide details of more than 60 recent security deals with China and its arms export trade in general. The seriousness of the rift had been downplayed for months by both American and Israeli officials.

The US has imposed sanctions on Israel after a dispute over Israel's sale of drones – unmanned aerial vehicles – to China, according to news reports. Washington has suspended cooperation on several development projects and frozen delivery of night-vision equipment. An official at the US embassy in Tel Aviv would not comment on the reports. He said the information about the sanctions had come from the Israeli government, not the US. The sanctions have been in operation for at least three months and were approved by the defence secretary, Donald Rumsfeld, and the secretary of state, Condoleezza Rice, seven months ago (**17 November 2004**), according to the reports.

The US never made public the sanctions against Israel and refused to comment on them. However, newspapers reported them based on anonymous information by Israeli officials.

Resolution:

On 14 June 2005, defense sources said, the Israeli Defense Ministry is cracking down on all trade to China by defense industries, pledging to report to the United States all dual-use sales to Beijing. The move came amid a deepening crisis with the Pentagon, which sees China as a potential rival and does not want to see it armed with sophisticated weapons. Israel has agreed to a de facto US veto on some defense sales by Israel to China. Israel says its dispute with the United States over its sales of military technology China will soon be worked out.

Israel has called off an arms deal with China, confiscating key parts of unmanned drone aircraft, in a bid to defuse U.S. anger over the sale, the Haaretz daily reported on 26 June 2005, but the decision could strain newly repaired relations with Beijing.

On 27 June 2005, Israel was set to sign an agreement to clear future defence deals with Washington after a spat over an arms contract with China which could leave it with a multi-million dollar compensation bill. Defence ministry spokeswoman Rachel Ashkenazi said negotiations “to reach an understanding with the United States are at an advanced stage” after Israel effectively apologised to Washington over a controversial drones deal.

On 28 June 2005, Israeli and U.S. delegations wound up two days of talks without concluding an agreement on future Israeli weapons deals with other nations.

On **16 August 2005**, Israel has agreed to consult with the U.S. government before selling any weapons to China or other nations. “This ends the dispute” over Israeli weapons sales by setting guidelines and establishes a basis for a more constructive relationship with the United States, Israeli Ambassador Daniel Ayalon said. The agreement was signed by Defense Secretary Donald H. Rumsfeld in Washington and Israeli Defense Minister Shaul Mofaz in Israel. Pentagon spokesman Bryan Whitman said the U.S. government will not have a veto power over any possible Israeli arms sales but will be informed and have a chance to express an opinion.

With regard to the deal, Israel cancelled an arms deal with Venezuela in October 2005.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score).

Source:

TIES (2004119901)

2004120801

Jordan (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Jordan ratified the Rome Statute on 11 April 2002. Even though Jordan was exempt from ASPA, \$250 million from USAID could be threatened under the Nethercutt Amendment which Congress has enacted on **8 December 2004**.

Resolution:

Even though Jordan signed the agreement on 16 December 2004, it has not entered into force. On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2005020101

Nepal (US-EU)

On **1 February 2005**, King Gyanendra seized direct power and dismissed the government. Hundreds of politicians were jailed and protests banned. Britain has said political developments in Nepal would increase the risk of instability in that country and has threatened to review security and development assistance to the kingdom. The European Commission immediately put on hold assistance programs.

US military and other aid to Nepal is at risk following the seizure of absolute power by King Gyanendra, Washington's top envoy warned on **11 February 2005**.

On 17 February, the United States, European Union (EU) members and India, all of which have been key backers of Nepal's drive to crush the Maoist insurgents, recalled their envoys this week to rebuff the monarch's actions. Senders calling for the restoration of multi-party democracy and constitutional monarchy.

On 22 February 2005, Britain terminated all military aid to Nepal; and on 23 February 2005, India stopped all military assistance to Nepal after its King Gyanendra dismissed the government. On **24 February**, the United States was urged to join Britain and India in suspending military aid to Nepal to protest the king's power grab, which has reportedly led to increasing human rights abuses. The US imposed additionally an arms embargo on Nepal.

Britain has decided on 28 May 2005 to resume non-lethal military assistance to Nepal on humanitarian grounds, following in the footsteps of India.

A resolution on 24 February 2005 of the European Parliament (EP) asked the Council to adopt 'smart sanctions' on Nepal, including travel restriction for members of the royal family and government officials, for the restoration of democracy, human rights, and peace.

The Parliamentary resolution, "strongly condemning" the King's shock seizing of power, also expressed concern at signs that Kathmandu might increasingly be gravitating towards China, now that India has officially suspended military aid supplies.

Resolution:

On 24 February 2006, King Gyanendra conceded to the demands of Nepal's pro-democracy demonstrators and turned the government over to the elected Parliament that was dissolved four years ago. Senders' demands were fulfilled, but outcome was also substantively focused by domestic demonstrations.

On **3 May 2006**, the US announced that it would resume military aid when the new Nepal government headed by Girija Prasad Koirala asked for it. On **23 June 2006**, the European Commission (EC) has decided to reactivate stalled assistance worth at least 1.7bn rupees.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

TIES (2005020101)

<http://www.nytimes.com/2006/04/25/world/asia/25nepal.html?hp&ex=1146024000&en=8fe71bf94d2a73c8&ei=5094&partner=homepage>

P6_TA(2005)0058

2005021901

Togo (US-EU)

After President Gnassingbé Eyadéma died of a heart attack, on 5 February 2005, his son Faure Gnassingbé was named as president by the Togolese military, followed by a military coup on 6 February 2005. The international community called for the restoration of constitutional order. Sanctions threats against Togo by the African Union and ECOWAS started on 8 February 2005 and included travel bans, suspensions of membership as well as diplomatic sanctions.

The Nigerian government imposed diplomatic sanctions and economic sanctions (flight ban) against the government of Togo on 11 February 2005. Nigerian President Olusegun Obasanjo on 17 February 2005 repeated a warning by West African leaders to impose sanctions unless Togo holds elections. Sanction threats included travel bans, the suspension of economic agreements and membership as well as diplomatic sanctions. ECOWAS imposed an arms embargo, travel bans on government leaders and diplomatic sanctions (suspension of membership) against the government of Togo on 19 February 2005. The African Union (AU) imposed diplomatic sanctions (suspension of membership) and military sanctions (arms embargo) against the government of Togo on 25 February 2005.

On **19 February 2005**, the United States ended all military assistance to Togo and “we are reviewing all aspects of our relations with Togo in order to identify further means of supporting the actions of ECOWAS.” The Council of the European Union Presidency threatened on **23 February 2005** to slap unspecified “measures” on the west African nation of Togo where Faure Gnassingbe has been installed as president by the army. In a statement, the 25-nation bloc said it fully supported efforts by the African Union and ECOWAS aimed at restoring “constitutional order and the democratic process” to Togo. One day later, the European Parliament called on the Commission to reconsider aid and to propose targeted sanctions against those responsible for the coup d’état.

Resolution:

President Faure Gnassingbé resigned on 25 February 2005 and El-Hadj Bonfoh Abass, president of the National Assembly, was appointed as interim president. Gnassingbé was elected president with 60 percent of the vote on 24 April 2005 and he was inaugurated on **3 May 2005**. ECOWAS lifted the sanctions against the government of Togo on 25 February 2005. Nigeria lifted its diplomatic and economic sanctions against the government of Togo on 10 March 2005. The AU lifted sanctions on 27 May 2005, after the late president’s son stepped down and agreed to hold elections. There were loud complaints that the elections were rigged but observers decided that the vote met international standards. Government troops killed nine individuals in the town of Aného on 26-27 April 2005.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES; (2005020701)

<http://news.bbc.co.uk/2/hi/africa/4300089.stm>

<http://news.bbc.co.uk/2/hi/africa/4588281.stm>

<http://reliefweb.int/report/togo/nigeria-lifts-sanctions-against-togo>

<http://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/togo-1960-present/>

P 015/05

P6_TA(2005)0057

2005022501

Syria (UN)

On 17 February 2005, a bipartisan group of US senators called on the White House to impose tighter sanctions against Syria, after the assassination in Beirut of former Lebanese prime minister Rafiq Hariri.

Kofi Annan, the UN Secretary-General, warned the Syrians on **25 February 2005** that they would face measures if they did not withdraw all troops from Lebanon. The calls for withdrawal follow an unprecedented display of anti-Syrian opposition in Lebanon after the assassination of Rafik Hariri, the former prime minister, who was blown up in Beirut by a car bomb widely blamed on Syria.

UNSCR 2005 established the International Independent Investigation Commission (UNIIC) to investigate the death of Hariri.

After the UN report suggests, strongly suggests, the politically motivated assassination of Prime Minister Hariri could not have taken place without Syrian involvement, the British, French and US foreign ministers on 25 October offered to drop a specific threat of economic sanctions against Syria to secure unanimous support for a UN draft resolution demanding full Syrian compliance with the probe into the murder of Lebanon's ex-premier. The draft suggests travel bans and asset freezes, the US also suggested an arms embargo.

On 31 October, the UNSC passed resolution 1636 in which the threat of sanctions was watered down to "further action" if Syria does not cooperate fully with the UNIIC. China, Russia and the Arab League opposed sanctions against Syria.

Resolution:

No imposition of sanctions. Syria announced in November that it will let Hariri death inquiry see Assad relatives. On 10 December, Syria has largely managed to blunt momentum toward sanctions. In the short term, at least, the United States and Syria seem to have settled into a wary standoff. On **12 January 2006**, the Syrian government signalled that it would allow United Nations investigators to talk to president Bashar Assad about the assassination of the Lebanese prime minister, Rafiq Hariri.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

TIES (2005022501); HSE; (post-2000); GIGA; (US_SYR_04)

<https://www.theguardian.com/world/2005/nov/02/syria.brianwhitaker>

2005031501

Pakistan (US)

In March 2005, a proposed natural gas pipeline from Iran to India has raised the ire of the U.S. Bush administration, concerned with existing sanctions against Iran. The United States has reportedly conveyed to both Pakistan and India that the proposed gas pipeline project is 'unwise' because it would contribute to Iran's economic development and allow Iran to raise resources for its suspected nuclear arms program. On **15 March 2005**, the Bush administration has warned the deal contravenes the U.S. Iran-Libya Sanctions Act, which empowers President Bush to order punitive measures against any international company that invests more than \$20 million a year in Iran's energy sector. U.S. Secretary of State Condoleezza Rice delivered a sharp message to the two governments that Washington is against the pipeline project. The two leaders have clearly decided that the potential benefits to their two countries are so great that it is worth risking Washington's chagrin.

In 2006, the US were holding up pressure on India and Pakistan against the proposed gas pipeline. Despite continuing opposition from the US, Iran and Pakistan finalized the Peace Pipeline contract on 10 November 2007. Pakistan and India on 25 April 2008 agreed on the structure of a joint company to implement a nearly \$7.5 billion Transnational Gas Pipeline project that would supply nearly 2.06 billion cubic feet per day of Iranian gas to the two countries.

Resolution:

On 7 September 2009, India withdrawal from the project over unacceptable size of the pipe, pricing and security issues was announced – just a year after it signed a nuclear deal with the US. Pakistan, which signed an initial agreement with Iran in 2009, also could not carry through the project under pressure from the US. In April 2010, with India still keen to join an ambitious gas pipeline project involving Iran and Pakistan, the US again has warned all countries against engaging in transactions with Tehran. In 2011, the US stiffened its opposition to the Iran-Pakistan gas pipeline project. U.S. Secretary of State Hillary Clinton warned in 2012 of "damaging consequences" if Islamabad persisted in pursuing the project. In November 2013, the United States has said that the recent agreement reached on the Iran nuclear programme does not change its position on the Iran-Pakistan pipeline project. State Department spokesperson Jen Psaki said the interim deal does not impact the core sanctions regime. The Obama administration said that Iran's pipeline project could still invoke severe sanctions.

On **22 January 2015**, Pakistan and Iran have reached an understanding that they will start implementing the gas pipeline project soon after sanctions imposed by the United States are lifted.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2005031502

India (US)

In March 2005, a proposed natural gas pipeline from Iran to India has raised the ire of the U.S. Bush administration, concerned with existing sanctions against Iran. The United States has reportedly conveyed to both Pakistan and India that the proposed gas pipeline project is 'unwise' because it would contribute to Iran's economic development and allow Iran to raise resources for its suspected nuclear arms program. On **15 March 2005**, the Bush administration has warned the deal contravenes the U.S. Iran-Libya Sanctions Act, which empowers President Bush to order punitive measures against any international company that invests more than \$20 million a year in Iran's energy sector. U.S. Secretary of State Condoleezza Rice delivered a sharp message to the two governments that Washington is against the pipeline project. The two leaders have clearly decided that the potential benefits to their two countries are so great that it is worth risking Washington's chagrin.

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HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2005031503

Kenya (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Kenya ratified the Rome Statute on **15 March 2005**. On 1 July 2003, the State Department has declared ICC member states which have not signed the bilateral non-surrender agreement ineligible to receive military assistance. On 8 December 2004, Congress enacted the Consolidated Appropriations Act which contained the Nethercutt Amendment which cut US Aid in FY05 and FY06. However, Kenya did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source: TIES (2005031501)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2005091501

Venezuela (US)

The President reported on 15 September 2005 to Congress his determination that Venezuela has “failed demonstrably,” during the previous 12 months, to adhere to the obligations under international counternarcotics agreements and take the measures set forth in U.S. law. However, the President also determined to maintain U.S. programs that aid Venezuela’s democratic institutions, establish selected community development projects, and strengthen Venezuela’s political party system – and issued a national interest waiver.

“Venezuela is a major transit country for drug shipments moving to the United States and Europe, with 150 metric tons of cocaine and increasing quantities of heroin moving through its territory annually. Despite an increase in drug seizures during the past 4 years, it is our assessment that the Government of Venezuela has not addressed the increasing use of Venezuelan territory to transport drugs to the United States. Venezuela also failed to eradicate coca and opium poppy fields found near its border with Colombia.”

Resolution:

Ongoing sanctions threat.

HSE Score:

3 (policy result) X 4 (sanctions contribution) = 12 (sanctions success)

Source:

EUSANCT

2005102801

Mexico (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction.

Mexico ratified the Rome Statute on **28 October 2005**. On 1 July 2003, the State Department has declared ICC member states which have not signed the bilateral non-surrender agreement ineligible to receive military assistance. On 8 December 2004, Congress enacted the Consolidated Appropriations Act which contained the Nethercutt Amendment which cut US Aid in FY05 and FY06. However, Mexico did not sign the agreement.

Resolution:

On **12 March 2009**, President Obama signed into law the annual Omnibus Appropriations Bill without including the Nethercutt Amendment, which had previously cut Economic Support Funding (ESF) to nations unwilling to enter into a so-called Art. 98 agreement with the United States.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

TIES (2005102801)

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIAdb_Current.pdf

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<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2005112301

Eritrea (UN)

Ethiopia and Eritrea fought a costly border war between 1998 and 2000. A peace agreement in 2000 led to the demarcation of the border by an independent commission. However, Ethiopia has not yet withdrawn its forces from the town of Badme, which was awarded to Eritrea. In 2003, the Ethiopia-Eritrea Boundary Commission clarified that its 2002 ruling would cede Badme to Eritrea—a decision that Ethiopia regards as illegal and has refused to implement. At the end of 2005, the stalemate looked set to escalate into crisis.

Eritrea has threatened a new war if Ethiopia persists in rejecting the border ruling that emanated from a peace deal signed in Algiers to end their conflict after the loss of some 80,000 lives. Ethiopia says it wants revisions to the demarcation, which awards the flashpoint border town of Badme to Eritrea, so families are not split between the arch-rival nations.

On **23 November 2005**, in UNSCR 1640, the United Nations Security Council has threatened Ethiopia and Eritrea with economic sanctions if they do not return to a peace plan signed in 2000.

Resolution:

Although Ethiopian troops did pull back, reducing the immediate threat of military clashes, the other provisions of Resolution 1640 were not implemented. On 15 May 2006, in UNSCR 1678, the Council gave Ethiopia and Eritrea a final two weeks to comply with Resolution 1640. On **31 May 2006**, in the absence of substantive progress on border demarcation or UNMEE's status, the Council authorized the reconfiguration of UNMEE's military component and reduced its authorized strength by about a thousand troops, to 2,300 (UNSCR 1681). The UN did not recall its determination to consider further appropriate measures when the parties fail to resolve their dispute. Even in 2016, there are border attacks from time to time.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://news.bbc.co.uk/2/hi/africa/4465474.stm>

http://www.sudantribune.com/article.php3?id_article=12732

<http://www.bbc.com/news/world-africa-36515503>

http://peaceoperationsreview.org/wp-content/uploads/2015/04/2007_eth_eri_mission_notes.pdf

UNSCR 1640

UNSCR 1678

UNSCR 1681

2005112302

Ethiopia (UN)

Ethiopia and Eritrea fought a costly border war between 1998 and 2000. A peace agreement in 2000 led to the demarcation of the border by an independent commission. However, Ethiopia has not yet withdrawn its forces from the town of Badme, which was awarded to Eritrea. In 2003, the Ethiopia-Eritrea Boundary Commission clarified that its 2002 ruling would cede Badme to Eritrea—a decision that Ethiopia regards as illegal and has refused to implement. At the end of 2005, the stalemate looked set to escalate into crisis.

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Resolution:

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HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://news.bbc.co.uk/2/hi/africa/4465474.stm>

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http://peaceoperationsreview.org/wp-content/uploads/2015/04/2007_eth_eri_mission_notes.pdf

UNSCR 1640

UNSCR 1678

UNSCR 1681

2006012501

India (US)

In 2005, the U.S agreed “to share advanced civilian nuclear technology with Delhi, lifting sanctions triggered by India’s nuclear tests in 1998” (BBC, 2005). This deal was in jeopardy because of India’s lack of willingness to vote against Iran at a UN meeting: “The deal could “die in Congress” if India does not vote against Iran at a meeting of the UN nuclear watchdog, US Ambassador David Mulford said” (BBC, 2006) on **25 January 2006**.

Resolution:

On 4 February 2006, the IAEA passed a resolution, “Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran,” to report Iran to the UN Security Council. India voted against Iran and in line with the United States.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

BBC (2005): http://news.bbc.co.uk/2/hi/south_asia/4203842.stm

BBC (2006) [US warns India]: http://news.bbc.co.uk/2/hi/south_asia/4647956.stm

Arms Control Association (2006): https://www.armscontrol.org/act/2006_03/MARCH-IAEAIran

IAEA Resolution: 4 Feb 2006: <https://www.iaea.org/sites/default/files/gov2006-14.pdf>

Vote Tally: <http://www.iranwatch.org/library/international-organization/international-atomic-energy-agency-iaea/iaea-board-governors-vote-tally-2-4-06>

2006022301

Former Republic of Yugoslavia (EU-US)

Belgrade came under mounting pressure to arrest war crimes fugitive Ratko Mladic after the European Union (Commission) threatened on **23 February 2006** to suspend Serbia-Montenegro's integration talks over a lack of cooperation with The Hague tribunal. Serbia has come under increasing pressure following a flood of unconfirmed local media reports this week that Mladic had been arrested or was negotiating his surrender to the UN war crimes tribunal after a decade on the run. European Union foreign ministers threatened to freeze talks with Serbia on its EU membership bid on 27 February 2006, setting an end-of-March deadline for Belgrade to hand over top fugitive Ratko Mladic. The European Union on 31 March 2006 extended a deadline by one month until April 30 for Serbia to hand over war crimes fugitive Gen. Ratko Mladic to the U.N. war crimes tribunal after the chief prosecutor said Belgrade was making progress in hunting him down.

The European Commission on **3 May 2006** suspended aid and trade talks with Serbia over its failure to arrest war crimes fugitive Ratko Mladic, the ex-Bosnian Serb army commander indicted for genocide in Europe's worst massacre since World War II. The United States supports European Union efforts to ensure that former Bosnian Serb military commander Ratko Mladic is transferred to The Hague to face justice.

The U.S. ambassador said on **10 May 2006** that Washington may cut aid to Serbia over Belgrade's failure to arrest war crimes suspect Ratko Mladic. On **31 May 2006**, the United States has suspended aid to the Serbia-Montenegro government because it is refusing to cooperate with the tribunal set up by the United Nations to deal with war crimes in the former Yugoslavia. Serbian authorities have been under intense pressure to arrest and hand over Ratko Mladic, the ex-Bosnian Serb army commander that the tribunal has under indictment for genocide.

Resolution:

On **3 July 2007**, Secretary of State Condoleezza Rice has determined and certified that Serbia has met the criteria of Section 563 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2006. The new government in Belgrade also provided ICTY with previously requested documents, publicly committed to full cooperation with ICTY and reorganized to effectively search for the four remaining fugitives. The administration welcomed these actions by the Republic of Serbia to improve cooperation with the Tribunal. The Secretary's decision does not indicate that Serbia fully met its obligation to arrest and transfer all indictees to the Tribunal. We expect all leaders in the region to assist in the arrest and transfer to the ICTY in The Hague all the remaining indictees still at large, particularly Ratko Mladic and Radovan Karadzic.

The European Union will consider resuming talks with Serbia on a trade-and-aid agreement after the Balkan country's elections next month, EU's foreign policy chief Javier Solana said on 4 December 2006. The EU suspended negotiations in May saying Belgrade must fully cooperate with the U.N. war crimes tribunal by tracking down and handing over top suspect Gen. Ratko Mladic. However, the bloc has been worried that isolating the Balkan country could encourage hardline nationalists at a time when tensions are running high over the fate of Kosovo.

The EU foreign ministers on 12 February 2007 moved closer to resuming talks on closer ties with Serbia, if a new government there takes "concrete steps" towards cooperating with the UN war crimes court. The agreement softens the position formerly insisted on by the EU that Stabilisation and Association Talks (SAA), the first step towards EU membership, should remain frozen until Belgrade hands over former Bosnian Serb military chief Ratko Mladic to the international tribunal.

The European Union and Serbia concluded negotiations on a new pre-membership aid and trade pact on 10 September 2007 but the EU says signing the accord will remain on hold until Serbia shows it is fully cooperating with the U.N.'s war crimes tribunal. Talks were resumed after the new Serbian government pledged renewed efforts to apprehend Mladic, particularly following the arrest in May of his former top intelligence officer, Gen. Zdravko Tolimir.

European Union nations signed on 29 April 2008 a pre-membership pact with Belgrade, hoping to help pro-European parties win the Serb elections next month. But the EU made the implementation of its aid-and-trade offer conditional on Belgrade handing over indicted war crimes suspects to the U.N. tribunal – the Netherlands and Belgium opposed the implementation as the Serbs have shown insufficient cooperation. On **7 December 2009**, the EU foreign ministers decided to boost ties with Serbia, bringing an end to an 18-month standoff over Belgrade's lack of cooperation with a UN war crimes court. The report of the UN war crimes prosecutor in 2009 was positive, but included the assertion that both Mladic and Hadzic are within reach of Serbia's authorities.

On 26 May 2011, Mladic was arrested in Serbia. His capture was a conditions for Serbia to become a candidate for European Union membership.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

2006031001

Iran (UN-US-EU)

Since Iran's nuclear program became public in 2002, the UN, EU and several individual countries have imposed sanctions in an attempt to prevent it from developing military nuclear capabilities. In 2003, several countries (EU, Russia, Japan) pressed Iran to sign the IAEA Additional Protocol. In October 2003, faced with an approaching IAEA deadline of 31 October for Iran to fully disclose its nuclear program, foreign ministers from Britain, France and Germany (EU-3) began nuclear negotiations with Iran. Tehran agreed to freeze uranium enrichment and signed the IAEA Additional Protocol in December, in return for the EU's future cooperation in transfers of various technologies. In June 2004, the IAEA Board of Governors reported violations of Iran's promise to disclose all details of its nuclear program. Iran announced resumption of uranium enrichment in September. By the end of 2004, Iran and EU-3 came to a limited agreement, establishing an interim period during which Iran will freeze uranium enrichment and the EU will refrain from referring the case to the UNSC.

In August 2005, EU-3 talks with Iran crumbled after the final EU proposal is deemed "worthless" by the Iranian negotiators. Iran restarted uranium processing and the EU-3 officials began to seek international support for referring Iran to the UNSC – but Russia and China oppose a US-EU resolution. On 4 February 2006, the IAEA referred Iran to the UNSC over concerns that the country is developing nuclear weapons. Iran reacted by refusing inspections of nuclear facilities and the resumption of uranium enrichment. On **10 March 2006**, the EU's foreign policy chief Javier Solana warns of sanctions against Iran. On **20 April 2006**, the US threatened to press the UNSC for sanctions.

On 10 March 2006, the UN developed a draft document meant to reinforce the authority of the IAEA by stating that "continued enrichment-related activity would add to the importance and urgency of further action by the Council". On **31 July 2006**, the UNSC passed the first legally binding resolution (1696) demanding "full and sustained suspension" of Iranian nuclear activities and threatens sanctions if Iran does not comply in a month. The first set of measures is expected to focus on preventing the supply of material and funding for Iran's nuclear or ballistic missile programs.

On **23 December 2006**, the UNSC approved limited and targeted sanctions on Iran. Resolution 1737 "bans the import and export of materials and technology used in uranium enrichment, reprocessing and ballistic missiles" and freezes the assets of 12 individuals and 10 entities due to their involvement in nuclear and ballistic missile programs, and calls for vigilance in allowing travel by designating individuals. On 24 March 2007, UNSCR 1747 prohibited Iranian arms exports, and adds new names to the designated persons and entities list. Iranian officials announced that they will partially suspend cooperation with the IAEA in response to the UN sanctions. On **10 January 2007**, the US imposed UN sanctions but went a step beyond the resolution. On **23 April 2007**, the EU foreign ministers formally agreed to introduce sanctions against Iran over its nuclear ambitions in line with a UN Security Council resolution. The EU's sanctions also go further than UNSCR 1737.

The UNSC passed resolution 1803 (3 March 2008), strengthening and expanding sanctions against Iran. The new financial penalties included a freeze of assets of 13 Iranian companies and individuals with ties to the nuclear program, expansion of travel bans to these individuals, further restrictions on dual-use technologies, and inspection of cargo shipments. The resolution also called on member states not to provide new export guarantees or credits to Iran. On 24 June 2008, the EU imposed additional financial and travel restrictions on a list of Iranian individuals and companies. On 9 June 2010, the UNSC passed a fourth and much stronger sanction resolution (1929) against Iran, making travel bans and an embargo on exports of major weapons systems mandatory, expanding the dual-use sanctions and asset freezes, expanding the financial sanctions, and providing for more vigorous

implementation through inspections of ships entering and leaving Iran. The US and the EU adopted additional sanctions pursuant to the UN mandate against Iran's shipping and air cargo companies and assets of the Iranian Revolutionary Guard Corps. On 26 July 2010, the EU imposed further sanctions, targeting energy, insurance, transport and financial sectors. In addition, EU legislation implements asset freezes, travel and educational bans of persons related to Iran's nuclear program. In September 2010, Japan banned new investment in energy development, restricts financial dealings and froze assets of people and institutions linked to Iran's nuclear program. On 31 March 2011, India banned direct or indirect export and import of goods and services from Iran which could help Iran to develop nuclear weapons. After a new UN report in May 2011 which claimed that Iran "has shipped conventional weapons to Syria in violation of an UN arms-export ban", EU foreign ministers set up sanctions on Iran by freezing the assets of 100 Iranian companies and enacting a visa ban against five additional individuals.

Citing recent IAEA reports, Britain imposed new financial sanctions on Iran, on 21 November 2011, ordering all UK financial institutes to cease conducting business with Iranians and the central bank of Iran. Canada imposed new sanctions on Iran targeting "virtually all transactions" including a ban on exports aiding Iran's energy sector. The US restated and expanded certain aspects of CISADA. In response to a strengthening of sanctions by the UK, Iran passed a bill downgrading diplomatic and economic ties with Britain. On 1 December 2011, the EU sanctioned additional 180 Iranian companies and individuals. In December 2011, Australia, Japan, South Korea, and Switzerland also tightened their sanctions. On 31 December 2011, Obama signed the National Defense Authorization Act for 2012 preventing the opening of US accounts by foreign banks that conduct transactions with Iran's Central Bank, causing Iran's rial to plummet to a record low. On 23 January 2012, in an effort to ramp up pressure, the EU slaps sanctions on Iran including an asset freeze on Iran's central bank and an oil import ban that will be phased in by 1 July. On 6 February 2012, Obama implemented sanctions on Iran's central bank and ordering a freeze of its assets as well as all other Iranian financial institutions and the Government. On 23 March 2012, the EU adopted Iranian oil sanctions that were adopted by the council on 23 January, including a visa ban and asset freeze on 17 Iranians.

Resolution:

In June 2013, reformist-backed cleric Hassan Rouhani won presidential election. He claimed that Iran will never build nuclear weapons, and repeated offers of "time-bound and result-oriented" talks. In October 2013, the first talks with the P5+1 and the new Iranian negotiators took place – and agree on a transitory agreement in November. Vienna negotiations on Iran's nuclear programme fail to finalise preliminary deal signed in Geneva in November 2013. The two sides express confidence that remaining sticking points can be resolved, and agree a seven-month extension to the talks. On 14 July 2015, after years of negotiations, world powers reach deal with Iran on limiting Iranian nuclear activity in return for lifting of international economic sanctions. On 20 July 2015, UNSC adopted Resolution 2231, paved the way for lifting of the UN sanctions. After the IAEA confirmed that Iran had kept its side of last year's agreement with six major powers by significantly scaling down its nuclear programme, the EU and the US lifted most of their nuclear-related sanctions on 16 January 2016, the "Implementation Day" of the Joint Comprehensive Plan of Action. However, embargoes on Iran's ballistic missile programme and on heavy weapons trade will remain in place for several years.

HSE Score:

3 (policy result) x 4 (sanctions contribution) = 12 (success score) (HSE: 2 x 2 = 4)

Source:

GIGA; (UN_IRN_06); HSE; (84-1)

<http://www.bbc.com/news/world-middle-east-14542438>

2006051501

Venezuela (US)

On 8 May 2006, the Secretary of State determined that Venezuela is not cooperating fully with anti-terrorism efforts [71 FR 28897]. Section 40A of the AECA prohibits the sale or licensing of defence articles and services to those on the list for a term of the fiscal year beginning on 1 October 2006. On **15 May 2006**, the United States cut off all arms sales to Venezuela, saying the Latin American country was not adequately cooperating with anti-terrorism efforts, the US State Department said. In addition, on 17 August 2006 [71 FR 47554], the State Department announced a policy of denial of the export or transfer of defence articles to and revocation of existing authorizations for Venezuela.

The US reacted to goading by the Venezuelan president, Hugo Chavez, by slapping a full arms ban on the country, claiming it had failed to cooperate in the fight against terrorism. Janelle Hironimus, a state department spokeswoman, said Venezuela had forged close relations with Iran and Cuba, both classified by the US as state sponsors of terrorism. She said: "Venezuela has publicly championed the Iraqi insurgency."

On 3 August 2006, Sweden said it will no longer sell arms to Venezuela, citing the U.S. arms embargo against the South American country.

Israel later has imposed a ban on the sales of arms and military equipment to Venezuela, an important customer of Israeli defence companies. The ban, which has received little media attention, was imposed at the explicit request of the US, and because of anti-Israeli declarations by Venezuela President Hugo Chavez. "Defense News" reported that the embargo was imposed in August 2006.

Resolution:

Ongoing.

This sanction is still in effect, and Venezuela has bought weapons from Russia and more closely cooperated with countries that are not friendly with the US. In June 2006, Venezuela and Russia signed a number of contracts amounting to USD3 billion, including 24 Su-30MK2V air-superiority fighters (valued at USD1.5 billion); nine Mi-17V-5 transport helicopters; five Mi-35M attack helicopters (USD81 million); and 100,000 AK-103 assault rifles (USD54 million). Also agreed was a commitment to develop a factory in Venezuela for the indigenous production of the AK-103 and 7.62mm ammunition and a helicopter (Mi-17/-26/-35) service and support centre. In 2008, Venezuela also announced the purchase of an unspecified quantity of T-72 tanks.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://www.globes.co.il/en/article-1000170049>

2006102301

Montenegro (US)

Under the 1998 Rome Protocol, the International Criminal Court (ICC) was set up to investigate and prosecute war crimes, crimes against humanity, and genocide. US President Clinton signed the Protocol in December 2000. In May 2002, the Bush administration renounced Clinton's signature and withdrew from all negotiations to set up the ICC. On 2 August 2002, President George W. Bush signed into law the American Servicemembers' Protection Act (ASPA). The Bill "to protect United States military personnel and other elected and appointed officials [...] against criminal prosecution by an international criminal court to which the US is not a party" first surfaced in June 2000, while the Preparatory Commission was in session to consider the then pending proposals for a "procedural fix" that would satisfy American demands, and was introduced in the Senate by Senator Jesse Helms (R-NC) and in the House of Representatives by Representative Tom DeLay (R-TX) on 14 June 2000.

Congress has provided an incentive for reaching agreement, by stating that a Rome treaty party will not be eligible for American military assistance if it should refuse an Article 98 agreement. Section 2007 of ASPA provides for a potential cut-off of foreign military financing (FMF), international military education and training (IMET), and excess defense articles (EDA), and drawdown of defense articles and services. In addition, the "Nethercutt Amendment" was subsequently added to Foreign Operations appropriations legislation. This proviso bars federally-funded aid in the form of Economic Support Funds (ESF) for any state acceding to the Rome treaty that also fails to provide a bilateral guarantee precluding the criminal transfer of U.S. persons. However, NATO members and other key allies (such as Israel, Japan, South Korea, Australia and New Zealand) were exempt from any penalty if they refuse. Moreover, Section 2007(b) of the ASPA also provides the President with clear authority to waive any restriction. To do so, the President must determine that a waiver is "important to the national interest of the United States." Such waivers have to be reported to the Congress after the fact. The Nethercutt Amendment contains similar waiver authority, with prior notice to Congress.

Montenegro ratified the Rome Statute on **23 October 2006**. On 1 July 2003, the State Department has declared ICC member states which have not signed the bilateral non-surrender agreement ineligible to receive military assistance. On 8 December 2004, Congress enacted the Consolidated Appropriations Act which contained the Nethercutt Amendment which cut US Aid in FY05 and FY06.

Resolution:

Montenegro signed the agreement which entered into force on **19 April 2007**.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

<https://www.hrw.org/news/2009/08/02/united-states-and-international-criminal-court-bush-administrations-approach-and-way>

http://www.iccnw.org/documents/BIADB_Current.pdf

http://www.iccnw.org/documents/BIAWaiversWICC_Current.pdf

<http://guides.ll.georgetown.edu/c.php?g=363527&p=2456099>

http://iccnw.org/documents/BAHAMAS_HoS_letter_april_12.pdf

2006111301

Uzbekistan (US)

The U.S. Commission on International Religious Freedom is a federal government commission headquartered in Washington, D.C. It was created by the International Religious Freedom Act of 1998 (Public Law 105-292) to monitor religious freedom in other countries and advise the President, the Secretary of State, and Congress on how best to promote it. The annual report by the Commission names countries as “countries of particular concern”.

The State Department has designated Uzbekistan as a CPC under the International Religious Freedom Act of 1998 since **13 November 2006**. The CPC designation could mean sanctions. The US Commission on International Religious Freedom (USCIRF) recommended that Uzbek officials responsible for religious rights violations be barred from entering the United States, their assets to be frozen – and conditions should be imposed on US aid.

Resolution:

Under the IRF Act, the Secretary of State has up to 180 days to choose a Presidential action from the list mandated by law. The Department of State will continue to press the Government of Uzbekistan for improvements in religious freedom. However, since **11 May 2009**, the State Department de facto indefinitely waived taking any action even though the government of Uzbekistan continues to perpetrate severe violations of religious freedom.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT; GIGA; (US_UZB_05); HSE; (post-2000)

2006120501

Fiji (EU-US)

The Fijian coup d'état of **5 December 2006** occurred as a continuation of the pressure which had been building since the military unrest of the 2000 Fijian coup d'état and 2005-06 Fijian political crisis. Washington immediately suspended US\$2.5 million (euro1.9 million) in aid to Fiji used mostly for military sales and training. Moreover, the United States suspended all sales and deliveries of defense articles and defense services to Fiji. Australia joined New Zealand in suspending military ties with Fiji and imposing travel bans on armed forces officers and anyone who joined the planned interim administration. The United Kingdom also immediately suspended bilateral and military assistance to Fiji.

On 8 December 2006, the Commonwealth suspended Fiji with immediate effect and condemned the military coup.

The EU **immediately** threatened that it would stop developmental aid if the country did not return to democracy and, on **5 October 2007**, officially adopted aid restrictions (2007/641/EC).

In 2007, New Zealand reinstated expanded sanctions after the government of Bainimarama (leader of the December 2006 coup) expelled New Zealand's high commissioner to Fiji.

Resolution:

Since early 2012 some positive developments towards the restoration of democracy in Fiji have taken place and should be acknowledged, according to the EU. A prospective reengagement towards the programming of future development assistance should therefore be considered. EU aid sanctions expired on **30 September 2012**.

Fiji held elections in September 2014, with Bainimarama claiming an emphatic win. On 31 October 2014, the US and Australia have removed sanctions against Fiji following democratic elections. However, the US have only rescinded a ban on sales of military equipment to the South Pacific island nation of Fiji on **29 May 2015**.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score) (HSE: 1 x 2 = 2)

Source:

GIGA; (EU_FJI_06; US_FJI_06); HSE; (post-2000)

2007/641/EC

2012/523/EU

2007062701

Bulgaria (EU)

On **27 June 2007**, the European Commission released its first report on the corruption in Bulgaria. While the EC decided not to impose sanctions this year, they had not ruled them out if the corruption was not cleaned up by time the June 2008 report was released.

The European Commission will condemn Bulgaria's corrupt administration and judiciary, according to a draft text of 18 July 2009. The flaws have undermined its use of the money – hundreds of millions of euros have already been frozen – and could also hinder Sofia's entry into the Schengen passport-free area and the euro single currency zone, diplomats said. On **23 July 2008**, the EC "condemned Bulgaria for its failure to tackle corruption and bad management of EU funds and said it has frozen hundreds of millions of euros in aid money." However, the commission, the EU's executive arm and guardian of its treaties, was prepared to reverse the decision "as soon as Bulgaria has taken the necessary corrective measures".

Later, on 25 November 2008, the EC announced that "Bulgaria has lost the right to about 220 million euros. While Bulgaria had made some attempts to clean up corruption, the EC said they were insufficient. Therefore, the frozen funds use has expired and Bulgaria will not receive them, nor will they receive further aid until the corruption is sufficiently addressed.

Resolution:

The EC did not reinstate all funds at once. The first reinstated funds were in May 2009 for the national road agency. Continued freezing of funds was not recommended in the July report. However, the European Commission announced on **18 November 2009** that it had lifted a freeze on millions of euros in potential aid to Bulgaria after Sofia improved its management of EU funds. "Today's decision is the result of considerable efforts made by the Bulgarian authorities, in cooperation with the commission, to identify previous irregularities and to offer proposals for corrective action," a spokesman said. "The decision shows that Bulgaria has taken the recommendations of the commission seriously, and improved the financial management and control of European Union funds." The spokesman said the decision would free up 82.563 million euros (123.4 million dollars) in aid money for which Sofia would have to apply. Corruption concerns prompted the European Commission last year to freeze a total of 825 million euros in pre-accession aid to Bulgaria and subsequently axe 220 million euros of it. In September, the commission unblocked EU member Bulgaria's access to some 19 million euros in so-called SAPARD farm aid funds, after Sofia implemented an action plan to address concerns about the use of the aid.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

2008011501

Kenya (EU-US)

After former President Mwai Kibaki was declared winner of the presidential election held on 27 December 2007, a political, economic and humanitarian crisis erupted in Kenya in early 2008. From then on, Kenya experienced ethnic violence triggered by a disputed presidential election where the two coalitions vying for government – the Orange Democratic Movement (ODM) and Party of National Unity (PNU) – were strongly supported by ethnically-rooted political constituencies. Opinion polls published prior to the election showed Raila Odinga, the ODM leader with a narrow lead. However, on 30 December 2007, Kenya's Electoral Commission chairman Samuel Kivuitu declared Mwai Kibaki – the incumbent president and leader of the PNU the winner. The announcement of the results triggered widespread and systematic ethnically-targeted violence, resulting in more than 1000 deaths and the displacement of over 500000 civilians.

Germany's Cooperation Minister Heidemarie Wiecek-Zeul said on 4 January 2008 that EU aid to Kenya should be suspended if the government rejects international efforts to end deadly political turmoil. Other countries such as Britain, Netherlands, Australia and Canada announced additional humanitarian aid due to the crisis.

On **15 January 2008**, the European Commission refused to rule out re-examining its aid to Kenya – and the European Parliament proposed to its members to freeze aid to Kenya on 17 January. European Union foreign ministers threatened on 28 January 2008 to cut aid to Kenya unless its rival political factions agree to a power-sharing pact and restore stability. The Council regrets “the loss of life” and “the serious humanitarian consequences that have ensued after the elections” and considers that “until a legitimate solution is agreed, the EU and its Member States cannot conduct business as usual with Kenya. Failure to find a sustainable and consensual political solution would affect donors' engagement with Kenya and EU Kenya relations”.

On **30 January 2008**, Assistant Secretary of State for Africa Jendayi Frazer says the entire U.S. aid program to Kenya's government is under review. On 4 February 2008, the US and Canada gave the first hints of a plan to ban top leaders considered to be subverting democracy from travelling to their countries. The United Nations also sent a warning: Sort out this crisis or risk the relocation of the global body's office from Nairobi. On 8 February 2008, threatening to ban some Kenyan politicians from entering the United States, the embassy had sent letters to 10 politicians and businessmen, warning them that they and their families would be denied entry into the United States if the embassy determined that they had instigated or participated in violence.

Resolution:

Threats were ineffective. On **28 February 2008**, UN Secretary General Kofi Annan succeeded to make the two factions sign a power-sharing agreement. A coalition government comprising members of the current ruling party and opposition was formed.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

http://europa.eu/rapid/press-release_PRES-08-19_en.htm

<http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-kenya>

<http://news.bbc.co.uk/2/hi/africa/7268903.stm>

2008032401

Sri Lanka (US)

There had been a ceasefire in Sri Lanka between the government and the Liberation Tigers of Tamil Eelam (LTTE) which was signed in 2002. In early 2008, the BBC wrote that the government of Sri Lanka withdrew from the ceasefire which had become “redundant.”

China has reportedly denied supplying heavy weapons to Sri Lankan armed forces fighting Tamil Tiger guerrillas, a Tamil MP said on 20 March 2008.

After escalating violence between the two sides, the US amended ITAR to implement an arms embargo against Sri Lanka. The Federal Register (2008) notes that this is effective 24 March 2008. The arms embargo falls under the Consolidated Appropriations Act.

Resolution:

In May 2016, the U.S. Department of State’s Directorate of Defense Trade Controls (DDTC) announced that it has lifted the arms embargoes against Sri Lanka. The embargo did not carry forward under the Consolidated Appropriations Act of 2016. Thus, Sri Lanka is removed from ITAR and the sanction is lifted effective 29 September 2016 in light of the improved political and security situation.

The sanction appears to have been ineffective, since a civil war that started in 1983 is now considered to have only ended when the LTTE was defeated in 2009. BBC (2016) notes that between 70,000 and 80,000 people are thought to have been killed in the civil war.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

http://news.bbc.co.uk/2/hi/south_asia/7168528.stm

<https://srilankanewsnet.wordpress.com/2008/03/20/china-denies-supplying-heavy-weapons-to-sri-lanka/>

<http://www.pmdt.c.state.gov/FR/2008/73FR15409.pdf>

<https://www.gpo.gov/fdsys/pkg/FR-2016-09-29/pdf/2016-23284.pdf>

<https://www.lexology.com/library/detail.aspx?g=f7ae7f18-6eca-4995-ab53-584b35586a76>

<http://www.bbc.com/news/world-south-asia-11999611>

2008080601

Mauritania (US-EU)

On **6 August 2008**, renegade soldiers detained President Sidi Ould Cheikh Abdallahi after he tried to sack army officers. The coup has been widely condemned by the international community and the US has immediately suspended all non-humanitarian aid. On 9 August, the African Union suspended Mauritania's membership due to the ousting of the democratically elected president – and threatened to impose further sanctions if Abdallahi was not freed.

Former colonial ruler France and the World Bank also froze some of their aid in response, while the European Union engaged in talks with the government that could lead to sanctions. On **13 August 2008**, the French presidency warned that the junta faces the risk of isolation from the international community. The Commission on 18 August 2008 threatened to freeze millions of euros in non-humanitarian aid. Warnings were repeated several times.

On 18 October 2008, the United States imposed travel bans on members of the military government. On 5 February 2009, the African Union imposed targeted sanctions such as asset freezes and travel bans.

On 20 October 2008, the EU initiated consultations in application of Article 96 of the ACP-EC Agreement. On **6 April 2009**, the Council concluded consultations and imposed measures which make the gradual resumption of cooperation conditional upon progress towards a return to constitutional order on the basis of the definition and subsequent implementation of a consensual solution to the crisis by all the Mauritanian parties.

Resolution:

On 1 July 2009, the African Union lifted sanctions on Mauritania because of steps it is taking to restore democracy – and the upcoming election on **18 July**. The United States accepted the election.

Mauritania signed the Dakar Agreement on 5 June 2009 which is supposed to be a consensual solution for a return to constitutional democracy. EU cooperation was officially reopened on **25 January 2010**. Following the elections and the appointment of Mohamed Ould Abdel Aziz as president, the EU considers that a consensual solution to the political crisis has been implemented and that Mauritania has returned to constitutional order.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT; GIGA; (US_MRT_08; EU_MRT_08)

<http://news.bbc.co.uk/2/hi/africa/7551531.stm>

<http://news.bbc.co.uk/2/hi/africa/7677449.stm>

<https://www.reuters.com/article/us-mauritania-sanctions/african-union-lifts-sanctions-on-mauritania-idUSTRE56021Z20090701>

http://europa.eu/rapid/press-release_PRES-09-86_en.htm

2008082801

Russia (EU)

In the night between 7 and 8 August 2008, after many incidents between Georgia and Russia in the previous months, Tbilisi launches an offensive in South Ossetia, a Georgian separatist area. Russia fought back and invaded a part of Georgia. On 12 August 2008, Moscow stopped its progress in direction to the capital. Fights between warring parties stopped. In the following night, through the mediation of French presidency of the EU, Russia and Georgia accepted a 6 points agreement. But on 26 August 2008, Moscow recognizes of South Ossetia's and Abkhazia's independence and builds military bases there.

In response to that, EU leaders, led by President Sarkozy (France), gathered on 1 September 2008 for an emergency summit on Georgia, seeking a unified condemnation of Russia's military action there. Three days before the meeting, on **28 August 2008**, the French foreign minister said that European Union leaders will discuss sanctions against Russia.

Though it was the first time that France, which prides itself on good relations with Moscow, has raised the possibility of sanctions or other measures in the standoff between the west and Russia, it was unlikely that a consensus can be reached. Some EU states will be unwilling to jeopardize mutually beneficial relations with Moscow. In particular, the German chancellor, Angela Merkel, is unlikely to support any moves that could damage relations and interrupt the flow of gas and oil to Europe.

On 1 September 2008, the EU sharply criticized Russia's recognition of Abkhazia and South Ossetia, condemned the deployment of Russian troops on Georgian core territory as "breaching international law" and offered Georgia the establishment of a free-trade zone. Yet sanctions were not uttered. However, the EU leaders threatened to delay talks set for this month on the "partnership and cooperation agreement" with Russia.

On 15 October 2008, European Union nations were divided at the summit meeting on how to deal with Russia and under what conditions to resume partnership talks in the wake of the war in Georgia. Germany and Italy led the campaign to resume discussions on trade, energy and political ties with Moscow after Russia withdrew its forces from parts of Georgia, with the French EU presidency also leaning to Russia's side. But the UK and most of the EU's former Communist members insisted that Russia has not fully complied with peace accord by leaving troops in parts of Abkhazia and South Ossetia previously administered by Georgia.

Resolution:

The European Commission on 5 November 2008 urged member states to agree next week to resume EU-Russia partnership talks, frozen over the Georgia conflict. The EU heads of government resumed talks with Russia on a partnership agreement on **14 November 2008** – despite the fact that Russia has no intention of pulling its troops back to the positions they occupied in South Ossetia and Abkhazia before the war with Georgia.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT; HSE; (post-2000)

2008091501

Bolivia (US)

On **15 September 2008**, US President Bush made his annual designation of the so-called Majors' List of illegal drug-transit and drug-producing countries. Among others, Bush has identified Bolivia as a major drug-producing country which "failed demonstrably" to make sufficient meaningful efforts to adhere to the obligations. However, the President has given waivers to possible sanctions under U.S. law, so that the United States may continue to support various programs to benefit the Bolivian people. In Bolivia, the waiver will permit continued support for agricultural development, exchange programs, small enterprise development, and police training programs, among others.

Bolivia does have a number of effective, U.S.-supported, coca eradication and cocaine interdiction programs. However, Bolivia remains a major narcotics-producing country, and its official policies and actions have caused a significant deterioration in its cooperation with the United States. President Morales continues to support the expansion of licit coca leaf production, despite the fact that current legal cultivation far exceeds the demand for legal traditional consumption and exceeds the area permitted under Bolivian law. Much of the surplus coca leaf production is traded in unregulated, so-called legal markets and is diverted to cocaine production. Recently, cocalero syndicates - endorsed by the Government of Bolivia - expelled the United States Agency for International Development from the Chapare region where they ran a number of programs to promote the development of economic alternatives to coca cultivation. And last week the Drug Enforcement Administration was similarly expelled from the Chapare. These actions form part of an apparent Government of Bolivia policy to restrict the scope of U.S. support for its counternarcotics efforts. These actions represent a retreat from Bolivia's international obligations to control cocaine trafficking. "We have a number of programs in place which can make a positive contribution to the struggle against narcotics trafficking in Bolivia, but they will only be effective with the full support of the Bolivian Government. We believe it's up to the Bolivian Government now to take concrete steps to fulfill its international obligations with respect to narcotics production and trafficking. And we stand ready to help."

President Evo Morales, a populist who often locks horns with the United States, expelled USAID in May 2013. The agency had been working in Bolivia, South America's poorest country, since 1964. On **13 September 2013**, US President Obama did not issue a sanctions waiver anymore.

Resolution:

Sanctions are ongoing.

HSE Score:

1 (policy result) X 2 (sanctions contribution) = 2 (sanctions success)

Source:

EUSANCT

2008100601

Eritrea (UN-US)

On **6 October 2008**, the US State Department amends the arms embargo because Eritrea is not cooperating fully with antiterrorism efforts. Washington announced the ban, accusing Asmara of supporting “terrorist groups” in Somalia.

During the African Union Summit in Sirte, concluded on 3 July 2009, the Union called for UN sanctions against Eritrea because of providing support to the armed groups engaged in undermining peace and reconciliation in Somalia and regional stability. It asked the UN to impose a sea blockade and no-fly zone to stop weapons and other supplies reaching the terrorist groups. In a formal statement, on **9 July 2009**, the UNSC presidency takes note of this decision and calling on the Council to impose sanctions.

The sanctions are framed to the end border dispute between Djibouti and Eritrea; stop Eritrea providing support to Somalia’s armed groups (Al Shabaab).

On **23 December 2009**, the UNSCR adopted resolution 1907, accusing Ethiopia’s arch-foe of “efforts to destabilise or overthrow, directly or indirectly” the Transitional Federal Government (TFG) in Somalia. The text also presses Eritrea to withdraw troops immediately from disputed territories along its frontier with Djibouti, and engage in diplomatic efforts leading to “a mutually acceptable” settlement of their long-running border dispute. It reiterated that members shall comply to the 1992 arms embargo of Somalia, embargo of arms to and from Eritrea, travel ban on Eritrean officials disregarding the embargo or supporting destabilizing armed groups, asset freeze of those Eritrean officials.

On 8 August 2011, the US State Department amends the arms embargo according to the UN embargo.

Resolution:

Ongoing. UN report accuses the Eritrean government of crimes against humanity. Sanctions regime still in force, see <http://www.sudantribune.com/spip.php?article59616>

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

GIGA; (UN_ERI_09)

US State Department Public Notice 6384

S/PRST/2009/19

UNSC Resolution 1907

<http://www.bbc.com/news/world-africa-13349078>

2008122401

Guinea (EU-US)

On 23 December 2008, after the death of President Lansana Conté, a military junta seized power. The takeover was announced by a military captain called Moussa Dadis Camara, who said a “consultative council” of civilian and military personnel would run the country to combat “deep despair,” revive the economy and fight corruption.

On **24 December 2008**, the United States threatened to suspend its aid to Guinea, some 15 million dollars this year, if military coup leaders do not take steps to return civilian rule.

On 29 December, the African Union has suspended Guinea after the military coup – and ECOWAS followed on 10 January 2009.

On **6 January 2009**, the United States suspended aid to Guinea, calling for a return to civilian rule and elections.

On **15 January 2009**, the European Parliament adopted a resolution (P6_TA(2009)0030) calling the Brussels commission to consider imposing sanctions against Guinea, in the wake of the 23 December coup d'etat. On **16 March 2009**, the EU formally invited the ruling junta in Guinea for consultations set out in the 2000 Cotonou Agreement – and informed that the Commission has taken protective measures, referring to the suspension of aid. The EU started consultations under the Cotonou Agreement on 29 April 2009 which were concluded on 27 July 2009 (2009/618/EC).

On 18 September 2009, after an additional threat in July 2009, the African Union decided to impose sanctions on Guinea’s junta leaders if Camara follows his intention to run in upcoming elections.

In late September 2009, rumors that Moussa Dadis Camara, Guinea’s military leader who seized power in a coup, would run for president caused rallies in which dozens of opposition supporters died as the protests turned violent. After 28 September 2009’s massacre where military forces open fire against the crowd gathered in an opposition’s meeting, worldwide condemnation of the violence followed.

On 30 September 2009, an EU diplomat said the European Union is studying targeted sanctions against members of the military junta in Guinea responsible for the massacre of more than 150 people. The diplomat said that heads of EU government missions in Guinea have been asked to report on developments there and “propose targeted actions” to be used against “individuals who are responsible for the violence”.

On 17 October 2009, ECOWAS imposed an arms embargo on Guinea.

The EU decides to adopt restrictive measures against Guinea on 27 October 2009 (2009/788/CFSP), including an arms embargo and travel bans against members of the government. On 22 December 2009, the Council adopted Decision 2009/10003/CFSP, including additional restrictive measures (introducing an asset freeze and visa restrictions for additional individuals, raising the number from 42 to 71 names). The origin sanctions were introduced in response to “gross violations of human rights, including many deaths, injuries and rapes”. Sanctions are intensified and extended, awaiting the planned presidential poll, then eased after its positive response.

On 29 October 2009, the U.S. government has also restricted travel to the United States by some members of the junta and the government, as well as others who support actions that “undermine the restoration of democracy and the rule of law”.

Resolution:

June and November 2010 presidential elections marked a major step forward in Guinea's transition from military to civilian rule. On **3 December 2010**, the Obama Administration congratulated Guinea in 2010 "on the successful completion of its first democratic presidential election" and congratulated Alpha Condé on his victory, expressing hopes that "it is only the first step on the road to democratic transition and civilian rule." As a result of that election, U.S. aid restrictions related to the 2008 military coup were lifted, and Guinea's eligibility for trade preferences under the African Growth and Opportunity Act (AGOA) was restored.

On 9 December 2010, the African Union lifted the measures suspending Guinea's participation in the activities of the AU and sanctions imposed on those whose actions were an obstacle to the process of a return to constitutional order. ECOWAS lifted sanctions (including an arms embargo) imposed on Guinea in view of the restoration of democracy on 24 March 2011.

On 12 December 2013, the Council decided that the conditions have been fulfilled for the complete resumption of the European Union's cooperation with the Republic of Guinea under the aegis of the Tenth European Development Fund. The Council lifted the arms embargo on 14 April 2014 (2014/213/CFSP) but targeted sanctions against five individuals remain in place.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

<http://news.bbc.co.uk/2/hi/africa/7802803.stm>

<http://www.nytimes.com/2008/12/24/world/africa/24guinea.html>

<http://news.bbc.co.uk/2/hi/africa/8284128.stm>

<http://news.bbc.co.uk/2/hi/africa/8333026.stm>

<http://www.reuters.com/article/idUSLT440627>

<http://www.reuters.com/article/idUSLI588126>

<http://news.bbc.co.uk/2/hi/africa/8280603.stm>

<http://www.un.org/press/en/2012/sc10851.doc.htm>

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/140055.pdf

<https://fas.org/sgp/crs/row/R40703.pdf>

2009020601

Madagascar (EU)

On **6 February 2009**, the EU announced that after examining the management of public funds budgetary aid was suspended. The creation of state-run companies not mentioned in the national budget, but instead is described as “purchase decided upon by the president” were the major concern raised by these countries and institutions. The EU claimed that the aid cut is not related to a power struggle in Madagascar. Still, when Andry Rajoelina, Madagascar's transitional leader of the High Transitional Authority was in Brussels on 6 July 2009 in a bid to win over the European Union, the organization decided to maintain the suspension because the young leader's propositions for the return to constitutional order were unsatisfactory.

On 17 March 2009 President Marc Ravalomanana resigned after weeks of protests and handed power to the military backed Andry Rajoelina who has announced a political transition plan culminating in a presidential election in November in which he said he would not run.

The African Union suspended Madagascar over the ousting of president Ravalomanana. The Southern African Development Community also suspended membership and aid to Madagascar. On 10 September 2009, the African Union considered appropriate measures, including targeted sanctions against the de facto authorities and their supporters. A power-sharing deal between Madagascar's leader Andry Rajoelina, Ravalomanana and two former presidents was struck in Mozambique in August 2009, but persistent wrangling over who should get the top government posts meant the agreement was never implemented. Rajoelina announced in October to only adhere to the terms if donors released frozen aid. In February 2010, the African Union repeated its sanctions threat. Rajoelina appointed a new vice prime minister as sanctions loom and called a meeting before the AU imposes sanctions. However, the African Union on 17 March 2010 imposed travel restrictions and asset freezes on Madagascar's leader Andry Rajoelina and 108 of his backers. Canada welcomed the AU sanctions and announced to also review bilateral aid.

The United States suspended aid to Madagascar on **20 March 2009**. The State Department said the Obama administration would cut all non-humanitarian assistance to the country because the ouster of President Marc Ravalomanana was “tantamount to a coup d'etat.”

On **6 July 2009**, under Article 96 of the ACP-EU Partnership Agreement, consultations were opened with Madagascar. On **6 June 2010**, the Council concluded consultations (2010/371/EU) and decided to suspend all budgetary aid to Madagascar as it considers the forcible transfer of power a serious violation of democracy and the rule of law.

One year later, in July 2011, the UN's special rapporteur on the right to food urged the global community to reexamine sanctions against Madagascar, saying the population was suffering unfairly.

Resolution:

On 7 August 2012, the EU announced to resume non-budget development aid aimed at promoting health and education, and for civil society groups.

On 6 August 2013, EU foreign affairs head Catherine Ashton gave those blocking elections in Madagascar a two-week deadline to avoid sanctions, warning that international patience after a four-year wait is at breaking point. The African Union earlier in June threatened sanctions against leaders blocking presidential elections. However, in September 2013, the Peace and Security Council of the African Union decided to lift a part of the sanctions that were imposed in 2010. The decision which is to the advantage of the leader of the transition Andry Rajoelina, and about 100 members of

his political party, is aimed at ending the travel ban on them and also to release their assets. However, the Big Island remains expelled from the African Union and the organisation remains vigilant on the unfolding of the electoral process. The move was intended to give a positive signal to the people of Madagascar.

After Madagascar held elections in January, in which Hery Rajaonarimampianina was voted in as president, to replace Andry Rajoelina, the European Union on **19 May 2014** decided to resume development-aid programmes for Madagascar, ending a four-year gap in support for a country of 22 million people. The EU's decision is part of a broader rehabilitation of Madagascar in the international community, following the completion of a return to democracy after a coup in 2009. The World Bank agreed on a three-year package of financial support expected to be worth \$400 million.

On **27 May 2014**, in light of Madagascar's successful 2013 elections, and the installation of a new government earlier this year, the United States has lifted all remaining restrictions on direct assistance to the Government of Madagascar. It comes on the heels of the African Union lifting its four-year suspension of Madagascar in January following the late-2013 democratic elections, the first since the coup by former strongman Andry Rajoelina.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

<http://news.bbc.co.uk/2/hi/africa/8574051.stm>

2009070101

Honduras (EU-US)

On **1 July 2009**, the World Bank froze economic aid to Honduras following a coup which ousted President Manuel Zelaya (28 June 2009). On **2 July**, the United States stopped their aid programs. On 4 July, the OAS suspended Honduras' membership. On **20 July 2009**, the EU suspended 65.5 million euros (93 million dollars) in aid to the Honduras budget, amid warnings of civil war after talks broke down between the nation's rival governments. In September, the UN also suspended electoral assistance to Honduras.

Resolution:

United States ultimately recognized the elections after the military coup that resulted in victory for the President Porfirio Lobo who was protected by the military. In early February 2010, the World Bank restored aid to post-coup Honduras. On **4 March 2010**, the US announced to restore aid to Honduras and called for re-admittance of Honduras to the OAS. On **7 December 2010**, Honduras and the European Union signed an economic agreement worth 60.5 million euros (80.4 million U.S. dollars) to improve the Central American country's budget.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score) (HSE_post2000)

Source:

GIGA (EU_HND_09; US_HND_09); HSE (post 2000)

CRS Report 7-5700

2009070102

Niger (US-EU)

The Nigerien constitution explicitly states that the president is elected for five years and eligible for re-election only once, but President Mamadou Tandja and his supporters are seeking to get around this with a referendum on constitutional reform, allowing for a three-year extension to the presidential term. However, his plans have met with vociferous protest from opposition parties and now the Economic Community of West African States (ECOWAS). The director of the ECOWAS Political Bureau threatened an exclusion on **17 May 2009**.

On **1 July 2009**, the EU Commissioner for Development warned President Mamadou Tandja his bid could threaten aid to Niger.

On **11 July 2009**, the European Commission has blocked an aid payment to Niger in protest at an attempt by the country's president to stay in power beyond his elected term. On 21 October 2009, ECOWAS suspended Niger's membership of the group after it went ahead with a poll boycotted by opposition leaders and seen helping President Mamadou Tandja tighten his grip on power – and imposed an arms embargo on Niger. On **23 December 2009**, the United States announced that it will suspend about 27 million dollars in aid to Niger and ban visits by Niger President Mamadou Tandja's supporters to force Tandja to step down.

On 18 February 2010, mutinous troops led by an army colonel captured Niger's President Mamadou Tandja after a gun battle, and said they were suspending the constitution and dissolving all political institutions. The World Bank suspended aid after the military coup but restored aid on 20 May 2010. In September 2010, the EU considered the resumption of aid because since seizing power in February 2010, the Supreme Council for the Restoration of Democracy (CSR) has outlined a political programme that includes constitutional reform and fresh elections underpinning a handover to civilian government by April 2011.

Resolution:

On 23 March 2011, Niger was officially reinstated to ECOWAS after the inter-governmental body found it to be in conformity with Article 45 Protocol on Democracy and Good Governance, following a successful return to democracy after a year of military rule. On **21 June 2011**, the EU decided to revive cooperation after the junta handed power over to Issoufou, a longtime opposition leader, following his March presidential election victory.

On **3 October 2011**, the US issued a waiver of the restrictions on assistance to Niger.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

GIGA; (US_NER_09)

2009092401

Ukraine (US)

Having taken a Ukrainian ship, the MV Faina, in September 2008, Somali pirates were shocked to find aboard 33 Russian-made T-72 tanks, 42 anti-aircraft guns and more than 800 tonnes of ammunition. The Kenyan government quickly condemned the hijacking of the Faina, saying that its destination was the port of Mombasa and that the tanks had been bought for use by the Kenyan Army. However, the tanks, in addition to at least 67 previously shipped, were in fact destined for delivery to the Government of South Sudan, which put it in breach of Sudan's 2005 Comprehensive Peace Agreement that ended a 21-year civil war between north and south in which more than 2 million people died.

Diplomatic cables published by Wikileaks indicate that the first US-approved delivery of Russian tanks via Ukraine and Kenya to South Sudan took place in 2007. Despite its secret approval of previous weapons deliveries via Kenya to South Sudan, it appears that the Washington administration began to lose its nerve as the affair became public and threatened sweeping sanctions against both Kenya and Ukraine, asserting that the tank deliveries were illegal.

In a blunt exchange with the Ukrainians on **24 September 2009**, the U.S. ambassador privately warned (Wikileaks) that the United States might impose sanctions unless the Ukrainian government acknowledged its role in the past transactions.

Resolution:

In autumn 2010, the Obama administration quietly exempted Ukraine from sanctions for the 2007 and 2008 shipments, according to government officials. Still, according to reports, Ukraine exported nearly \$1 billion of weapons in 2010, mainly to Africa. The leading buyers of weapons from the Ukraine were Sudan and the Democratic Republic of the Congo, which together bought 250 T-55 and T-72 tanks. However, there is no evidence for further arms shipments to South Sudan.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

<http://www.bbc.co.uk/news/world-africa-11957839>

http://www.nytimes.com/interactive/2010/11/28/world/20101128-cables-viewer.html?_r=0#report/tank-09NAIROBI2497

<http://www.nytimes.com/2010/12/09/world/africa/09wikileaks-tank.html>

https://wikileaks.org/plusd/cables/09KYIV1942_a.html

2009121601

Kenya (US)

Kenya sold tanks to South Sudan which was at that time an illegal weapons proliferation.

Wikileaks threat (informal private threat): "On December 15, Ambassador Ranneberger discussed the tank transfer issue with Prime Minister Odinga, who said that the GOK was committed to assisting the GOSS and that there was "intense pressure" from the GOSS to deliver the tanks. He hinted that the GOK might instead transfer the tanks to Uganda (and, he implied, from there to South Sudan). **On December 16 [2009]**, following AF guidance, Ambassador Ranneberger reiterated to the PM that any further transfer of the tanks, via Uganda or otherwise, would violate U.S. law and **could trigger sweeping sanctions against Kenya**. He also noted that the likelihood of receiving a waiver for past transfers of LME to the SPLA since 2007 would be remote if the GOK proceeded with moving the tanks to Sudan. Ambassador Ranneberger also briefed Minister of Finance Uhuru Kenyatta on the issue on December 16, and Kenyatta responded that he understood the U.S. position."

Resolution:

In autumn 2010, the Obama administration quietly exempted Kenya from sanctions for the 2007 and 2008 shipments, according to government officials. It is not clear, however, whether the administration has asked Kenya to hold off sending the tanks that were aboard the seized ship to southern Sudan, at least until after the referendum. Apparently, Kenya did not undertake new exports to Sudan.

Kenya is East Africa's most powerful economy and Washington's key ally against terrorism in the region.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

<http://www.bbc.co.uk/news/world-africa-11957839>

http://www.nytimes.com/interactive/2010/11/28/world/20101128-cables-viewer.html?_r=0#report/tank-09NAIROBI2497

<http://www.nytimes.com/2010/12/09/world/africa/09wikileaks-tank.html>

2010010601

Israel (US)

On **6 January 2010**, President Barack Obama's Middle East envoy George Mitchell said in an interview with PBS television that under US law, Washington “can withhold support on loan guarantees to Israel” with regards to the ongoing territory dispute between Palestine and Israel.

Israel dismissed the implicit threat by a top US official to apply financial pressure on the Jewish state in order to advance peace talks: “we have no indication that there is any intention to pressure us through the guarantees... only a few months ago we reached an agreement with the US treasury and state departments on the extension of their guarantees.”

On 10 March, Israel announced to build 1,600 new homes on occupied land in Ramat Shlomo. This ill-timed municipal housing announcement in Jerusalem has mutated into one of the most serious conflicts between the United States and Israel in two decades, leaving a politically embarrassed Israeli government scrambling to respond to a tough list of demands by the Obama administration. The Obama administration has put Prime Minister Benjamin Netanyahu in a difficult political spot at home by insisting that the Israeli government halt a plan to build housing units in East Jerusalem. The administration also wants Mr. Netanyahu to commit to substantive negotiations with the Palestinians, after more than a year in which the peace process has been moribund.

But the diplomatic standoff also has repercussions for the Obama administration. Its blunt criticism of Israel – delivered publicly by Mrs. Clinton in two television interviews on Friday and reiterated Sunday by Mr. Obama's political adviser, David Axelrod -- has set off a storm in Washington, with pro-Israel groups and several prominent lawmakers criticizing the administration for unfairly singling out a staunch American ally.

Resolution:

The US seem to have acquiesced in a face-saving formula drawn up by Mr Netanyahu. During vice-president Biden's visit to Israel, on **11 March 2010**, the US and Israel came to an agreement on the announced settlements and moving forward with the Middle East peace process. This says procedures will be put in place so that in future such announcements are not made at sensitive junctures in the peace process. It also states that building at Ramat Shlomo will not start for several years.

So it seems that the White House had decided to try to avoid another damaging and protracted tussle with the Israeli prime minister about settlements. After all, Israel came out on top in the last test of wills, agreeing to something far less than the total settlement freeze that Washington - and the Palestinians – had been demanding. On 15 March 2010, Mr. Netanyahu sounded a defiant note, telling the Israeli Parliament that construction of Jewish housing in Jerusalem was not a matter for negotiation.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score).

Source:

EUSANCT

http://news.bbc.co.uk/2/hi/middle_east/8450715.stm

http://news.bbc.co.uk/2/hi/middle_east/8562857.stm

2010012201

Bosnia-Herzegovina (EU)

The General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, is signed in Paris on 14 December 1995, putting an end to the more than 3-year-long Bosnian War. It devises the State of Bosnia Herzegovina into two entities: the Federation of Bosnia-Herzegovina and of the Republika Srpska. However, the state superstructure is weak and important legislations can be blocked by the one or the other group.

The longstanding goal has always been for BiH to work its way towards European accession. One important step was the signing in June 2008 of BiH's Stabilisation and Association Agreement. But things have not gone according to plan. Prior to transition, the BiH authorities needed to deliver objectives revolving around creating a sustainable, multi-ethnic, democratic, law-based State, and full compliance with the Dayton Agreement. These objectives and conditions were far from either delivery or fulfilment – reform progress had been slow and there were high levels of ethnic nationalist rhetoric.

Under the internationally-brokered peace deal that ended Bosnia's 1992-1995 war, only its Muslims, Croats and Serbs are considered "constituent peoples" with the right to apply for top state and legislative positions. In December 2009, the European Court of Human Rights ruled that this discriminated against other ethnic groups, notably Jews or Roma, barring them from running for high elected office (Sejdić-Finci judgment). The Court ordered that the constitution should be changed. On **22 January 2010**, the top European Union envoy in Bosnia said the country could face sanctions if it fails to change its discriminatory constitution before the October general elections. "I cannot say what would be our reaction if the ruling is not executed but suspension is definitely one of the options" provided for in the Stabilization and Association Agreement with the EU, "but not the only one", the chief of the European Commission delegation in Bosnia, Dimitris Kourkoulas, said.

On 14 December 2010, the Council confirmed its determination to support the Dayton Agreement and its readiness to consider proposals to strengthen the Union's ability to engage effectively with Bosnia and Herzegovina in this regard. However, by February 2011, coalition negotiations following the previous autumn's elections had so far failed to deliver new governments at the State and Federation-entity levels; there had been almost complete lack of progress on EU-related and other important reforms; and provocative and nationalist rhetoric was on the rise. In response to the action of persons threatening the sovereignty, territorial integrity or constitutional order of Bosnia-Herzegovina, the Council wanted to provide incentives for Bosnia's fraction political elite to cooperate by threatening targeted sanctions (travel bans and asset freeze) on officials who undermine the Dayton/Paris General Framework Agreement for Peace and threaten the security situation in Bosnia Herzegovina. On 21 March 2011, the Council adopted decision 2011/173/CFSP, imposing travel restrictions and freezing of assets. However, no individuals are subject to any of these restrictions under the sanction decision.

On 5 August 2011, a top European Union representative warned that Bosnia could lose almost 100 million euros (\$141 million) in aid from European funds due to political disputes. However, on 1 October 2011, Bosnia has accepted an EU proposal aimed to keep a 96-million euro (\$130 million) which Sarajevo has risked losing, the government said.

A new state level government was finally formed in BiH on 10 February 2012. The incentive of progress towards the EU has been a focus for the new government, with two key laws recently passed. However, despite recent progress in BiH, the country is still afflicted by a number of political, economic and social problems.

After the 3rd round of High Level Dialogue on Accession Process, on 10 October 2013, the Commission released a not, claiming that the “absence of an agreement on a solution of the Sejdić-Finci issue blocks the accession path of Bosnia and Herzegovina and hence makes it difficult to justify continuing to grant EU pre-accession funds. Therefore, a procedure for reducing the initially foreseen IPA 2013 program for Bosnia and Herzegovina by 54%, i.e. for € 47 million will be launched on 11 October. If a solution could be reached, however, the procedure could still be stopped.

On **10 December 2013**, a Brussels official announced that the European Union is to halve its financial aid to Bosnia over the nation’s lack of progress with reforms needed to join the bloc. EU member states voted in favor of slashing the aid allocated to Bosnia for 2013 over that country’s failure to change its constitution to give ethnic minorities more rights. EU member states were consulted on this proposal and voted in favor.

Resolution:

In late 2014, German and British foreign ministers launched an initiative to revive the association agreement. The European Union is ready to provide aid worth 500 million euros to Bosnia-Herzegovina, but this aid is firmly linked to the implementation of reforms and progress on the path to EU membership. The EU warned that should “changes for the better not be seen in B-H in the next nine months at most, you will be denied at least 500 million euros in annual assistance by the EU institutions. And that is just to start with.” On 15 December 2014, the Council of the EU adopted a renewed approach for Bosnia and Herzegovina.

In February 2015, the country’s institutions and political leaders adopted a Written Commitment on Reforms and the EU path. On **1 June 2015**, the Stabilisation and Association Agreement with Bosnia and Herzegovina entered into force. The SAA will allow Bosnia to benefit from EU financial and technical assistance and from tariff free access to EU markets for some of its products.

The EU sanctions still allow for travel bans and asset freeze – though no persons have yet been targeted under these measures. Britain’s Minister for Europe said on 9 March 2012: “The ability to impose restrictive measures is an important part of our strategy of ensuring that BiH is faced with the right balance between incentives and deterrents. Although we do not currently intend to deploy them, the widespread knowledge of their existence is an important element in helping to encourage positive engagement with the international community’s approach to BiH.”

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0173&from=EN>

http://eeas.europa.eu/archives/docs/cfsp/sanctions/docs/measures_en.pdf

<https://www.publications.parliament.uk/pa/cm201012/cmselect/cmeuleg/428-liv/42816.htm>

<http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20062&lang=en>

http://europa.eu/rapid/press-release_IP-15-5086_en.htm

http://europa.eu/rapid/press-release_MEMO-13-874_en.htm

2010021101

Iran (US-EU)

On **11 February 2010**, a bipartisan group of U.S. senators has introduced legislation to punish Iranian officials responsible for human rights abuses against their own people. On **3 September 2010**, the US further imposed sanctions against eight top Iranian government officials for alleged human-rights violations. On **1 February 2011**, the European Parliament called for further sanctions which focus on human rights. The restrictive measures in relation to serious human rights violations in Iran were first put in place on **12 April 2011** by the EU. Travel restrictions and an asset freeze were introduced with respect to persons complicit in or responsible for directing or implementing grave human rights violations in the repression of peaceful demonstrators, journalists, human rights defenders, students or other persons who speak up in defense of their legitimate rights (Council Decision 2011/235/CFSP).

On **9 June 2011**, the US imposed sanctions on Iran's police chief and three government entities involved with brutal repression of Iranian citizens. On 10 October 2011, the EU sanctioned 29 people in Iran with an asset freeze and travel ban, including Iranian ministers for intelligence, culture, and justice, citing the "appalling human rights record".

In advance of the 2 March 2012 parliamentary elections, Iran cracked down on reporters and bloggers. The main reformist parties have been banned or boycotted.

On 7 March 2012, a UN report asserts that Iran has a "striking pattern of violations of fundamental human rights", citing an "alarming increase" in executions.

On 23 March 2012, in view of the gravity of the human rights situation in Iran, the EU introduced additional restrictive measures, namely an embargo on equipment which may be used for internal repression and on equipment that may be used to monitor or intercept the Internet and telephone communications on mobile or fixed networks.

Resolution:

Ongoing.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

HSE; post-2000

2011/235/CFSP

2010040801

Guinea-Bissau (US-EU)

On **8 April 2010**, the United States slapped sanctions on two of Guinea-Bissau's top military figures for alleged drug running. The two will now have any US-based assets frozen and US citizens will be prohibited from doing business with them. On **30 June 2010**, the US State Department warns Guinea-Bissau to stop military involvement in drug trafficking or suffer loss of US funding, assistance and logistical support.

After a coup bid in April 2010, army chief General Antonio Indjai, who led a mutiny and threatened to kill the prime minister, was appointed as army chief by Guinea-Bissau's president. On **7 July 2010**, the EU announced to review aid to Guinea-Bissau in protest over the appointment of a new military chief. On **31 January 2011**, the EU suspended parts of its aid to Guinea-Bissau pending improvements in governance following a presidential mutiny 10 months ago.

Resolution:

On **13 April 2012**, a military coup appeared to be under way in the west African country.

The special envoy of the UN secretary general to Bissau urged the EU on 23 May 2013 to resume its traditional aid to Guinea-Bissau. Following Vaz's inauguration on **23 June 2014**, the United States lifted restrictions on foreign assistance to Guinea-Bissau, which had been in place since shortly after the April 2012 coup. On 14 July 2014, the EU announced it will resume direct funding to the government of Guinea-Bissau. The EU says it resumed funding after presidential elections in May were deemed "free and credible". The targeted sanctions of the US are covered by the UN sanctions of 18 May 2012.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<https://www.theguardian.com/global-development/2015/mar/25/guinea-bissau-eu-restore-ties-elections-development-programme>

2010061401

Chad (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. "The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010" (Becker, 2014, 597).

The State Department's 2010 annual report on Trafficking in Persons, issued on **14 June 2010**, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The new trafficking report cited Burma, Chad, Democratic Republic of Congo, Somalia, Sudan, and Yemen for using child soldiers in their armed forces or supporting allied militias that use child soldiers. "Of the six, only Burma received no US military assistance, while Somalia received peacekeeping assistance that was outside the scope of the Child Soldier Prevention Act.

Resolution:

On 25 October 2010, Obama issued a national security waiver for Chad. The government signed an agreement with the UN on 14 June 2011 committing itself to end all child recruitment, to release all children from its military and security forces, and to allow UN monitoring of its military installations.

Even though the US State Department listed Chad in June 2011 as a government using child soldiers, Obama certified on **4 October 2011** that the Government of Chad has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in the CSPA, and has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers. However, reports indicated that some children remained.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2010061402

Democratic Republic of the Congo (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. “The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010” (Becker, 2014, 597).

The State Department’s 2010 annual report on Trafficking in Persons, issued on **14 June 2010**, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

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On 25 October 2010, Obama issued a national security waiver for Congo. However, in Congo, government forces actively recruit children and have hundreds of children in their ranks. The government has promoted military officers who have been charged – or even convicted – with using child soldiers and has failed to cooperate with the United Nations in finalizing a plan to end its recruitment and use of child soldiers.

On **27 June 2011**, Congo was listed again and Obama only partially waived the restrictions.

Resolution:

From 2011-2014, the US has withheld some military assistance from Congo, and the result has been significant progress: the UN documented only two instances of child recruitment by government forces last year. But Congo has not yet fully implemented its plan to end its use of child soldiers, and some Congolese army officers have supported armed groups that use large numbers of child soldiers. Still, on **2 October 2015**, Obama announced that Congo will continue to receive military assistance.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2010061403

Sudan (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. "The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010" (Becker, 2014, 597).

The State Department's 2010 annual report on Trafficking in Persons, issued on **14 June 2010**, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The new trafficking report cited Burma, Chad, Democratic Republic of Congo, Somalia, Sudan, and Yemen for using child soldiers in their armed forces or supporting allied militias that use child soldiers. "Of the six, only Burma received no US military assistance, while Somalia received peacekeeping assistance that was outside the scope of the Child Soldier Prevention Act.

On 25 October 2010, Obama issued a national security waiver for Sudan.

On **27 June 2011**, Sudan was listed again and Obama did not waive the restrictions.

Resolution:

Ongoing.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2010061404

Yemen (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. “The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010” (Becker, 2014, 597).

The State Department’s 2010 annual report on Trafficking in Persons, issued on **14 June 2010**, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The new trafficking report cited Burma, Chad, Democratic Republic of Congo, Somalia, Sudan, and Yemen for using child soldiers in their armed forces or supporting allied militias that use child soldiers. “Of the six, only Burma received no US military assistance, while Somalia received peacekeeping assistance that was outside the scope of the Child Soldier Prevention Act.

On 25 October 2010, Obama issued a national security waiver for Yemen. Yemen has been included in the report since then.

On **27 June 2015**, Yemen was listed again and Obama did not waive the restrictions – but left the decision open to his Secretary of State.

Resolution:

Ongoing.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2010120601

Côte d'Ivoire (UN-EU-US)

After the presidential election in Ivory Coast on 28 November 2010 in which President Gbagbo, former head of state Bedie and former prime minister Ouattara contested, Gbagbo refused to step down even though the UN, the EU, the US and the AU declared Ouattara as winner.

On **6 December 2010**, the EU threatened targeted sanctions against individuals in the light of the election dispute. The United States warned Laurent Gbagbo that he faces punitive sanctions if he continues to refuse to step down. The US warned Laurent Gbagbo that he faces sanctions on **9 December 2010**.

On **7 December 2010**, ECOWAS suspended Ivory Coast from all decision-making bodies – and the African Union suspended Ivory Coast two days later from the organization amid the country's political chaos following a November runoff election.

On **13 December 2010**, Europe slapped sanctions on the Ivory Coast's Laurent Gbagbo and members of his government. The United States followed on **21 December** – and the UN imposed sanctions on disputed Ivory Coast President Laurent Gbagbo, his wife and three associates on **30 March 2011** due to post-electoral violence (after a draft resolution introduced on **25 March 2011**).

On 14 January 2011, the EU imposed further targeted sanctions (Council Regulation 25/2011) against certain entities. Since these entities also include ports, the regulation prevents most trade between the EU and the Ivory Coast.

Resolution:

On **10 April 2011** Gbagbo surrendered to the new government of President Ouattara. On 21 April, the African Union lifted sanctions on Ivory Coast. On **27 June 2011**, the EU lifted last sanctions against Ivory Coast firms.

HSE Score:

4 (policy result) x 2 (sanctions contribution) = 8 (success score)

Source:

EUSANCT

2011012801

Egypt (US-EU)

On 25 January 2011, widespread protests began in Egypt against the government which led to the overthrow of the then President Mohamed Hosni Mubarak. After nearly 30 years of rule, he was ousted following 18 days of demonstrations at Tahrir Square and a constitutional referendum held on 19 March 2011.

The United States announced to review its aid to Egypt based on protests and the government's response, White House press secretary Robert Gibbs said on **28 January 2011**: "We will be reviewing our assistance posture based on events now and in the coming days." On 14 February 2011, however, President Obama heralded the peaceful transition in Egypt Friday and said the United States stands ready to provide any help needed and asked for to support the move to democracy.

After Hosni Mubarak's overthrow in 2011, Congress mandated that assistance to Egypt be conditional on progress in on a democratic transition there. However, it allowed the administration to waive the requirement on national security grounds. In December 2011, Congress would impose restrictions on aid to Egypt if military rulers are supporting the transition to civilian government with free and fair elections – and on 4 February 2012, U.S. Secretary of State Hillary Clinton issued a new warning to Egypt that the failure to resolve a bitter dispute over the status of non-governmental pro-democracy groups may lead to the loss of American aid to the country. However, Egypt is unworried about the threat and Egypt's Muslim Brotherhood threatens Israel treaty review if US cuts aid. On 23 March 2012, Clinton opened the way to resume \$1.3 billion in annual US military aid to Egypt after waiving legislative requirements over its progress toward democracy because of America's national security interests.

In September 2012, a Republican congresswoman froze a request by the Obama administration for \$450 million in cash for the Egyptian government. However, aid was partially disbursed on 3 March 2013 – and the Obama administration waived the conditional human rights string attached to Egypt's \$1.3 billion in U.S. military support for 2013.

After having announced on 21 February 2011 its readiness to support "the peaceful and orderly transition to a civilian and democratic government in Egypt", the EU introduced sanctions on **21 March 2011** targeting those responsible for the misappropriation of Egyptian State funds, believed to have been engaged under the old regime in activities that have deprived the Egyptian people of the benefits of the sustainable development of their economy and undermined the development of democracy there. It consists of freezing funds and economic resources of the former president and his close circle of relatives which are subjects to judicial proceedings by the Egyptian authorities.

On 28 November 2011, Egypt held the first parliamentary election that were followed by the election of Mohamed Morsi as the new president on 24 June 2012. Consecutively, the European Council also warned that it could reduce its promised annual aid to Egypt if President Mohamed Morsi insists on implementing his controversial constitutional decree issued on 22 November 2012, which stipulated that his decisions cannot be overturned by any judicial authority and that no court can dissolve the constituent assembly, which is drawing up a new constitution. On 17 March 2013, the European Parliament passed a resolution threatening to withhold budget support to Egypt if it fails to take significant steps to abide by human rights, democracy, and the rule of law.

Resolution:

Mohamed Morsi indicated that his decree would be limited, but no improvement of the situation can be testified. On **3 July 2013**, Morsi was ousted in a military coup following massive protests. The EU

sanctions against persons responsible for the misappropriation of Egyptian State funds are ongoing, replaced by a new sanctions case on **21 August 2013**.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:076:0063:0067:EN:PDF>

2011022301

Libya (US-UN-EU)

On 15 February 2011, protests in Benghazi marked the beginning of another Libyan civil war. Moammar Gadhafi's security forces proceeded to open fire on protesters in the following days. The United States and the European Union (HR) vowed on **23 February 2011** to consider sanctions (travel and assets freeze) against Libya for Moammar Gadhafi's fierce crackdown on protesters, with the EU calling the attacks possible "crimes against humanity." The bloc's 27 members have disagreed on how hard-hitting a tone to take against Libya, their neighbour across the Mediterranean and a major supplier of their oil.

On **25 February 2011**, with the last of the American citizens leaving Libya, Obama implemented targeted asset freezes against Gadhafi and his family, as well as other Libyan government officials with an executive order (13566).

On **26 February 2011**, the UN Security Council voted unanimously to impose military and financial sanctions against Libyan leader Moammar Gaddafi and his inner circle and to refer his regime's crackdown on protesters to a war crimes tribunal for an investigation of possible crimes against humanity. The resolution (1970) imposes travel bans and asset freezes against the targeting individuals and entities, and puts an arms embargo into place.

The EU and Canada imposed sanctions on **28 February** (tightening the arms embargo and adding names to the UN sanctions list). Japan and Australia approved sanctions. In March, the US and the EU added further individuals and entities to its sanctions list. The Arab League suspended Libya's membership and UNSCR 1973 imposes a no-fly zone over Libya.

US and European forces launched air strikes against Gadhafi's forces in Benghazi, Tripoli, and Misrata, using fighter jets and missiles to impose the UNSC no-fly zone. Several EU member states and the US closed their embassies in Libya.

Following UN amendments in September 2011, sanctions were lightened, e.g. end of the asset freeze relating to the Libyan National Oil Corporation in order to buy humanitarian products.

Resolution:

On 20 October 2011, Gadhafi and his son Motassim were killed by Nato-backed forces in a raid as the final bastion of pro-Gadhafi resistance, Sirte, is liberated by the NTC (National Transitional Council). The UN decided to unblock some frozen assets and ease the no-fly zone. On 16 December 2011, the UNSC lifts sanctions against the Central Bank of Libya and the Libyan Foreign Bank. The United States and the EU lift most sanctions on Libya and unblock Libyan assets.

However, the scope of the assets freezes was expanded in 2014, and 2015 – against those who threaten the peace process. Moreover, in 2014, the UN imposed restrictions on illicit exports of crude oil. Parliamentary elections held in 2014 were disputed. Those who held power refused to give it up and remained in the capital, Tripoli. There are two rival parliaments and three governments. They were united in their hatred for Gaddafi – but nothing more. So the country is highly divided and politically unstable.

The sanctions are still in effect for all individuals still living. The arms embargo is also still in place. This is due to the ongoing situation in Libya since it has since been increasingly insecure and the authorities are struggling to form a new army as militias control large swathes of territory. Targeted Libya

sanctions are imposed against individuals “obstructing the implementation of the Libyan Political Agreement...and the formation of a Government of National Accord”.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score) (HSE: 4 x 2 = 8)

Source:

HSE

<http://www.nytimes.com/2011/02/26/world/middleeast/26diplomacy.html>

<http://www.washingtonpost.com/wp-dyn/content/article/2011/02/26/AR2011022603386.html>

<https://www.un.org/sc/suborg/en/sanctions/1970>

<https://www.theguardian.com/world/2011/feb/24/obama-gaddafi-libya-violence-speech>

<http://www.bbc.com/news/world-africa-24472322>

2011042501

Syria (US-EU)

Targeted sanctions were being drawn up in the U.S. on **25 April 2011**, as one of several possible responses to the situation in Syria. On **26 April 2011**, the U.S. and EU countries also lobbied the UN to address Syria's human rights abuses. Moreover, some EU countries expect Ashton's office to start working on a list of possible EU-level sanctions against Syrian officials, such as visa bans and asset freezes. Syria sanctions could include suspension of EU aid.

On **29 April 2011**, President Barack Obama expanded existing targeted sanctions again with EO 13572. Here, the reason expands to also include human rights abuses. The export ban, financial sanctions, and arms embargo still stand, as well as existing targeted sanctions. Obama further extended the targeted sanctions on 18 May 2011 so that they applied to all senior government officials of Syria (EO 13573). On 4 August the U.S. imposed sanctions against a member of Assad family and his firm – on 11 August against Syria's largest commercial bank and largest mobile phone operator – and on 18 August on Syria's energy sector and banning the import into the United States of petroleum or petroleum products. Sanctions still cover the export or re-export of services from the United States, or by U.S. persons, to Syria – supplementing an existing export ban on most products of the United States to Syria.

On 30 April 2011, the EU agreed to impose travel bans and asset freezes on members of President Assad's regime but not on the president's family or officials' family members – but warned (HR) that sanctions may be extended to the highest level. The EU countries also agreed to stop arms exports and exports of non-lethal equipment. In addition, the EU decided to put the brakes on an association agreement that could open the way for Syria to win preferential trade deals with the EU. On **9 May 2011**, these measures were implemented (2011/273/CFSP). On 23 May, Europe tightened the noose on President Bashar al-Assad, sanctioning the Syrian leader for the first time for “unacceptable violence” as it responded to change in North Africa and the Middle East. In total, the EU slapped ten rounds of sanctions on the regime in 2011, adding several individuals and companies as well as bans on crude oil imports from Syria, investments in the oil sector and exporting gas and oil industry equipment to Syria and trading Syrian government bonds in an effort to choke off funding.

In February 2012, the EU froze the assets of seven Syrian government officials and the country's central bank. The bloc also banned the purchase of luxury goods, gold, precious metals and diamonds from Syria, and banned Syrian cargo flights from the European Union. It was the 12th round of sanctions the EU had imposed on Syria. By the end of 2012, the EU has imposed 19 rounds of sanctions against the Damascus regime since the eruption of anti-Assad revolts, including a wide range of trade and financial measures as well as an arms embargo.

In view of the ongoing violence, the U.S. and the EU constantly threatened and imposed further sanctions.

European nations and the United States circulated a draft U.N. Security Council resolution in August 2011, seeking an arms embargo and other sanctions aimed at stopping the Syrian government's ongoing crackdown on opposition protesters. On 5 February 2012, China and Russia vetoed an UN resolution. On 19 July 2012, China and Russia vetoed the third resolution. By June 2014, four Western resolutions on Syria have been vetoed by Russia. China and Russia, which have significant arms sales in Syria, have been widely criticized for vetoing several UN resolutions that would have condemned the crackdown and called for Assad to step down, threatening sanctions.

On 12 November 2011, Syria was suspended from the Arab League (<https://www.theguardian.com/world/2011/nov/12/syria-suspended-arab-league>, as well as additional threat: <http://www.theguardian.com/world/2011/nov/12/syria-arab-league-bashar-assad>). On 27 November 2011, further sanctions were imposed by the Arab League (<http://www.bbc.com/news/world-middle-east-15901360>): asset freeze, embargo on investments, travel bans for 17 persons listed, and a suspension of flights to and from Syria. On 19 December 2011, partial success of Arab League sanctions as Syria agrees to let Arab League monitors in the country. However, sanctions remain (<http://news.nationalpost.com/news/syria-agrees-to-let-arab-league-monitors-in-but-sanctions-remain>).

Resolution:

In 2013, the EU eased sanctions to enable nations to provide more “non-lethal” and technical support to help protect civilians – and eased oil sanctions as well as the arms embargo (supply on a case-by-case basis) to help rebels. Besides, EU and US sanctions are ongoing

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score) (HSE)

Source:

EUSANCT; HSE

<https://europeansanctions.com/eu-sanctions-in-force/syria/>

https://www.sipri.org/databases/embargoes/eu_arms_embargoes/syria_LAS/eu-embargo-on-Syria

2011062301

Pakistan (US)

On **23 June 2011**, Secretary of State Hillary Clinton warned Pakistan that U.S. military aid could suffer if Islamabad failed to address rising U.S. doubts over its commitment to fighting Islamist militants. “When it comes to our military aid, we are not prepared to continue providing that at the pace we were providing it unless and until we see some steps taken,” Clinton told the Senate Foreign Relations Committee.

On **10 July 2011**, Bill Daley, the White House Chief of Staff, said that some aid to Pakistan would be stopped and admitted that the relationship was experiencing “difficulties”. The United States halted hundreds of millions of dollars in military aid for Pakistan, a key ally in the fight against Islamic terrorism, amid the bitter fall-out from the unauthorized raid to kill Osama bin Laden. Washington has poured billions of dollars into Pakistan since September 11 to help its military tackle al-Qaeda and Taliban groups along the border with Afghanistan. However, the relationship had soured in recent weeks as the Pakistan military tried to reassert itself after the humiliation of the secret US raid on its soil and Washington pushed for more action in taking on militants.

Resolution:

Pakistan’s continued support for resurgent militant groups hostile to the United States, coupled with warming U.S. military and business relations with India, is sharply diminishing Islamabad’s strategic importance as an ally to Washington, U.S. military, diplomatic, and intelligence officials and outside experts said in 2016. The United States has cut both military and economic aid to Pakistan sharply in recent years, reflecting mounting frustration among a growing number of officials with the nuclear-armed country’s support for the Taliban in neighboring Afghanistan.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2011071901

Yemen (US)

In the beginning of 2011, Yemeni President Ali Abdullah Saleh's forces have cracked down on protesters demanding he step down after 32 years in power. Human rights groups demanded that the United States should immediately suspend military assistance to Yemen until Saleh ends attacks on largely peaceful anti-government protesters and until Yemen agrees to stop using child soldiers.

The Pentagon said on 5 April 2011 that there were no plans to suspend US military assistance to Yemen but urged a swift transition of power amid a wave of anti-regime protests. However, an initial Pentagon proposal to provide more than \$43 million in military aid to other countries does not include any assistance for Yemen, underscoring concerns about the unrest that threatens to topple the country's U.S.-backed leader. According to a Congressional Research Service report, the Obama administration requested U\$106 million in U.S. economic and military assistance for Yemen in 2011.

Hundreds of thousands of anti-government protesters rallied across Yemen in June, demanding that President Ali Abdullah Saleh's powerful sons and other members of his inner circle leave the country. Washington considered Saleh an essential partner in battling al-Qaida and had given his government millions of dollars in military aid, but has been pressing for him to step down to spare the country further bloodshed.

On **19 July 2011**, at hearing, Daniel Benjamin, the State Department's coordinator for counterterrorism, said that due to Yemen's state of political unrest, the United States could not maintain the level of military assistance it has provided for equipping and training Yemen's armed forces under a 2006 law (PL 109-163) in fiscal 2011.

Resolution:

Protests in Yemen eventually led to a transfer in power from former President Ali Abdullah Saleh to his former vice president, Abdo Rabo Mansour Hadi, who assumed the presidency on 25 February 2012 following an election on 21 February. President Obama congratulated the "brave Yemenis who have set their country on a path for a more stable, secure, and democratic future." On **26 April 2012**, Navy Capt. John Kirby said with a new administration now governing Yemen, defense leaders "are beginning to reassess, and to start up again, some elements of military assistance."

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2012032301

Mali (US)

The 2012 Malian coup d'état began on 21 March, when mutinying Malian soldiers attacked several places in the capital Bamako. President Amadou Toumani Touré and his government are overthrown. The EU immediately suspended development aid to Mali on **23 March 2012**.

On 30 March 2012, ECOWAS gave Mali leaders an ultimatum to relinquish power. On 1 April 2012, ECOWAS has closed borders between Mali and member states. The West African monetary union has cut off currency flow to Mali and frozen the nation's assets. ECOWAS has also imposed travel bans on junta members and frozen their personal assets.

On **3 April 2012**, the US State Department announced that coup leader Capt. Amadou Haya Sanogo, some of his followers and their family members won't be allowed to travel to the U.S. Moreover, the junta that seized control in Mali has been hit by a travel ban and asset freeze by the 54-nation African Union – and suspended Mali from its activities, on 4 April 2012.

The day after an embargo was placed on Mali, the soldier who led a recent coup said that he agrees with restoring constitutional order and handing over power to a civilian interim government led by President Traore. On 7 April 2012, the Economic Community of West African States (ECOWAS) has lifted harsh sanctions imposed on Mali after the declaring it was satisfied with the junta's commitment to restore constitutional rule. However, ECOWAS threatened new sanctions on 10 May 2012 (junta formally stepped down but still politically interfered – and reasserted control after supporters of ousted President Toure tried to regain power).

In August 2012, Prime Minister Cheick Modibo Diarra forms a new government of national unity in order to satisfy regional demands for a transition from military-dominated rule. On 24 October 2012, the African Union has lifted the suspension it imposed on Mali after the military coup in the country.

In December 2012, Prime Minister Cheick Modibo Diarra resigned, allegedly under pressure from army leaders who oppose plans for ECOWAS military intervention. President Traore appointed a presidential official, Django Sissoko, to succeed him. On **11 December 2012**, the members of the Security Council expressed their readiness to consider appropriate measures, including targeted sanctions, against those who prevent the restoration of the constitutional order and take actions that undermine stability in Mali. The United States announced to maintain its pressures (travel sanctions and aid cuts) until Mali transitions to a democratically elected government.

Resolution:

The adoption of a "Roadmap for Transition" by the National Assembly of Mali on 29 January 2013 paved the way for resumption of development aid. On **12 February 2013**, at the Informal Development Ministers meeting in Dublin, European Commissioner for Development, Andris Piebalgs, announced the fully-fledged resumption of development aid in Mali. Following peaceful democratic elections and the inauguration of President Ibrahim Boubacar Keïta on **4 September 2013**, USAID began working with the Government of Mali to resume foreign assistance more broadly, including education and governance programs, while also adapting continued activities to the new government's priorities. On **3 April 2013**, the United Nations top political official welcomed the announcement by Mali's interim Government that it would organize presidential elections by the end of July 2013.

As a consequence of the instability following the coup on 21 March 2012, Mali's three largest northern cities were overrun by the rebels on three consecutive days after the coup. By the end of

2012, Islamists have seized control of much of the north of the country. The US and the UN imposed ongoing sanctions against the Islamist groups.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

<http://www.dw.com/en/african-union-imposes-sanctions-on-mali/a-15857683>

[http://europa.eu/rapid/press-release MEMO-12-214_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-12-214_en.htm?locale=en)

[http://europa.eu/rapid/press-release IP-13-109_en.htm](http://europa.eu/rapid/press-release_IP-13-109_en.htm)

<http://www.un.org/press/en/2012/sc10851.doc.htm>

2012041401

Guinea-Bissau (EU-US-UN)

On 13 April 2012, a military coup appeared to be under way in the west African country.

After the coup, on **14 April 2012**, the US immediately restricted foreign assistance to Guinea-Bissau and the EU warned that it was reviewing all remaining aid to Guinea-Bissau following a coup as it urged the junta to free prisoners and re-establish the legitimate government.

On **17 April 2012**, the African Union suspends Guinea-Bissau over coup.

On **3 May 2012**, the EU imposed an asset freeze and visa ban on further 15 people.

On 1 May 2012, ECOWAS announced that it has imposed sanctions on Guinea-Bissau's military rulers. Two days later, the EU imposed asset-freezes and travel bans on six coup leaders. On **18 May 2012**, the UN imposed visa bans on five military leaders. It warned that the council will consider strengthening sanctions by adding an arms embargo and freezing financial assets if constitutional order is not restored. The April coup led to a funding freeze from donors including the World Bank.

Despite the sanctions, political violence continued, according to Amnesty International (e.g. repression of peaceful demonstrations).

Resolution:

The African Union ended the suspension of membership on 17 June 2014.

The special envoy of the UN secretary general to Bissau urged the EU on 23 May 2013 to resume its traditional aid to Guinea-Bissau. On **14 July 2014**, the EU announced it will resume direct funding to the government of Guinea-Bissau following "free and credible" elections.

Following Vaz's inauguration on **23 June 2014**, the United States lifted restrictions on foreign assistance to Guinea-Bissau, which had been in place since shortly after the April 2012 coup.

The targeted sanctions are open-ended. Note for August 2016 says: On 19 August, the Guinea-Bissau Sanctions Committee met to discuss the Secretary-General's 16 August report on the Guinea-Bissau sanctions regime. The report recommended maintaining the sanctions regime as a signal.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

S/PRST/2012/15

S/RES/ 2048

<http://www.securitycouncilreport.org/chronology/guinea-bissau.php>

<https://2009-2017.state.gov/r/pa/ei/bgn/5454.htm>

<https://www.theguardian.com/global-development/2015/mar/25/guinea-bissau-eu-restore-ties-elections-development-programme>

2012041801

Sudan (UN)

Issue: South Sudan

On **18 April 2012**, the UNSC talked about sanctions against Sudan as well as South Sudan amid continued military fighting along the poorly defined borders. The South Sudan's People Liberation Army (SPLA) occupied the oil-rich region of Heglig inside Sudan's borders. The EU urged Sudan and South Sudan "to stop immediately attacks on each other's territory." France's Cooperation Minister added that the EU could sanction both governments. The United States drafted a resolution which backs demands of the African Union to end the border war. On **2 May 2012**, the UNSC approved resolution 2046 threatening non-military sanctions such as asset freezes and travel bans and, if necessary, additional measures.

Around the tentative peace talks in July 2012, the African Union stated that it will adopt proper sanctions against the individuals and groups that carry out acts or activities that are threatening to the peace process – and the US issued international warnings of additional UN measures.

Resolution:

On **27 September 2012**, a deal between Sudan and South Sudan on oil and borders was announced. The deal did not appear at the last minute but well into extra time. In order to get Sudan and South Sudan to sit down and negotiate a settlement to their apparently intractable problems, the UN Security Council cajoled, threatened and finally set a deadline before sanctions would be imposed on both countries.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

2012041802

South Sudan (UN)

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Resolution:

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HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

2012042001

Russia (EU-US)

Sergei Magnitsky died in a Moscow prison cell to prevent him exposing a huge tax fraud committed by corrupt Russian government officials, yet the people responsible have never been brought to justice. The European Parliament has endorsed sanctions against around 60 Russian officials over the death of the lawyer Sergei Magnitsky on **24 October 2012** (OJ C 68E , 7.3.2014, p. 13–15). But even if the European Commission is still considering a ban on visa-free travel for Russian officials linked to the alleged murder of Magnitsky in Brussels on 4 June 2013, and if MEPs have called for a similar EU travel ban, EU countries have ignored their call for an EU travel ban on the so-called “Magnitsky list”. On 2 April 2014, the European Parliament passed a recommendation to the Council on establishing Magnitsky sanctions. The recommendation was published on 5 December 2017 (2017/C 408/06).

In the United States, the Sergei Magnitsky Rule of Law Accountability Act of 2012 was introduced on **20 April 2012** and would impose a visa ban and asset freezes. The act that Russia strongly objects to has broad support in Congress but the Obama administration does not look too enthusiastic about it.

The Magnitsky Act was passed in 2012. It was signed into law on **14 December 2012**. “The purpose of the Magnitsky Act was to punish Russian officials who were thought to be responsible for the death of Sergei Magnitsky and others guilty of “gross human rights violations” in Russia. The Act prohibits their entrance to and use of banking system in the United States.”

In December 2016, Congress passed the Global Magnitsky Act which broadens the executive’s authority to sanction corrupt officials across the world who misappropriate state assets as well as anyone who attacks journalists and human rights defenders.

On 21 February 2017, the United Kingdom passed its own version of the Global Magnitsky Act – and Estonia passed a similar law in 2016. On 3 November 2017, the Government of Canada introduced regulations under the recently enacted Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law) (SML) imposing an asset freeze on a number of foreign nationals identified by the government to be responsible for, or complicit in, significant corruption or gross violations of human rights.

Resolution:

Sanctions are still ongoing. “Instead of enhancing U.S. diplomacy, the targeted sanctions against Russia under the Magnitsky Act delayed cooperation, stalled negotiations, shifted priorities from urgent issues, and had direct negative consequences for American citizens and Russian orphans because the Russian Duma retaliated by banning child adoptions to U.S. citizen. No other set of economic sanctions in recent history has done so much damage to U.S. national interests.”

(http://www.huffingtonpost.com/innokenty-kes-grekov/magnitsky-list-sanctions_b_5073889.html)

HSE Score:

1 (policy result) x 1 (sanctions contribution) = 1 (success score)

Source:

EUSANCT

<http://www.europarl.europa.eu/news/en/press-room/20140331IPR41184/magnitsky-list-meps-call-for-eu-sanctions-against-32-russian-officials>

https://www.treasury.gov/resource-center/sanctions/Programs/Documents/pl112_208.pdf

2012062701

Libya (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. "The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010" (Becker, 2014, 597).

The State Department's 2010 annual report on Trafficking in Persons, issued on 14 June 2010, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The Trafficking in Persons (TIP) report of **27 June 2012** listed Libya.

Resolution:

On **28 September 2012**, Obama granted a waiver for Libya to support the country's democratic transition.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2012062702

South Sudan (US)

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The Trafficking in Persons (TIP) report of **27 June 2012** listed South Sudan. However, Obama waived sanctions in 2012 and 2013.

On **20 June 2014**, South Sudan was listed again and Obama only partially waived the restrictions.

Resolution:

While South Sudan agreed to stop using children in the military and began implementing some of the accepted steps, the practice hasn't stopped.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2012070401

Kenya (US)

Kenya had a deal to import oil from Iran, but sanctions from the EU and US were in place against Iran. The US ambassador warned the Kenyan government that a deal with Iran could lead to sanctions against Kenya.

Resolution:

Kenya immediately withdrew from the agreement with Iran. Apparently, this all transpired in one day.

HSE Score:

4 (policy result) x 4 (sanctions contribution) = 16 (success score)

Source:

EUSANCT

<http://www.bbc.com/news/world-africa-18690440>

2012091401

Myanmar (US)

In 2012, the International Narcotics Control Strategy Report notes that drug-related corruption in Burma is a major problem, but goes on to note Burma's recent political progress and expressed interest in counternarcotics cooperation with the United States. On **14 September 2012**, Obama designated Burma as a country that has "failed demonstrably" to adhere to their obligations under international counternarcotics. However, he determined that support programs to aid Burma are "vital to the national interests of the United States" – and waived restrictions.

Resolution:

On 21 February 2013, Myanmar and the United States took another step toward closer relations with an agreement to resume cooperation in fighting narcotics. In 2015, even though Myanmar still failed in fighting drugs, President Obama waived sanctions on U.S. assistance for the third consecutive year. The sanctions threat is thus ongoing.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

TIES (1995030102); HSE; (post-2000)

2013021101

Israel (EU)

On **11 February 2013**, an article in “Der Spiegel” reported that the EU intends to “prohibit the sale of goods produced in the occupied territories – or at least as long as they are falsely labeled.” In an internal EU document, the 27 European Union heads of mission have signed a report criticizing Israel’s settlement activities as “the biggest single threat” to a two-state solution. It urges member states to withhold funding that helps settlement building directly or indirectly, and to ensure that goods produced on settlements do not benefit from preferential trade agreements with Israel.

On 9 July 2013, in a letter to EU Commission President Jose Manuel Barroso and other top EU officials whose contents were disclosed in Haaretz newspaper, EU foreign policy chief Catherine Ashton is further pushing for comprehensive guidelines to introduce separate labelling for products from Israeli settlements in the West Bank. Ashton urged to draft the guidelines by the end of 2013, the Haaretz newspaper said.

On 17 July 2013, Prime Minister Binyamin Netanyahu was holding a round of talks with European leaders in an effort to postpone the publication of the decision to limit the economic cooperation with Jewish bodies beyond the Green Line.

However, on **19 July 2013**, the EU Commission officially published new guidelines on trade with Israel (2013/C 205/05). Their aim is to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel’s sovereignty over the territories occupied by Israel since June 1967. The EU underlines the importance of limiting the application of agreements with Israel to the territory of Israel as recognized by the EU. These guidelines refer to EU support in the form of grants, prizes or financial instruments which may be awarded to Israeli entities or their activities in the occupied territories – they prevent bloc funds from being distributed to Israeli institutions operating in settlements outside the country’s 1967 borders.

An additional warning came in November 2014, when a catalogue of measures has been set out in a secret document prepared by the European External Action Service and distributed to the EU’s 28 member states. The document is believed to suggest a range of options, including compulsory labelling on Israeli products made in West Bank settlements, limiting cooperation with Israel and even imposing restrictions on an existing free-trade agreement, according to a Haaretz newspaper article. However, Mogherini said the EU had no plan of this kind.

On 20 March 2015, another report was leaked to the British newspaper “Guardian”. The document, which is an amalgamation of recommendations prepared by European diplomats stationed in the region, accuses the Israeli government of exacerbating tensions in the city by accelerating construction in the contest eastern part of the capital. The report urges restrictions against “known violent settlers and those calling for acts of violence as regards immigration regulations in EU member states.” European governments are also encouraged to label settler products while also warning EU businesses of the perils of engaging in trade with Israeli firms stationed in the territories.

Agricultural products and cosmetics produced in Israeli settlements must be labelled as such rather than just as coming from Israel, the European Commission decided on 11 November 2015. The EU commission insisted that the guidelines are not political, but clarify existing consumer-protection rules to ensure they are interpreted and implemented uniformly. The EU “does not support in any form a boycott or sanctions against Israel,” European Commission Vice President Valdis Dombrovskis told journalists in Brussels. Invoking the memory of the Holocaust, Prime Minister Benjamin

Netanyahu said that Europe is forgetting its history by labelling products originating in Jewish settlements on the West Bank.

Resolution:

After Israel has suspended contacts with EU officials on the political process with the Palestinians, on 8 December 2015, EU-Israel meetings resumed after the labels dispute. On 12 February 2016, Israel's foreign ministry says relations with the European Union are "close and friendly" again after tensions arose last year over the bloc's decision to label West Bank exports. He said Israel received assurances the move "is not a political step to determine future borders or to boycott Israel."

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score).

Source:

EUSANCT

EU Guidelines on labeling Israeli Products (11 November 2015):

http://eeas.europa.eu/archives/delegations/israel/documents/news/20151111_indication_of_origin_fact_sheet_final_en.pdf

https://eeas.europa.eu/sites/eeas/files/20151111_interpretative_notice_indication_of_origin_en.pdf

2013:

<http://www.spiegel.de/international/europe/eu-to-crack-down-on-products-from-israeli-settlements-a-882623.html>

<http://www.timesofisrael.com/eu-envoy-denies-sanctions-against-israel-in-the-offing/>

2014:

<https://euobserver.com/foreign/126558>

<https://www.reuters.com/article/us-mideast-israel-eu/eu-says-it-has-no-plans-for-sanctions-on-israel-idUSKCN0J123K20141117>

2015:

<https://www.theguardian.com/world/2015/apr/16/foreign-ministers-petition-eu-to-urge-labelling-of-settlement-products>

<https://www.nytimes.com/2015/04/18/world/middleeast/avigdor-lieberman-denounces-eu-settlement-product-label-plan.html>

<http://www.bbc.com/news/world-europe-34786607>

<https://www.nytimes.com/2015/11/12/world/middleeast/eu-labels-israeli-settlements.html>

2013022001

China (US)

On **20 February 2013**, the Obama administration was considering taking a more aggressive stance on Chinese hackers, according to recent U.S. media reports, which have quoted government officials as saying trade sanctions or fines are possible against those found guilty of cyber crimes. The United States was beginning to put its foot down in light of the recent escalation of the conflict with China over cyberspying, according to The Wall Street Journal. The Obama administration has begun considering a slew of options related to how the country should confront China, including trade sanctions, diplomatic pressure, indictments of Chinese nationals in U.S. courts and cyber countermeasures.

The US government dialled up its war of words with China over cyber-espionage the week before 14 May 2013, with a Pentagon report clearly placing blame on the Chinese government for sanctioning information theft and legislators proposing a bill that would block imports of products using stolen technology. The legislation, introduced on 7 May 2013 by a bipartisan group of US senators, aims to build a registry of stolen technology and punish foreign firms that attempt to sell products based on the technology. Called the "Deter Cyber Theft Act", the bill would require the Director of National Intelligence to report annually on the theft of government and industry secrets and build lists of countries that engage in cyber-espionage and trade secrets.

A US panel on 20 November 2013 called for tougher action against China, including possible sanctions to stop cyber spying, warning that Beijing has yet to be persuaded to end rampant espionage. In an annual report to Congress, the US-China Economic and Security Review Commission charged that Beijing "is directing and executing a large-scale cyber espionage campaign" that has penetrated the US government and private industry.

On 1 April 2015, the Obama administration launched the first-ever sanctions program to financially punish individuals and groups outside the United States that are engaged in malicious cyber attacks. The program could prompt a strong reaction from China. Cybersecurity has been a significant irritant in U.S.-China ties, with U.S. investigators saying hackers backed by the Chinese government have been behind attacks on U.S. companies, and China rejecting the charges. On 31 August 2015, the White House is preparing a slate of sanctions it could bring against Chinese enterprises in response to cyberattacks against American businesses, a government official familiar with the process told. US President Barack Obama on 11 September 2015 warned that cyber attacks from China were "not acceptable", a message he is set to deliver during President Xi Jinping's visit this month.

Resolution:

The United States and China have reached a historic agreement on cyber security, pledging that neither would conduct cyber espionage against the other country. US President Barack Obama said during a press conference on **25 September 2015** with visiting Chinese President Xi Jinping that the two countries have reached a "common understanding" not to conduct theft of trade secrets and intellectual property in cyberspace. The US has for years accused China of stealing trade secrets and other information from US companies. Chinese President Xi Jinping pledged that China would not participate in cyber espionage.

HSE Score:

2 (policy result) x 3 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2013061901

Chad (US)

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Chad was removed from the list after signing an agreement with the UN on 14 June 2011. However, the Trafficking in Persons (TIP) report of **19 June 2013** re-listed Chad.

Resolution:

Chad responded – setting up child protection units in its military; conducting age verification reviews of its troops with the UN; and signing a presidential decree making 18 the minimum recruitment age; among other steps. Obama waived sanctions on **30 September 2013** and Chad was not listed again.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2013061902

Central African Republic (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. "The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010" (Becker, 2014, 597).

The State Department's 2010 annual report on Trafficking in Persons, issued on 14 June 2010, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The Trafficking in Persons (TIP) report of **19 June 2013** listed Central African Republic.

Resolution:

About \$100,000 will be released for Central African Republic, wracked by unrest since March 2013, which is "trying to stand up a new professional military force... we want to be in a position to support that", a US official said on **2 October 2014**.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2013061903

Rwanda (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. "The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010" (Becker, 2014, 597).

The State Department's 2010 annual report on Trafficking in Persons, issued on 14 June 2010, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The Trafficking in Persons (TIP) report of **19 June 2013** listed Rwanda.

Resolution:

The United States indicated on 6 November 2013 that it was ready to lift sanctions against Rwanda if Kigali cuts all ties with Congolese M23 rebels. On **2 October 2014**, Washington announced that Rwanda will also get around \$350,000, after dropping its support for M23 rebels in neighboring Congo.

HSE Score:

3 (policy result) x 3 (sanctions contribution) = 9 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2013061904

Somalia (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. “The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010” (Becker, 2014, 597).

The State Department’s 2010 annual report on Trafficking in Persons, issued on 14 June 2010, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The Trafficking in Persons (TIP) report of **19 June 2013** listed Somalia.

Resolution:

Obama waived restrictions on **2 October 2014**. However, in Somalia, the United Nations documented nearly 200 cases of child recruitment by the Somali National Army and allied militias last year – likely just a fraction of the total number.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2013070301

Egypt (EU-US)

On 24 June 2012, Mohamed Morsi, presidential candidate of the Muslim Brotherhood, became the first president after Mubarak. He issued a controversial constitutional decree on 22 November 2012, exempting him from judicial review. This announcement triggered renewed protests at Tahrir Square which lasted for more than 7 months. The peak of the protests was the one-year inauguration anniversary of Morsi, on 30 June 2013. On the day after, the Egyptian military issued a 48-hour ultimatum for Morsi to find an agreement with protesters. Failing to resolve the protests, Morsi was ousted in a military coup on **3 July 2013**.

President Barack Obama immediately urged Egypt's military to hand back control to a democratic, civilian government without delay, but stopped short of calling the ouster of President Mohammed Morsi a coup. The Obama administration has not labeled Morsi's ouster an actual military coup which, under U.S. law, would trigger a cut-off of assistance to Egypt. In a carefully worded statement, Obama said he was "deeply concerned" by the military's move to topple Morsi's government and suspend Egypt's constitution. He said he was ordering the U.S. government to assess what the military's actions meant for U.S. foreign aid to Egypt. On 8 July, White House spokesman Jay Carney delayed the decision to cut aid to Egypt stating the complexity of the situation and the prior determination of "what's best for its interests and the goal of promoting democratic governance in Egypt". Several senators have urged the suspension of military and other funds for Egypt because of a U.S. law prohibiting foreign assistance after coups. Some other U.S. lawmakers say there should be no immediate cut-off of American aid to Egypt following the military ouster of President Mohamed Morsi.

On **8 July 2013**, EU foreign policy chief Catherine Ashton condemned the killing of 42 supporters of Egypt's ousted president and said it was keeping its billions of euros in aid pledged to the country "under constant review". The EU condemned the violence but not the military coup.

The situation changed after a bloody military crackdown against supporters of the Muslim Brotherhood in Egypt on 14 August 2013. Lady Ashton said that she asked the 28-nation bloc to agree "appropriate measures" in response to escalating violence. The administration of U.S. President Barack Obama has denounced in unusually harsh terms Wednesday's bloody military crackdown against supporters of the Muslim Brotherhood in Egypt – but it only announced that it will review "the implications for our broader relationship which includes aid."

As EU diplomats meet on how to stop bloodshed in Egypt, figures show that France, Germany and Spain led arms sales to the post-revolutionary country in recent years. EU member states' ambassadors will in Brussels on 19 August discuss potential sanctions against the Egyptian military regime after it killed at least 830 people in a crackdown on Muslim Brotherhood protesters in the past few days. On **21 August 2013**, the EU decided to suspend exports of weapons and goods that could be used for internal repression but stopped before imposing a full arms embargo and did not halt aid programs for fear of hurting ordinary Egyptians already hit. So far, the U.S. so far has canceled joint military exercises and delayed the delivery of four F-16 fighter jets in response to the violence, but it is still weighing whether to suspend some of its annual \$1.5 billion in aid to Egypt.

On **9 October 2013**, the U.S. officials announced that the United States much of its military aid to Egypt due to Cairo's crackdown against supporters of ousted president Morsi. In a press release, the State Department announced that the U.S. "will work with the interim Egyptian government and Congress to continue to provide support that directly benefits the Egyptian people in areas like

health, education, and private sector development. We will continue assistance to help secure Egypt's borders, counter terrorism and proliferation, and ensure security in the Sinai. We will continue to provide parts for U.S.-origin military equipment as well as military training and education. We will, however, continue to hold the delivery of certain large-scale military systems and cash assistance to the government pending credible progress toward an inclusive, democratically elected civilian government through free and fair elections." Washington has frozen the delivery to Egypt of major military hardware, including ten Apache helicopters (\$500 million), F-16 fighter jets, M1A1 Abrams tank parts, Harpoon missiles and \$260 million cash assistance. .

Resolution:

In December 2013, US lawmakers were keen to restore ties with Egypt and ready to unfreeze parts of the military aid. The Senate Foreign Relations Committee passed a bill which grants President Obama power to waive the federal law on reasons of national security. On 22 April 2014, the Obama administration resumed the delivery of the ten Apache helicopters and \$650 million in military aid, despite being unable to meet the congressional criteria for a full resumption of assistance and to certify that Egypt adheres to the 1979 peace treaty with Israel as well as significant progress on the transition to democracy and the respect for human rights.

In June 2014, Washington quietly released \$572 million in military aid while US Secretary of State John Kerry visited Egypt to push for further democratic steps.

On **31 March 2015**, President Barack Obama [...] released military aid to Egypt that was suspended after the 2013 overthrow of the government, in an effort to boost Cairo's ability to combat the extremist threat in the region. The White House said Obama notified Egyptian President Abdel-Fattah el-Sissi in a phone call [...] that the U.S. would be sending 12 F-16 fighter jets, 20 missiles and up to 125 tank kits, while continuing to request \$1.3 billion in military assistance for Egypt. The White House said Egypt will remain the second-largest recipient of U.S. foreign military financing worldwide.

The Council Conclusions of 21 August 2013 have not been amended or repealed and remain valid. However the status and scope of the measures have become increasingly unclear. Since 2014 several EU member states have supplied significant numbers of major and small arms to Egypt and signed large contracts for further deliveries.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

https://www.sipri.org/databases/embargoes/eu_arms_embargoes/egypt/eu-arms-embargo-on-egypt

2013081901

Croatia (EU)

Three days before Croatia joined the European Union on 1 July 2013, the Croatian Parliament adopted legal changes, the so-called “lex Perkovic”, which restrict the European Arrest Warrant (EAW). The law limits application of the EAW to crimes committed after 2002 – which prevents anyone’s extradition for crimes committed before 7 August 2002 in order to protect its veterans from its 1991-1995 war. The name of the law refers to Josip Perkovic, a former Yugoslav intelligence operative, who was accused to be involved in the murder of Dureković, a Croatian political dissident and businessman assassinated in Bavaria in 1983. The amendment was widely regarded as enacted to protect him and about 20 others from being extradited. Germany has been seeking Perkovic’s extradition for years and re-issued an international arrest warrant ahead of Croatia's accession.

On **19 August 2013**, the European Commission threatened sanctions against Croatia if it fails to revert national amendments made to the European Arrest Warrant (EAW). EU justice commissioner Viviane Reding said a clause in Croatia’s Accession Treaty gives the commission the right to take appropriate measures in the event of serious shortcomings. The commission could suspend financial instruments that would restrict EU funding.

Facing threats of punitive measures raised by the EU’s justice chief Viviane Reding, Prime Minister Zoran Milanovic and Justice Minister Orsat Miljenic sent conciliatory letters to Reding and Commission President José Manuel Barroso. A European Commission spokeswoman said on 28 August 2013 that the executive had received a letter from Croatia which “could indicate a constructive approach” to the row that erupted after its parliament amended the EAW. The Commission meanwhile “was preparing appropriate measures (which) ... could be taken in early September” if Zagreb failed to meet its EU obligations, she added.

On 16 September 2013, Croatia was still facing imminent EU sanctions over a new law banning extradition of suspected criminals. Mina Andreeva, a spokeswoman for the EU justice commissioner, said that despite sustained pressure on Croatia since it joined, “we have not seen a response” that satisfies EU demands for an “unconditional change” of the law. Croatia’s parliament speaker, Josip Leko, said he does not expect any “material” consequences from the sanctions, adding he is “confident the government will know how to react and protect Croatia's interests.” Nevertheless, the opposition urged to amend the law, and Croatia has said it will move to change the legislation. Reding initiated on 18 September 2013 the so-called article 39 proceedings against Croatia. This mechanism enables the EU to put “suitable measures” in place with the goal of prodding the Zagreb government to “finally accurately implement” the framework decision dealing with EAW.

Resolution:

Croatian lawmakers on **4 October 2013** adopted an amended law to comply with the European Union’s extradition and arrest rules, an issue that had seen the bloc’s newest member face possible sanctions barely after joining. Brussels had threatened sanctions against Zagreb over the row, including the suspension of 80 million euros (\$109 million) of funding, unless it changed the date clause. The dispute was definitely solved after Croatia arrested Josip Perkovic in Zagreb on 1 January 2014 and extradited to Germany on 24 January 2014.

HSE Score:

4 (policy result) X 4 (sanctions contribution) = 16 (sanctions success)

Source:

EUSANCT

2013101001

Central African Republic (UN)

Due to a breakdown in law and order, absence of the rule of law, widespread human rights violations and abuses, notably by Seleka elements, the UNSC on **10 October 2013** (UNSCR 2121) expressed its readiness to consider appropriate measures as necessary, against those who take action that undermines the peace, stability and security, including those who violate transitional agreements, impede the transitional process and fuel violence.

On **5 December 2013**, the UNSC imposed an arms embargo (UNSCR 2127) and threatened asset freezes and travel bans. The latter measures were imposed on 28 January 2014 (UNSCR 2134).

Resolution:

Partial stabilization since Faustin-Archange Touadera, a former prime minister and maths professor, has been declared the winner of a presidential election in February 2016 seen as crucial to turning the page on years of sectarian violence.

Sanctions still in force.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://www.bbc.com/news/world-africa-13150040>

https://www.washingtonpost.com/world/africa/the-central-african-republic-could-be-on-the-brink-of-a-bloodbath/2017/10/09/b26e59d0-a7bf-11e7-9a98-07140d2eed02_story.html?utm_term=.7ab8e50e369e

<http://www.un.org/press/en/2016/sc12222.doc.htm>

2013112101

Turkey (US)

NATO member Turkey has chosen a Chinese defence firm that has been sanctioned by Washington to co-produce a \$4 billion long-range air and missile defence system, rejecting rival bids from Russian, US and European firms. The Turkish defence minister announced the decision to award the contract to China Precision Machinery Import and Export Corp (CPMIEC) in a statement on 26 September 2013. In February, the United States announced sanctions on CPMIEC for violations of the Iran, North Korea and Syria Nonproliferation Act.

A US diplomat, saying that there will be “consequences” of Turkey’s working with the Chinese firm, has said on **21 November 2013** that “if the agreement is finalized, sanctions will come for the Turkish companies in the project.”

Moreover, the US Congress was set to adopt a law the week after 13 December 2013, forbidding Turkey from using American funds to acquire a \$4 billion missile system from a Chinese company blacklisted by Washington. The United States has voiced deep concern over Turkey’s decision in September to enter negotiations with China Precision Machinery Export-Import Corporation for its first long-range anti-missile system.

Resolution:

Turkey has cancelled a multi-billion-dollar deal with China to build its first anti-missile system that had alarmed Ankara's allies in NATO, a Turkish official said on **15 November 2015**. The news came as Turkey hosted key Western allies including US President Barack Obama but also Chinese leader Xi Jinping for the summit of G20 top economies in the Mediterranean resort of Antalya. Turkey entered negotiations in 2013 with the China Precision Machinery Import-Export Corporation (CPMIEC) to finalise a contract worth \$3.4 billion (3 billion euros). French-Italian consortium Eurosam and US-listed Raytheon Co had also submitted offers but the government had prioritised talks with the Chinese company, which raised serious concerns over the compatibility of CPMIEC’s systems with NATO missile defences. NATO has said missile systems within the alliance must be compatible with each other while calling on Turkey to take this factor into account. A Turkish official said the issue of technology transfer was one of the major stumbling blocks in negotiations with the Chinese company. “They refused to give what we demanded,” the official told AFP, without elaborating. “The talks were blocked at some point.”

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2013121201

Ukraine (EU-US)

On **12 December 2013**, the US state department has said it is considering all options, including sanctions, towards Ukraine as the political crisis there continues. It follows attempts by riot police to dislodge anti-government protesters from their strongholds in the capital. Tensions have been high since the government last month refused to sign a deal on closer ties with the European Union.

On **19 February 2014**, the United States imposed visa bans on 20 senior Ukrainian government officials believed to be responsible for a violent crackdown by riot police against protesters, a senior State Department official said.

On **20 February 2014**, the Council of the EU condemned in the strongest terms all use of violence in Ukraine and called for an immediate end to the violence, and full respect for human rights and fundamental freedoms. The Council also called upon the Ukrainian Government to exercise maximum restraint and opposition leaders to distance themselves from those who resort to radical action, including violence. The same day, the Council agreed to suspend licenses for export to Ukraine of equipment which might be used for internal repression and to reassess export licenses for military equipment. On 6 March 2014, the Council imposed restrictive measures on the freezing and recovery of assets of persons identified as responsible for the misappropriation of Ukrainian State funds and persons responsible for human rights violations, with a view to consolidating and supporting the rule of law and respect for human rights in Ukraine. On 15. April 2014, the Council added four additional individuals to the list.

Resolution:

On 22 February 2014, Ukrainian MPs have voted to oust President Viktor Yanukovich and hold early presidential elections on 25 May. The vote came after police stopped guarding presidential buildings, allowing protesters in, and parliament made new high-level appointments.

After the change in political leadership in Ukraine and the armed rebellion in Eastern Ukraine with Russian involvement on **16 July 2014** EU Member States agreed to discontinue the application of their agreement of 20 February 2014 on export licenses.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

<http://www.bbc.com/news/world-europe-25342698>

<http://www.reuters.com/article/us-ukraine-usa-sanctions-idUSBREA1I28J20140219>

<http://www.bbc.com/news/world-europe-26268620>

<http://www.bbc.com/news/world-europe-26304842>

2014022701

Russia (EU-US)

The Ukrainian revolution took place in Ukraine in February 2014, when a series of violent events in the capital, Kiev, culminated in the ousting of Ukrainian President, Viktor Yanukovich. On 22–23 February, Russian President Vladimir Putin convened an all-night meeting with security services to discuss extrication of the deposed Ukrainian President. On 27 February, masked Russian troops without insignia took over the Supreme Council (parliament) of Crimea, and captured strategic sites across Crimea, which led to the installation of the pro-Russian Aksyonov government in Crimea and the declaration of Crimea's independence. In response to that, the European Parliament took a resolution of **27 February 2014** on the situation in Ukraine, calling for additional measures.

On 6 March 2014, the resolution by the Parliament was followed by a strong condemnation from the European Council of “the unprovoked violation of Ukrainian sovereignty and territorial integrity by the Russian Federation”. The Heads of State or Government threatened that “in the absence of such results the European Union will decide on additional measures, such as travel bans, asset freezes and the cancellation of the EU-Russia summit”. Following the disputed Crimea referendum held on 16 March 2014, in which separation was favored by a large majority of voters according to official results, the Ukrainian territory of Crimea was annexed by the Russian Federation on 18 March 2014.

On **17 March 2014**, the Council implemented restrictive measures with respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and proposed a first list of persons and entities targeted by a freeze of assets and travel restrictions.

On 22 July 2014, the Council concluded that should Russia fail to respond to the demands formulated in the European Council conclusions of 27 June 2014 and in its own conclusions of 22 July, it would be ready to introduce without delay a package of further significant restrictive measures. On 31 July 2014, the Council thus introduced measures including export restrictions on dual-use goods and technology as well as on technologies for the oil industry in Russia, an arms embargo and other financial restrictions such as restrictions on access to the capital market for certain financial institutions. On 8 September 2014, the Council took further restrictive measures in response to Russia's actions destabilising the situation in Ukraine. On 4 December 2014, the Council of the EU clarified certain provisions. On 19 March 2015 the European Council agreed that the duration of the restrictive measures should be linked to the complete implementation of the Minsk agreements.

After a very quick escalation in the peninsula of Crimea wherein Russia perpetuated military aggression, President Obama said Russia would face “costs for intervening in Ukraine on **28 February 2014**. US Secretary of State John Kerry has threatened to impose sanctions on Russia, adding that economic sanctions, travel bans and a boycott of the June G8 summit of leading nations in Sochi were all being considered.

Executive Order 13660, signed on **6 March 2014**, authorizes sanctions on individuals and entities responsible for violating the sovereignty and territorial integrity of Ukraine, or for stealing the assets of the Ukrainian people. These sanctions put in place restrictions on the travel of certain individuals and officials and showed our continued efforts to impose a cost on Russia and those responsible for the situation in Crimea. Executive Order 13661, issued on 17 March 2014 under the national emergency act with respect to Ukraine, finds that the actions and policies of the Russian government with respect to Ukraine – including through the deployment of Russian military forces in the Crimea region of Ukraine – undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets. The executive order blocks property of additional people. A new Executive Order, “Blocking

Property of Additional Persons Contributing to the Situation in Ukraine”, issued on 20 March 2014, further expanded the scope of the national emergency.

Executive Order 13685 was issued on 19 December 2014 and expands travel ban, bans imports from the annexed region, bans exports into the annexed region, and freezes further assets. Utilizing these Executive Orders, the United States has steadily increased the diplomatic and financial costs of Russia’s aggressive actions towards Ukraine. “We have designated a number of Russian and Ukrainian entities, including 14 defense companies and individuals in Putin’s inner circle, as well as imposed targeted sanctions limiting certain financing to six of Russia’s largest banks and four energy companies. We have also suspended credit finance that encourages exports to Russia and financing for economic development projects in Russia, and are now prohibiting the provision, exportation, or reexportation of goods, services (not including financial services), or technology in support of exploration or production for deepwater, Arctic offshore, or shale projects that have the potential to produce oil in the Russian Federation, or in maritime area claimed by the Russian Federation and extending from its territory, and that involve five major Russian energy companies. These actions, in close coordination with our EU and international partners, send a strong message to the Russian government that there are consequences for their actions that threaten the sovereignty and territorial integrity of Ukraine. The United States, together with international partners, will continue to stand by the Ukrainian government until Russia abides by its international obligations. The United States is prepared to take additional steps to impose further political and economic costs. A secure Ukraine, integrated with Europe and enjoying good relations with all its neighbors, is in the interests of the United States, Europe, and Russia.”

In addition to the EU and U.S.’s leading role in these sanctions, Canada joined sanctions imposed on 17 March 2014. Japan, Switzerland, Australia as well as Albania, Iceland, Norway, Montenegro, and Ukraine also decided to impose sanctions.

Resolution:

The sanctions had no impact on the situation, and Crimea is still considered de facto as integrated to Russia. Crimea remains disputed between Ukraine and Russia. Sanctions from the countries above all appear to remain in place.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2014-0170+0+DOC+PDF+V0//EN>

<http://www.consilium.europa.eu/media/29285/141372.pdf>

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0269&from=EN>

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32014R0833>

<http://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/>

<https://www.state.gov/e/eb/tfs/spi/ukrainerrussia/>

<http://www.international.gc.ca/sanctions/countries-pays/russia-russie.aspx?lang=eng>

2014022801

Venezuela (US)

Florida Gov. Rick Scott and U.S. Sen. Marco Rubio were calling for sanctions against Venezuela, on **28 February 2014**, where opponents of President Nicolas Maduro are staging countrywide protests. The Washington Times on 13 March 2014 reported Secretary of State Kerry told a congressional hearing that the US is “prepared” to level sanctions against Venezuela but “hopes to avoid” the move, because it “would only worsen the South American nation’s faltering economy.”

Washington is weighing sanctions against Venezuela’s leftist government if it fails to foster serious talks to resolve the country’s political crisis, officials said on 27 March 2014. Assistant Secretary of State Roberta Jacobson urged President Nicolas Maduro’s government to provide “democratic space for the opposition.” Since early February, Maduro and his government have been the target of mass demonstrations fueled by public anger over soaring crime, hyperinflation and shortages of basic household goods. At least 34 people have been killed and hundreds wounded in the protests. The Maduro government has intensified its crackdown on the opposition in recent weeks.

On 9 May 2014, a US congressional panel passed a bill that would impose sanctions on those responsible for human rights abuses against anti-government protesters in Venezuela. On 20 May 2014, a US Senate panel greenlighted sanctions on Venezuelan officials responsible for violent crackdowns on protests. Secretary of State John Kerry said on 21 May 2014 that the US was considering sanctions over the political crisis in Venezuela, and he called on President Nicolas Maduro to reopen talks with the opposition.

The US House of Representatives voted overwhelmingly on 28 May 2014 to impose targeted sanctions on Venezuelan officials responsible for violent crackdowns on anti-government protests that have left at least 42 people dead. However, the bill faced opposition of the Obama administration. The Obama administration has argued that any additional action against Venezuela is not needed, could hurt U.S. relations with the rest of Latin America and would provide Maduro’s government with a scapegoat to distract attention from the oil-rich nation’s economic crisis.

On 8 December 2014, the U.S. Senate has passed legislation that would direct President Barack Obama to levy sanctions against Venezuelan government officials or others accused of perpetrating acts of violence or human rights abuses of anti-government demonstrators. On 10 December, the House approved the measures such that Congress sent to President Obama legislation directing him to levy sanctions against government officials involved in a crackdown on anti-government protesters. On 18 December 2014, Obama signed the Venezuela Defense of Human Rights and Civil Society Act of 2014 into law.

On **9 March 2015**, the President announced a new Executive Order (E.O.) “Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela.” The targeted sanctions in the E.O. implement and expand upon the requirements of the Venezuela Defense of Human Rights and Civil Society Act of 2014. This E.O. targets persons involved in or responsible for the erosion of human rights guarantees, persecution of political opponents, curtailment of press freedoms, use of violence and human rights violations/abuses in response to antigovernment protests, arbitrary arrest and detention of antigovernment protestors, and significant public corruption by senior government officials in Venezuela. This E.O. was renewed in March 2016. In August 2017 and March 2018, the United States imposed additional sanctions on Venezuela.

The EU has no plans to follow the US lead and impose sanctions against Venezuela but is closely watching a government crackdown on the opposition, a spokeswoman said on 10 March 2015. On 13

November 2017 the Council of the EU adopted restrictive measures in view of the continuing deterioration of democracy, the rule of law and human rights in Venezuela.

Resolution:

Ongoing.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<https://www.state.gov/r/pa/ei/bgn/35766.htm>

2014022802

Uganda (US)

Uganda passed an anti-gay bill and signed it into law on 24 February 2014. Denmark announced a cutback in aid to Uganda on 26 February 2014, after Norway was the first to do so. In early March, Sweden announced that it was looking to withdraw direct aid estimated at \$10.1 million, and the Netherlands stopped a \$9.6 million subsidy intended for Uganda's judicial system. Denmark and Norway will redirect more than \$17 million meant for the government to NGOs and civil society organizations.

The USA has suspended \$13.4 million, across a number of its programmes. The Centers for Disease Control (CDC) on **28 February 2014** suspended an agreement that allowed the US government to fully or partially pay for the salaries of 87 employees of the Ministry of Health's AIDS Control Programme. The CDC has also suspended the start of a joint survey that was to be conducted with Uganda's University of Makerere to estimate the size of at-risk populations for HIV/AIDS". By the end of March, the US government has continued to cut aid to Uganda with the tourism sector and the Inter-Religious Council of Uganda becoming the latest to experience cuts because of the anti-gays law. However, Uganda can stand on her own and fully fund its budget even if all Western countries decided to withdraw financial support over the anti-gay law, the Finance Minister has said.

On 10 April 2008, the 28 members of the European Union have collectively agreed that cutting aid to Uganda over the anti-homosexuality law is unnecessary, and that other options should be explored to resolve the difference of opinion over the law.

On 19 June 2008, the US has imposed sanctions on Uganda for anti-gay laws it says are "counter to universal human rights". It said Ugandans involved in human rights abuses against gay people would be banned from entering the US. The White House is also cutting funds to a number of programmes it is running with the Ugandan authorities, and cancelling a military exercise. Uganda has said it will not be pressed by the West to change the laws, which can see gay people jailed for life. "Uganda considers this announcement by the US regrettable as some of the halted funding and programmes in Uganda are those that will affect the most vulnerable people that the US government purports to support and aims to protect," the foreign affairs ministry said in statement.

Resolution:

Ongoing. The law is still in effect. Furthermore, it appears that all countries maintain their aid cuts, except for Sweden, or they never announced the end of the sanctions formally.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<https://www.reuters.com/article/us-uganda-aid-sweden/sweden-suspends-some-aid-to-uganda-over-anti-gay-law-idUSBREA2509720140306>

<http://www.ibtimes.com/obama-administration-takes-first-major-actions-against-ugandas-anti-gay-law-1563243>

<http://www.irinnews.org/report/99878/briefing-punitive-aid-cuts-disrupt-healthcare-uganda#.U0DdRKMpDJs>

2014031901

South Sudan (UN-EU-US)

On **31 December 2013**, the African Union has said it will impose targeted sanctions over violence in South Sudan, after two weeks of fighting is feared to have left thousands dead.

On 16 January 2014, the United States weighted targeted sanctions against South Sudan due to the failure to end the crisis. South Sudan's government and rebel forces face possible sanctions if they fail to progress with peace talks and stick to a ceasefire deal, United States and European Union envoys warned on **19 March 2014**. Despite the sanctions threats, talks were stalled on 20 March.

On 3 April 2014, President Obama issues Executive Order 13664 allowing the use of property and asset seizures and immigration and visa bans against government or rebel officials. On **24 April 2014**, the UNSC issued a threat of sanctions against South Sudan government forces and rebels responsible for escalating abuses in a worsening civil war.

On **6 May 2014**, the United States issued sanctions against two individuals on either side of the deadly conflict in South Sudan that has killed thousands of people.

East African states, on 10 June, threaten to slap South Sudan's warring sides with sanctions, unless they cease all military operations in a conflict which had sparked fears that it could spiral in to genocide.

On **10 July 2014**, the EU issued (2014/449/CFSP) travel bans and asset freezes on two South Sudanese military leaders. An existing South Sudan arms embargo was also kept in place.

On 16 July 2014, the UNSC threatened sanctions against the warring parties in South Sudan. The Security Council has discussed sanctions, an arms embargo and a referral of the South Sudan situation to the International Criminal Court as ways to apply pressure on the warring sides.

On 8 August 2014, the UNSC expressed its readiness to impose (targeted) sanctions against those who take action that undermines the peace, stability and security of South Sudan. Moreover, in August, a key US senator demanded a UN arms embargo on South Sudan and the African Union Peace and Security Council (AUPSC) has reiterated its readiness to impose targeted multilateral sanctions and any other forms of punitive measures. On 25 August, South Sudan's warring leaders signed a fresh ceasefire deal vowing to end more than eight months of conflict, according to mediators who threatened sanctions should the agreement fail once again.

With regard to increasing violent actions, Canada imposed targeted sanctions against individuals on both sides of the conflict, on 30 October 2014. On 4 November, the UNSC president announced that the Council is ready to impose sanctions against President Salva Kiir and his rival and former vice president Riek Machar. However, the UNSC of 15 December only issued another threat.

In spring 2015, the United States further press for a UN arms embargo and issued a draft resolution. On 3 March 2015, the UNSC adopted resolution 2206 which sets up a sanctions committee which would submit to the council the names of those responsible for blocking peace efforts, and who should be punished with a global travel ban and assets freeze. On 24 March, the UNSC deplored the collapse of peace talks between South Sudan's warring factions, and once more threatened sanctions.

After several rounds of threats by the UN Security Council, the African Union and several other states, on **1 July 2015**, the UNSC imposed sanctions on six commanders from South Sudan (three from the government forces, three from the rebels).

By the end of July, President Obama has warned of increased sanctions and a possible an arms embargo on South Sudan, should its leaders fail to reach a peace deal in line with the 17 August deadline set by the mediators. However, on 14 August, the government of South Sudan suspended peace talks despite sanctions threat. On 18 August, the United States had begun talks at the United Nations to sanction South Sudan if its government doesn't sign a peace deal with rebels within 15 days and all sides in the conflict don't promptly implement a cease-fire – circulating a draft resolution which would impose an arms embargo.

President Salva Kiir promised to sign the deal on 26 August 2015 in South Sudan's capital Juba. Kiir's about-turn comes five days after the United States circulated a draft resolution at the UN Security Council that would impose an arms embargo and additional sanctions on South Sudan unless a ceasefire agreement was signed. On 28 August, the UN Security Council warned South Sudan's feuding president and ex-vice president that it is ready to impose an arms embargo and sanctions if they don't immediately stop fighting and implement a new peace agreement.

In September 2015, the UNSC discussed whether to impose an arms embargo and sanctions on a South Sudan army chief and a former army general who is now a rebel commander for continuing to fuel the conflict. However, Russia and Angola blocked the US request for UN sanctions.

From January 2016 onwards, there were regular calls for an arms embargo and targeted sanctions on South Sudan's leaders. The United States threatened several times with these kind of UN measures. A confidential report by a UN panel that monitors the conflict also demanded these sanctions – and even UN Secretary General Ban Ki-moon and other UN diplomats called for an arms embargo. Egypt and Russia refused an arms embargo and sanctions on South Sudan's leaders. In September, the United States, the European Union and the United Nations reaffirmed their calls for additional sanctions and an arms embargo if Juba blocks the deployment of a new regional protection force of 4,000 troops and impedes the work of UN peacekeepers – and because the Sudanese government continues to violated sanctions. The final attempt was a vote in the United Nations Security Council on 23 December 2016. However, the Council was highly divided: Russia, China, Japan, Malaysia, Venezuela and more importantly the three African council members -- Angola, Egypt and Senegal-- have all expressed serious reservations. The UN Security Council on rejected a US-drafted resolution on imposing an arms embargo and sanctions on South Sudan – even Japan voted against.

Resolution:

Ongoing.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2014091501

Turkmenistan (US)

The U.S. Commission on International Religious Freedom is a federal government commission headquartered in Washington, D.C. It was created by the International Religious Freedom Act of 1998 (Public Law 105-292) to monitor religious freedom in other countries and advise the President, the Secretary of State, and Congress on how best to promote it. The annual report by the Commission names countries as “countries of particular concern”.

The State Department has designated Turkmenistan as a CPC under the International Religious Freedom Act of 1998 since **15 September 2014**. The CPC designation could mean sanctions. The US Commission on International Religious Freedom (USCIRF) recommended that Turkmenia officials responsible for religious rights violations be barred from entering the United States and their assets to be frozen.

Resolution:

Under the IRF Act, the Secretary of State has up to 180 days to choose a Presidential action from the list mandated by law. The Department of State will continue to press the Government of Uzbekistan for improvements in religious freedom. However, since **11 May 2009**, the State Department de facto indefinitely waived taking any action even though the government of Uzbekistan continues to perpetrate severe violations of religious freedom.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2014110201

Burkina Faso (UN)

On 31 October 2014, the ousted 63-year old president Compaore formally resigned following two days of violent protests against his attempt to extend his 27-year long rule. Following Compaore's resignation, Col. Zida on 1 November 2014 announced that he was assuming power as a transitional leader. But the country's opposition and civil society leaders held protests in the capital Ouagadougou against the military takeover. Burkina Faso's army will quickly cede power to a transitional government and appoint a new head of state, Zida said on 3 November 2014, looking to calm accusations that the military had seized power in a coup. Burkina Faso aid partners among them France, the US and the EU spoke on their commitment to seeing a transition authority that conforms to the constitution. They also called for democratic elections.

On **2 November 2014**, the UN envoy for west Africa told that he and African leaders had pressed the demand in a meeting with the country's top military brass. If the army refuses, "the consequences are pretty clear," he said. "We want to avoid having to impose sanctions on Burkina Faso." The African Union, whose democratic charter binds its 54 member states to take action against coups on the continent, piled more pressure on the Burkina military on 3 November 2014, giving it an ultimatum to hand back power to a civilian administration within two weeks or face sanctions. The European Union has called on the military to respect human rights, and the US has condemned the military imposing its will on the people of Burkina Faso. However, the US which could freeze military co-operation with Burkina Faso if it deems a coup has taken place, said it was not ready to determine whether the takeover by the army amounted to a coup. On 4 November 2014, Canada suspended development assistance to the Government of Burkina Faso and its institutions.

Resolution:

Burkina Faso's military initially had picked Zida to lead the country when it swooped in and took control in the power vacuum after Compaore's resignation. The international community, though, urged the military to swiftly hand back power or face crippling economic sanctions. Kafando, a former ambassador to the U.N., was then chosen as transitional president, and he tapped Zida to serve as prime minister.

On 7 November 2014, leaders of the Economic Community of West African States (ECOWAS) warned against sanctions on Burkina Faso after country's president stepped down. ECOWAS said sanctions should not be imposed because of "the on-going regional efforts" and its continued support for the the west African country. The African Union (AU) has abandoned plans to suspend Burkina Faso from its membership after the newly-appointed President Michel Kafando was sworn in and the military designated the transfer of power on 21 November. The AU's Peace and Security Council (PSC), meeting on 18 November 2014 – a day after the appointment of the former Burkinabe diplomat and foreign minister to the Presidency (on **17 November 2014**) – said it was dropping the planned sanctions. Following the signing of the transition charter, the United States said it will renew its aid cooperation with Burkina Faso but only when certain conditions have been met. Canada lifted its suspension of aid to Burkina Faso on 27 November 2014, saying it is satisfied that civilian rule has been restored after the military seized power.

HSE Score:

3 (policy result) x 2 (sanctions contribution) = 6 (success score)

Source:

EUSANCT

2015021501

Yemen (UN)

On 16 May 2012, Obama signed a decree allowing sanctions to be imposed on individuals or entities deemed a threat to Yemen's stability. The UN Security Council threatened similar sanctions on 12 June 2012 (UNSCR 2051). Threats were repeated on 15 February 2013. On 26 February 2014 (UNSCR 2140), the UNSC backed sanctions against supporters of the former regime who try to impede its political transition. The measure will create a three-member panel, under the aegis of the Security Council, to oversee the imposition of sanctions, including decisions on who would be targeted. On 7 November 2014, the UNSC imposed sanctions (visa bans and assets freezes) on Yemen's former president Saleh and two allied rebel commanders.

On 22 January 2015, President Hadi resigned from office after Houthi rebels seized the presidential palace. In UNSCR 2201 of **15 February 2015**, the UN Security Council deplored the Houthis' action to dissolve the parliament and take over Yemen's government institutions – and declared its readiness to take further steps.

On **24 February 2015**, the Council voted unanimously to extend sanctions on Yemen's former president and two leaders of the powerful Shiite Houthi rebels whose takeover of the capital and much of northern Yemen threatens to split the Arab world's poorest country. The Security Council reiterated that it is prepared to impose additional sanctions.

On 14 April 2015, the United Nations Security Council slapped an arms embargo and targeted sanctions on the Houthis – the minority group that has taken over large swaths of Yemen, including its capital, Sanaa – and supporters of former Yemeni President Saleh. The Houthis forced President Abdu Rabu Mansour Hadi from power in January, though Hadi still claims he is Yemen's legitimate leader and is working with the Saudis and other allies to return to Yemen. Russia abstained from the vote as it sought to extend the measure to all sides in the conflict.

The international community has stressed through the UN Security Council's action "that the violent takeover of Yemen by an armed faction is unacceptable and that a legitimate political transition – long sought by the Yemeni people – can be accomplished only through political negotiations and a consensus agreement among all of the parties."

Resolution:

Ongoing. The Houthis are still Yemen's de-facto rulers and the country is experiencing an ongoing civil war.

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

2015050801

Burundi (US-EU)

On 25 April 2015, the National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD) announced that the incumbent President, Pierre Nkurunziza, would run for a third term in the 2015 presidential election, breaking a decade-old agreement on a two-term limit. This announcement caused protests that ended in 2-weeks-long demonstrations in the capital Bujumbura. In response to that, the government shut down the internet. On 13 May 2015, Major General Godefroid Niyombare declared a coup d'état while the President was in Tanzania, but it collapsed the day after. The pre-election violence came after Burundi's constitutional court ruled on 4 May 2015 that Mr Nkurunziza can run for a third term. AU commission chief Nkosazana Dlamini-Zuma said that elections could not be held in Burundi in the current climate, and expressed doubts about whether the move was constitutional. The election was held on 21 July 2015 and Pierre Nkurunziza won it largely, which led to an escalation into rebellion whose lead was taken by Godefroid Niyombare. The repression by the government was of rare violence. Burundi's leader Pierre Nkurunziza launched his third-term bid amidst growing violence in the country.

On **18 May 2015**, the Council recalled the obligations under the Cotonou Agreement in terms of respect for human rights, democratic values and the rule of law – and announced to be ready to consider the adoption of possible measures, including on cooperation. On 22 June 2015, the Council announced that it is determined to adopt, if necessary, targeted restrictive measures against those whose actions might have led or might lead to acts of violence and repression and serious human rights violations, and/or might hamper the search for a political solution within the framework proposed by the AU and the EAC. On **1 October 2015**, the EU Council, after the intervention of some EU diplomats, sanctioned 4 Burundian nationals close to Burundi's president, Pierre Nkurunziza whose activities are said to be undermining democracy in the country, particularly through violence and serious human rights violations. But, in order to “keep open the channels of dialogue”, President Nkurunziza himself will not be sanctioned.

Since direct support to the Burundi government and institutions were temporarily suspended in March 2016, the European Union chose to redirect a part of its aid to activities directly benefitting local population and civil society.

The US has accused Mr Nkurunziza of violating the peace accord which ended the brutal 12-year civil war by seeking re-election. On **8 May 2015**, speaking after a closed-door meeting on Burundi at the UN Security Council, America's UN ambassador Samantha Power said the US was considering “targeted measures including visa bans or sanctions” against those involved in organizing or taking part in violence against protesters. Power said there was an “apparent lack of judicial impartiality that led to this decision. The United States is very carefully monitoring the situation and we are prepared to take targeted measures against those who plan or participate in widespread violence.” On **3 July 2015**, the United States said it is suspending some security assistance programs to Burundi because of abuses committed by police during political protests and the government's decision to proceed with what the U.S. says were “flawed” parliamentary elections.

On 22 November 2015, the United States put sanctions on four current and former officials in Burundi in connection with the continuing violence there. The four will face an asset freeze and visa restrictions. The US says President Pierre Nkurunziza's pursuit of a third term has ‘precipitated’ violence which has left at least 240 dead since April. Multiple reports mention targeted killings, arbitrary arrests, torture, and political repression by security forces, as well as violence and abuses by youth militia affiliated with the ruling party.

Nkurunziza's opponents also have resorted to violence, it said, including murders, grenade attacks and a coup attempt earlier this year. The four sanctioned by Obama's executive order included two current members of Nkurunziza's government and two former members who led a coup attempt against him in May. The European Union and the African Union have also decided to impose sanctions on Burundians deemed to have undermined peace". On 18 December 2015, the Office of Foreign Assets Control action under Executive Order 13712 relating to the situation in Burundi, bringing the total number individuals sanctioned under the Executive Order to eight.

In November 2015, the UN Security Council unanimously adopted a resolution strongly condemning the escalating violence. The French-drafted resolution also paved the way for a possible deployment of blue-helmeted UN peacekeepers.

On 23 October 2015, the Peace and Security Council of the African Union (AU) has also decided to impose targeted sanctions, including asset freezes and travel bans, against any person or entity involved in the perpetuation of violence in Burundi or who impedes the search for a solution to the crisis the country is facing.

Resolution:

Sanctions are still ongoing. An UN report accuses Burundi of ongoing human rights violations:

<https://www.theguardian.com/world/2016/sep/21/un-report-accuses-burundi-government-human-rights-abuses>

HSE Score:

1 (policy result) x 2 (sanctions contribution) = 2 (success score)

Source:

EUSANCT

<http://www.bbc.com/news/world-africa-32654613>

<http://www.bbc.com/news/world-africa-34903828>

<http://uk.reuters.com/article/uk-burundi-politics-usa-idUKKBN0NT1WY20150508>

<http://www.consilium.europa.eu/en/press/press-releases/2015/03/16/conclusions-conseil-situation-politique-burundi-dans-contexte-pre-electoral/>

<http://www.consilium.europa.eu/en/press/press-releases/2015/05/18/conclusions-burundi/>

<http://www.consilium.europa.eu/en/press/press-releases/2015/06/22/fac-burundi/>

<http://www.consilium.europa.eu/en/press/press-releases/2015/10/01-burundi-sanctions/>

<https://www.voanews.com/a/us-cancels-assistance-burundi-over-flawed-election/2847269.html>

<https://europeansanctions.com/2015/10/23/african-union-decides-to-impose-targeted-sanctions-on-burundi/>

2015062701

Nigeria (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. "The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010" (Becker, 2014, 597).

The State Department's 2010 annual report on Trafficking in Persons, issued on 14 June 2010, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

The Trafficking in Persons (TIP) report of **27 June 2015** listed Nigeria.

Resolution:

In Nigeria the child soldier problem is relatively new, as government-allied vigilante groups have recruited children to fight against the Islamist extremist group Boko Haram – so Obama waived sanctions on 1 October 2015. However, threats are ongoing.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

EUSANCT

2015062702

Somalia (US)

US President Bush signed the child-soldiers law in 2008. It prohibits U.S. military education and training, foreign military financing, and other defense-related assistance to countries that actively recruit troops under the age of 18. “The Implementation of the Child Soldier Prevention Act has been problematic. The law went into effect in 2010” (Becker, 2014, 597).

The State Department’s 2010 annual report on Trafficking in Persons, issued on 14 June 2010, identifies six governments involved in the recruitment and use of child soldiers. A US law enacted in 2008 prohibits several categories of US military assistance to such governments, effective October 1, 2010, unless the president invokes a national interest waiver.

Obama waived restrictions on Somalia in October 2014. However, in Somalia, the United Nations documented nearly 200 cases of child recruitment by the Somali National Army and allied militias last year – likely just a fraction of the total number.

The Trafficking in Persons (TIP) report of **27 June 2015** listed Somalia again, but Obama waived sanctions on 1 October 2015.

Resolution:

Ongoing.

HSE Score:

2 (policy result) x 2 (sanctions contribution) = 4 (success score)

Source:

EUSANCT

Becker (2014): <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1141&context=ilr>

2015091701

Burkina Faso (US-UN)

Soldiers arrested Burkina Faso's transitional president and prime minister on 16 September 2015, raising fears of a coup just weeks before the country was to hold an election to replace its longtime leader Compaore who was ousted in a popular uprising late last year. Hours later, gunfire erupted in the capital as the soldiers behind the standoff tried to disperse protesters who were marching on the presidential palace where the two transitional leaders were being detained. Members of the presidential security unit formed by the ex-president Compaore who was ousted from power last year have been publicly at odds with the transitional leaders in recent months. They banned the interim president and prime minister from leaving, and were seen putting up barricades around the presidential palace.

On **17 September 2015**, the members of the UN Security Council underlined that the perpetrators of this unconstitutional and forceful seizure of power must be held accountable, and in this regard, expressed their readiness to monitor closely the situation and to consider further steps as necessary. The United States condemned, in the strongest terms, the unconstitutional seizure of power by elements of the Presidential Security Regiment in Burkina Faso and announced to review foreign assistance on **18 September 2015**. The African Union suspended Burkina Faso and slapped sanctions on the leaders of its military coup as troops tried to stop protesters from marching on the capital's Revolution Square. The 54-member bloc also imposed a travel ban and asset freeze on the junta's leaders.

On the same day, coup leaders released Kafando and two ministers – saying this was “a sign of easing tensions” – but prime minister Isaac Zida, a former officer in the RSP, remained under house arrest.

French president Hollande warned on 21 September 2015 of French sanctions if the coup leaders didn't step down. He said that French civil, financial and military cooperation with Burkina Faso would be suspended until power was transferred to civil authorities.

Resolution:

The Burkina Faso general who seized power in a coup last week apologized to the nation on **22 September 2015** and said he would hand over control to a civilian transitional government after the military warned that its forces would converge on the capital and forcibly disarm the soldiers behind the power grab.

On **23 September 2015**, UN Secretary-General Ban Ki-moon welcomed the reinstatement of President Michel Kafando and of the transitional institutions in the country. Elections were held on 29 November 2015.

HSE Score:

4 (policy result) x 3 (sanctions contribution) = 12 (success score)

Source:

EUSANCT

<https://www.un.org/press/en/2015/sc12051.doc.htm>

<http://www.un.org/apps/news/story.asp?NewsID=51950#.WI8tL3kiHRY>