Smart Sanctions against Failed States
Strengthening the State through UN Smart Sanctions in Sub-Saharan Africa

Eine Diplomarbeit im Rahmen des Studienganges
„Sprachen-, Wirtschafts- und Kulturraumstudien“
Wintersemester 2007 / 2008

Kai Koddenbrock

9. Fachsemester
Matrikelnummer 40361
Hermannstraße 222
12049 Berlin
kai.koddenbrock@gmail.com
Abstract

Smart sanctions have been a frequent but supposedly ineffective UN instrument of conflict resolution since the end of the Cold War. While most sanctions thinking focuses on sanctions against consolidated states, this paper illustrates how smart sanctions can have an impact in failed states in Sub-Saharan Africa. These failed states are characterised by the lack of a monopoly on violence and plagued by rebellions largely financed through natural resource earnings and foreign support. By analysing the conflicts and respective sanctions regimes and their impact on political support, supply structures and the military balance in Angola and the Democratic Republic of Congo we prove that in particular the advocacy component of smart sanctions regimes – the panel of expert reports and connected diplomatic activities – is able to contribute to their impact. Thanks to this component the ensemble of arms embargos, financial, travel and commodity sanctions can play a crucial role in depriving the rebels of funds and means needed to sustain their rebellion. This, in turn, facilitates the establishment of a monopoly on violence and a respectively strengthened state.
Contents

Abstract............................................................................................................................ 2
Contents ........................................................................................................................... 3
List of Illustrations.......................................................................................................... 5
List of Tables ................................................................................................................... 5
List of Acronyms............................................................................................................. 6
Acknowledgements ......................................................................................................... 7

1 Introduction ......................................................................................................... 8
1.1 Topic ...................................................................................................................... 8
1.2 Structure and Methodology ................................................................................. 10
1.3 Literature Review ................................................................................................ 11

Part I – Terms, Debates and Instruments .................................................................. 17

2 Political Context................................................................................................. 17
2.1 Failed States and the Monopoly on Violence...................................................... 17
2.2 Reasons of conflict: Greed, grievance or feasibility? ............................................ 21
2.2.1 Natural Resources and Conflict Onset .............................................................. 22
2.2.1.1 Motivation-based Mechanisms ...................................................................... 23
2.2.1.2 Feasibility-based Mechanisms ....................................................................... 24
2.2.2 Natural Resources and Conflict Duration............................................................ 25
2.2.2.1 Motivation-based Mechanisms ...................................................................... 26
2.2.2.2 Feasibility-based Mechanisms ....................................................................... 27
2.2.3 Summary, Criticism and Hypotheses ................................................................. 27

3 United Nations Smart Sanctions ...................................................................... 31
3.1 Normative and Legal Background....................................................................... 31
3.2 The Human Rights Paradox: From Comprehensive to Smart Sanctions ............ 33
3.3 The Institutional Architecture.............................................................................. 37
3.3.1 Sanctions Committees ......................................................................................... 38
3.3.2 Panels of Experts and Monitoring Mechanisms.................................................. 40
3.3.3 The UN Secretariat and Humanitarian Assessment Missions............................. 41
3.3.4 Summary.............................................................................................................. 42
3.4 Types of Smart Sanctions .................................................................................... 42
3.4.1 Arms Embargos ................................................................................................... 43
List of Illustrations
Illustration 1: Institutional Architecture of UN Sanctions.............................................. 38
Illustration 2: Location of Diamond Reserves in Angola.............................................. 60
Illustration 3: Natural Resource Geography of the DRC.............................................. 88
Illustration 4: Divide and Rule in Ituri................................................................. 101

List of Tables
Table 1: Coming to Terms with the Natural Resources and Conflict Relation .......... 22
Table 2: The Evolution of the Angolan Sanctions Regime ........................................ 64
Table 3: The Evolution of the DRC Sanctions Regime.............................................. 94
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFDL</td>
<td>Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre</td>
</tr>
<tr>
<td>ANC</td>
<td>African National Congress</td>
</tr>
<tr>
<td>CNDP</td>
<td>Congrès National pour la Défense du Peuple</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>FAR</td>
<td>Forces Armées Rwandaises</td>
</tr>
<tr>
<td>FARDC</td>
<td>Forces Armées de la République Démocratique du Congo</td>
</tr>
<tr>
<td>FDLR</td>
<td>Forces de Libération du Rwanda</td>
</tr>
<tr>
<td>FLEC</td>
<td>Frente para a Libertação do Enclave de Cabinda</td>
</tr>
<tr>
<td>FNI</td>
<td>Front des Nationalistes Intégrationnistes</td>
</tr>
<tr>
<td>FNLA</td>
<td>Frente Nacional de Libertacao de Angola</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
</tr>
<tr>
<td>LRA</td>
<td>Lord Resistance Army</td>
</tr>
<tr>
<td>MLC</td>
<td>Mouvement pour la Libération du Congo</td>
</tr>
<tr>
<td>MONUA</td>
<td>Mission d’Observation des Nations Unies en Angola</td>
</tr>
<tr>
<td>MONUC</td>
<td>Mission d’Observation des Nations Unies au Congo</td>
</tr>
<tr>
<td>MPLA</td>
<td>Movimento Popular de Libertacao de Angola</td>
</tr>
<tr>
<td>OFAC</td>
<td>Office of Foreign Assets Control</td>
</tr>
<tr>
<td>PALU</td>
<td>Partie Lumumbiste</td>
</tr>
<tr>
<td>P-5</td>
<td>The five permanent members of the Security Council</td>
</tr>
<tr>
<td>RCD</td>
<td>Rassemblement Congolais pour la Démocratie</td>
</tr>
<tr>
<td>RCD-N</td>
<td>Rassemblement Congolais pour la Démocratie - National</td>
</tr>
<tr>
<td>RCD-G</td>
<td>Rassemblement Congolais pour la Démocratie - Goma</td>
</tr>
<tr>
<td>RCD-ML</td>
<td>RCD - Mouvement de Libération</td>
</tr>
<tr>
<td>RPA</td>
<td>Rwandan Patriotic Army</td>
</tr>
<tr>
<td>RPF</td>
<td>Rwandan Patriotic Front</td>
</tr>
<tr>
<td>SADC</td>
<td>South African Development Community</td>
</tr>
<tr>
<td>SC</td>
<td>Security Council</td>
</tr>
<tr>
<td>S/RES/</td>
<td>Security Council Resolution</td>
</tr>
<tr>
<td>SWAPO</td>
<td>South West Africa People’s Organization</td>
</tr>
</tbody>
</table>
Acknowledgements

Writing this dissertation has been exciting and rewarding. But the world outside sometimes violently called for attention. I am glad I can now respond to this call again. I want to thank all those who made this first real research and writing experience so worthwhile and helped me to get it done. The first thank you goes to Dr. Uwe Kranenpohl who has been an extremely constructive and strict supervisor. Without his advice, I might have lost myself in ultimately unnecessary theoretical wanderings. Second, I want to say a big thank you to Nikolai Brandes, Jörgsen Husar, Basteser Jacob, Ulitsch Kaltenbach and Sebastian Meyer who took their time to read through the final draft of this dissertation and provided extremely helpful remarks and criticisms. If I was able to integrate them their logical rigor will have contributed to sharpening this work’s argumentation. I am also indebted to Martin Ebeling who has read an earlier draft and helped me get the thematic direction right.

I came across the topic of smart sanctions at the UN in New York. That’s why a big thank you to Manuel Bessler, responsible for sanctions at UN OCHA, who allowed me to participate in the preparation of his humanitarian assessment mission to the Congo. His colleague for this mission, Jim Freedman, professor emeritus and globally active conflict and development specialist, has inspired me with his engaging way of thinking and writing and has provided me with invaluable thoughts on smart sanctions in general and the situation in the Congo in particular.

But more than anyone else I want to thank Sanja Böhler for sharing these last months with me. The comfort of our peaceful flat and our joyful excursions into Berlin nightlife together nurtured me with the soul food to survive this time of discipline.
1 Introduction

1.1 Topic

Edward Luttwak’s famous statement uttered in Foreign Affairs in July 1999\(^1\) probably did not find a wealth of supporters among the international community at the time - certainly no public supporters. UN diplomats and staff, people at the World Bank and the IMF, the legions of people working in the state or private development and humanitarian sector and scientists publishing and earning their living by writing about war, peace, security and development – in short: the elite-network that promotes the concept of an international community – were certainly outraged about this seemingly cynical approach to conflict resolution. However, as we speak, the United States and the European Union, the cradle of human rights and the initiators of the United Nations after World War II, face serious internal debates about their ‘war against terror’ and their wars in Afghanistan and Iraq – about their approaches to these conflicts, to conflict resolution. Luttwak points at something valid: There is no simple answer on how to promote peace.

The importance of Iraq and Afghanistan notwithstanding, the United Nations currently has a different focus of action. A large share of UN activity concerns conflict resolution or prevention and poverty reduction in Sub-Saharan Africa. In this dissertation, we will aim to analyse how and to what extent the UN instrument of smart sanctions against rebel groups in Sub-Saharan Africa contributes to conflict resolution and to what extent they strengthen the monopoly on violence of the concerned state. Smart sanctions are an interventionist instrument “between words and war.”\(^2\) Their application depends on the degree of intervention in internal affairs the international community is willing to exert. Sanctioning rebel groups disregards the formerly sacrosanct sovereignty of states in order to promote stronger adherence to the principles

---

1 Luttwak, Edward (1999), Give War a Chance, in: Foreign Affairs, 78 (4), 36-44
2 Wallensteen, Peter / Staibano, Carina (2005), International Sanctions: Between Words and Wars in the Global System, New York
of human rights. In this dissertation, smart sanctions will be understood as a two-fold instrument: First, as a coercive one of state-building from outside, as the UN is an external actor to nation-states and tries to coerce rebel groups into ending their rebellion. Second, it will be understood as a supportive tool which is used to prop up and stabilize central governments struggling to keep their grip on power. This two-fold concept of state-building will be at the core of this work because smart sanctions in Sub-Saharan Africa are different than sanctions against, for example, Iran and North Korea. Statehood and the monopoly on violence are not questioned in these countries. State-building is not on the agenda. The opposite applies to our region. Analysts and policy-makers would describe many of the African states ravaged by conflict as failed states where the state does not provide the classic state functions of “security, representation and welfare” anymore and has established no monopoly on violence whatsoever. This is not only the case because the central government is unable or unwilling to do so. Powerful rebel groups (non-state actors in ‘UN-speech’) question that exact government politically and militarily often by occupying strategic resource extraction areas. While it is hotly debated whether resources and the resulting generation of income are a cause of conflict or civil war onset they undoubtedly contribute to conflict prolongation. It is no rarity that, as a result, there continuously exist two monopolies on violence within given borders. Duopolies or tripolies on violence, however, are no basis for a functioning state. In this context, the international community aims at rebuilding a state that can fulfil its supposed tasks for which the monopoly on violence is the prerequisite.

This dissertation wants to analyse the specific contribution of UN smart sanctions to this process of reclaiming the monopoly on violence. We will try to do so by answering the following questions:

| Do smart sanctions help terminate conflict by discouraging rebels to rebel? Do they impact upon conflict feasibility? If so, what is their impact on the political support and the supply structures that rebels enjoy? As a result of this: To what extent do they help shift the military balance in favour of the central government? From these questions flows the overarching question of this study: Do smart sanctions strengthen the State in Sub-Saharan Africa by helping to (re-)establish a monopoly on violence? |

We are convinced that contribution can only be distilled by taking a very specific and detailed case-study approach. This enables us to take the agency of actors seriously while detailing contractive or permissive structures impacting on it. As a consequence, for our analysis, we chose the sanctions regimes in Angola lasting from 1993 to 2002 and in the Democratic Republic of Congo which started in 2000 and is still ongoing. The Angola case has witnessed important shifts and modifications in UN smart

---

sanctions strategy and constitutes an example where the conflict was settled. This serves as a useful foil to the analysis of the sanctions regime in the DRC where the sophisticated tools developed in Angola are used but have not led to a lasting solution yet.

1.2 Structure and Methodology

This study is divided into two main parts: A general part introducing the relevant terms, debates and instruments and an applied part in which these are brought to empirical fruition in the two case-studies Angola and the Democratic Republic of Congo.

We selected these two cases because both conflicts share high levels of foreign sponsorship and intervention and have increasingly turned into conflicts financed and prolonged by natural resource extraction. In addition, Angola and the DRC are neighbours so each country’s conflict trajectory and history have to a certain degree been influential for the other. What separates the conflicts are the historical moment, the number and kinds of actors involved in the conflict and the number and kinds of natural resources used to finance military activities. By explicitly detailing these differences and commonalities in the case-studies we propose a number of insights on smart sanctions impact although both cases cannot be pressed into a rigid ‘most-similar’ or ‘most-different’ scheme.

After the introduction, Part I begins with Chapter 2 which provides us with an overview of the politico-scientific context this study has to be positioned in. We will provide a short summary of the scientific debate about failed states and the fundamental role the monopoly on violence plays in this regard. The monopoly on violence is so effectively under attack in most failed states because rebel groups enjoy the possibility to continuously finance their efforts with readily available natural resource sales. Because of this link we will turn to a short discussion of the debate about possible causal relations between natural resources and violent conflict. Chapter 3 introduces the reader to the sanctions field by first taking a look at the normative and legal background of sanctions in the Charter of the United Nations and its dynamic evolution and reinterpretation. With this in mind we follow the evolution of sanctions practice throughout the 1990s from comprehensive to smart sanctions and illustrate the institutional architecture of sanctions imposition. We will then present the four types of smart sanctions and their basic designs and limitations. Chapter 4 provides a short summary of Part I.

Part II applies the concepts developed before to the two case-studies Angola (Chapter 5) and the Democratic Republic of Congo (Chapter 6). In these case-studies we analyse smart sanctions impact on the establishment of the monopoly on violence. This is done by first providing an historical analysis of the conflict structure which gives
us an idea of the roots and objectives of the conflicts that sanctions aim to end. Second, we provide a short assessment of the role natural resource abundance plays in this. Third, we analyse the evolution of the smart sanctions regimes and their specifics which are the basis for our core analysis of how smart sanctions have worsened political support and supply structures for the rebels and, as a result, led the central government to gain an upper hand in the conflict. In Chapter 7, the conclusion, we conclude by comparing the impact smart sanctions had in Angola and the DRC and try to distil general impact factors facilitating the development of realistic expectations from smart sanctions.

1.3 Literature Review

Given the broad topical nexus of this dissertation, the author had to synthesize literature from rather separate research areas. The debate on sanctions suffers from its focus on comprehensive sanctions against functioning states – a focus that is off the mark if we take into account UN sanctions policy in the last seventeen years. The disastrous humanitarian consequences of UN sanctions against Iraq have led to exaggerated generalizations on sanctions use and impact without taking into account the majority of sanctions regimes imposed on weak or failed states in Sub-Saharan Africa. As the important innovation of smart sanctions including investigative panels of experts has only taken hold around the year 2000, scholarly debate on their impact is rare.

To tackle our research question if smart sanctions against failed states strengthen these states we first decided on a concept of statehood that we could operationalise to answer it. Ulrich Schneckener’s Fragile Staatlichkeit und State-building: Begriffe, Konzepte und Analyserahmen (2006) and Jennifer Milliken and Keith Krause’s State Failure, State Collapse and State Reconstruction: Concepts, Lessons and Strategies (2002) provided us with useful tools for this operationalisation. All of these authors focus on applicable concepts as they address the international policy community which needs clear-cut recommendations and tool-boxes for their interventions in Sub-Saharan Africa. Their definition of states as entities that deliver differing degrees of security, representation and welfare with security being the prerequisite function of the others seems highly useful for our analysis of the UN intervention of smart sanctions. We accept the assumption that a monopoly on violence is the basis of statehood, a minimum criterion, and investigate to what extent the establishment of this monopoly is supported by smart sanctions in Angola and the Democratic Republic of Congo. To accompany this rather operational approach we have tried to at least allude to the intense and stimulating debate on statehood in third world countries. Jeffrey Herbst’s State and Power in Africa: Comparative Lessons in Authority and Control (2000) is a controversial contribution because it departs from any notions of failure and tries to explain why monopolies on violence did not need to be exerted over entire territories. Given the prevailing concepts of authority and control in Africa, he argues, it was highly rational not to establish a monopoly on violence over large territorial entities like
Angola or the DRC. Klaus Schlichte and Joel Migdal’s *Rethinking the State* published in Klaus Schlichte’s *The Dynamics of States. Processes of State Formation outside the OECD* (2006) makes an important contribution to this debate. Their innovative definition of the state as a power field shaped by the dynamics between the Western ideal of the State and the actual social practices on the ground\(^4\) is very broad but forces researches to really scrutinize these social practices (which rarely happens) while at the same time being able to cling to the conceptions of Western political thought that have gained global pre-eminence. By accepting the term failed state for our research question we have chosen a conceptual background, as shown, that facilitates the application to cases of UN intervention. Much more efforts would have to be made to integrate the conceptions of Herbst or Schlichte into policy analysis – a challenging but certainly rewarding task.

As the wars in our case-studies have been prominent examples of self-financed wars through natural resource exploitation we chose to provide a short overview of the vivid debate on this topic that has resulted in a wealth of publications since 1998. The debate on the role of greed, grievance and feasibility as driving forces of conflict in natural-resource abundant conflict settings is fought between scholars of the quantitative and qualitative methodology camp. Econometric methods were used by Paul Collier and Anke Hoeffler in their influential trigger publication of *On the Economic Causes of Civil War* (1998) and have continued to be their preference. Paul Collier’s *The Bottom Billion* (2007) summarizes his work in a short and concise book. As will be shown later, the harsh criticism his methods and findings received has contributed to a shift in his interpretation from greed to feasibility. Philippe Le Billon’s article *The Political Ecology of War: Natural Resources and Armed Conflicts* (2001) was an important contribution to the feasibility aspect of the debate as it introduced to a wider public the term ‘lootability’ of resources and the respective conflict constellations it facilitates. Le Billon’s contribution *Getting it Done: Instruments of Enforcement* in the World Bank publication of Ian Bannon and Paul Collier *Natural Resources and Violent Conflict* is an impressive summary of the wide spectrum of instruments available impacting on the natural resources and conflict relation. Sanctions do play a role in this but are not adequately explained. Given the vast amount of essay collections, Mats Berdal and David Malone’s *Greed and Grievance: Economic Agendas in Civil Wars* (2000) and Karen Ballentine and Jake Sherman’s *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (2003) being the most widely quoted ones, we chose to

---

\(^4\) Migdal, Joel / Schlichte Klaus (2006), Rethinking the State, in: Schlichte, Klaus (2006), The Dynamics of States. Processes of State Formation outside the OECD, Aldershot, 15. The complete definition is: “The state is a field of power marked by the use and threat of violence and shaped by 1) the image of a coherent, controlling organization in a territory which is a representation of the people bounded by that territory and 2) the actual practices involving those staffing its multiple parts and those they engage in their roles as state officials.”
focus on two articles, one synthesising the debate between the quantitative and the qualitative camp and the other presenting the qualitative side to balance out the propositions made by Collier. Macartan Humphrey’s *Natural Resources, Conflict and Conflict Resolution: Uncovering the Mechanisms* (2005) contains an excellent summary of the entire debate but resorts to the econometric approach later on. It clearly is a prerequisite for publication in the US to use quantitative data to prove your argument. Jenny Pearce’s *Policy Failure and Petroleum Predation: The Economics of Civil War Debate Viewed ‘From the War-Zone* (2005) states that econometrics in conflict research is insufficient to come to terms with the complexity of conflict settings. She sets out to illustrate the social dynamics at play in rebel-held areas of Colombia and shows the contingency of the relation between natural resources and armed conflict. In the DRC case-study in particular we will assume a similar approach as the social basis of the conflict is decisive for the simmering conflict there. The Angolan civil war was to a larger degree a solely elite-driven war.

The literature on sanctions is plentiful but, as stated, not entirely adequate for our research question. The analytical tools to assess sanctions impact are mostly concerned with comprehensive sanctions against states.\(^5\) Explicit attempts at integrating recent theory on failed states, conflict theory and smart sanctions theory have, to our knowledge, not been made yet.\(^6\) To analyse the evolution of UN Security Council action and with it sanctions practice since the end of the Cold War we want to highlight the articles by Vera Gowlland-Debras *UN Sanctions and International Law: An Overview* (2001) and Boris Kondoch *The Limits of Economic Sanctions under International Law* (2000) both of which offer insights into the dynamics between the UN Charter and recent UN Security Council practice.

---


6. Torstensen and Bull speak in a similar vein: "Those trying to design effective smart sanctions have little research at their disposal on the effects of sanctions on targeted states' decision-making" (Torstensen, Arne / Bull, Beate (2002), *Are Smart Sanctions Feasible?*, in: *World Politics*, 54 (3) 376)
The most widely discussed study on sanctions, *Economic Sanctions Reconsidered: History and Current Policy,* published by Gary Clyde Hufbauer, Jeffrey J. Schott and Kimberley Ann Elliot in 1985 reviewed 103 both bi- and multilateral sanctions cases and arrived at a figure of a 36 percent success-rate of all sanctions regimes ever imposed.\(^7\) Hufbauer et al. were conscious of the dependence of a precise figure on the objectives identified and the arbitrary interpretation needed to accord a specific outcome to sanctions input. They thus did not conceal the qualitative judgement calls made to get to their success rates.\(^8\) Nevertheless, in sanctions literature it is usually the 36 percent that are quoted. Numerous authors have tried to refute this percentage by recalculating this rate and making different judgements calls. A prominent example is Robert Pape’s criticism in *Why Economic Sanctions do not Work* (1997) and *Why Economic Sanctions still do not Work* (1998). David Cortright and George Lopez are the most prolific sanctions scholars today and important contributors to smart sanctions theory and design. They published a variety of books as editors or authors starting in the mid-1990s from *Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World* (1995) to *The Sanctions Decade: Assessing UN Strategies in the 1990s* (2000), *Smart Sanctions: Targeting Economic Statecraft* (2002a) and *Sanctions and the Search for Security* (2002b). All of these works have been used for this dissertation. Their focus, however, is on short descriptions of sanctions regimes and short enumerations of the evolution of specific conflicts. They do not try to analyse in a more in-depth way how the conflict was (not) brought to an end. But Cortright and Lopez have proposed a useful conceptual shift in assessing sanctions effectiveness. In their “bargaining model” of sanctions, effectiveness

‘Does not derive primarily from their ability to punish or coerce. Their impact comes not from the severity of the economic damage they cause, but from the ability to encourage dialogue and bargaining. From this perspective, sanctions can be considered successful if they contribute to a bargaining process and become the basis around which a negotiated settlement is reached. [..] Sanctions work if the desire for lifting of

\(^7\) The second edition of 1990 contains 116 cases. A third edition is planned for 2007. It will be particularly interesting to see how the authors decide to treat smart sanction against failed states, as the second edition was published exactly at the time when this issue moved to the centre of sanctions policy.

\(^8\) “Our conclusions regarding both the achievement of the foreign policy goals and the contribution of sanctions to the outcome are heavily influenced by the qualitative conclusions reached by previous scholars of the particular episodes. We recognize that such assessments entail a good deal of subjective evaluation. Indeed, since foreign policy objectives often come in multiple parts, since objectives evolve over time, and since the contribution of sanctions to the policy outcome is often murky, judgment plays an important role in assigning a single number to each element of the ‘success equation’.” (Hufbauer et al. 1985: 32)
coercive pressure serves as an inducement or negotiation and compliance.”

Understood this way, sanctions become part of a ‘carrot-and-stick’ approach where the lifting of sanctions becomes a carrot after having been a punitive stick. Given the complexity of the conflict settings in Angola and the DR Congo it seems reasonable to take this bargaining-model into account. In case a bargaining process is facilitated by it this possibly leads to conflict settlement and to a reestablishment of the monopoly on violence. We will see, however, that negotiations are not necessarily the tool to end a conflict. In cases like Angola, to promote one side until it is able to win decisively might be the quicker and more humane alternative. In the DRC, we observe a mixture of the need to listen to legitimate claims that could be addressed in negotiations and the lack of strength and will of the central government that perpetuates the conflict.

Literature on the institutional architecture of smart sanctions is rare. Christian Schaller’s Ph.D. thesis Internationales Sanktionsmanagement im Rahmen von Artikel 41 UN-Charta (2003) is a descriptive starting point while Paul Conlon’s account on the work of the Iraq Sanctions Committee United Nations Sanctions Management: A Case-study of the Iraq Sanctions Committee 1990 – 1994 (2003) is too driven by his rage at what went wrong in this Committee when he was a staff member of the UN Secretariat working for DPA. The classic The Procedure of the UN Security Council (1998) by Sydney Bailey and Sam Daws lists a few Committees but neglects their functioning. A detailed analysis of the institutional architecture of smart sanctions management given the vast differences in working methods of the Committee and their impact would still have to be undertaken.

For the presentation of the four types of smart sanctions we reverted largely to various volumes of Cortright and Lopez and supplemented it with the more recent work edited by Peter Wallensteen and Carina Staibano International Sanctions: Between Words and Wars in the Global System (2005) and the volume compiled by Michael Brzoska Smart Sanctions: The Next Steps (2001). Both of these gather the findings by the smart sanctions discussion process between scholars, administrators and politicians comprising the Interlaken Process in 1999, the Bonn-Berlin Process in 2001 and the Stockholm Process until 2003. These expert conferences dealt with the technical issues of smart sanctions design and implementation and contributed a lot to improved smart sanctions strategy.

Both case-studies follow the same structure starting with the historical background of the conflicts, the role of resources in the conflict, followed by the sanctions regime and ending with its impact on the monopoly on violence. There is a large body of literature on the history of the Angolan Civil War. As we mostly deal with the last phase of the conflict and its connection to natural resources, two works stand out: Tony

---

9 Cortright, David / Lopez, George (2000), The Sanctions Decade, Boulder 28
Hodges’ *Angola from Afro-Stalinism to Petro-Capitalism* (2001) and Jackie Cilliers’ *Angola’s War Economy* (2000) which contains a wealth of contributions on history, politics and economics by the most seasoned Angola scholars. Apart from Security Council Resolutions laying out in legal language the provisions of the sanctions regimes, the most important sources for the case-study, however, are the UN panel of experts reports starting with the Fowler report\(^\text{10}\) in 2000 and ending with the final monitoring mechanism report in 2002. These primary sources provide a wealth of information on the trade networks, arms routes, diversion strategies, organizational structures of UNITA, their political supporters and, in addition, provide updates every six months on the changing political and military situation on the ground. All of these reports are about 50 pages long and are available on the UN website. These reports make it possible to gauge smart sanctions impact. The same applies to the Congo case. The reports ranging from the *Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth* since 2000 to the panel of experts established by the Sanctions Committee in 2004 and still mandated today build the backbone of our analysis. Coming to terms with the social complexities of eastern DRC that are fuelling the conflict and with the political legacy of the Mobutu era is a challenging task but there are a few authors offering convincing attempts at discerning this reality. Mahmood Mamdani’s *When Victims become Killers: Colonialism, Nativism and the Genocide in Rwanda* (2001) stands out. Although being mostly about Rwanda it provides a sharp analysis of the history of the constructions of ethnicity in eastern DRC and the role both events in the region and Mobutu’s patrimonial state played for the current intractability of the conflict. William Reno’s article *Congo: From State Collapse to Absolutism to State Failure* (2006) provides a meta-critique of failed state discourse with detailed references to Mobutu’s reign by illustrating the shifting trends in Western social science and policy-making with regards to statehood and the respective role of patrimonialism and corruption in China, Russia and South-East-Asia. Apart from a number of reports by the International Crisis Group, Human Rights Watch and Global Witness – international advocacy NGOs – the volume edited by Michael Nest *The Democratic Republic of Congo: Economic Dimensions of War and Peace* (2006) and numerous publications by Koen Vlassenroot, Timothy Raymaekers and René Lemarchand constitute useful secondary sources to analytically complement the highly detailed panel of experts reports.

\(^{10}\) S/2000/203
Part I – Terms, Debates and Instruments

2 Political Context

The core assumption underlying this study is that smart sanctions against non-state actors are used by the United Nations to end conflict and, through this, support state-building in failed states. As the research questions show, we endeavour to find out to what extent this works. In order to get to the case-studies we first have to deal with the key terms contained in this assumption. Thus, in this chapter, we will illustrate with a broad brush how the term failed state is discussed today and which role the monopoly on violence plays in this respect. We will then proceed to a short overview of the debate about origins and reasons of conflict in resource-rich countries, the conflicts leading states to failure. To complete the relevant background of our research question we will then describe how the use of UN sanctions has evolved before arriving at the concept of ‘smart sanctions’.

2.1 Failed States and the Monopoly on Violence

The term failed state has played a central role in scholarly literature on Sub-Saharan Africa during the last decade. Its position in academic discourse has changed,
however. During the 1990s, failed states were seen as isolated development challenges. Somalia, Angola and the DRC featured prominently. As development challenges they were mainly discussed among humanitarians and development workers. Since September 11, 2001, the term has been increasingly used in discussions about international security. A development challenge has become a security problem. The US National Security Strategy of 2002 asserts in this regard that “America is now threatened less by conquering states than we are by failing ones.” The European Security Strategy of 2003 speaks in a similar vein: “Collapse of the State can be associated with obvious threats, such as organised crime or terrorism. State failure is an alarming phenomenon that undermines global governance and adds to regional instability.”

From a perspective of most modern Western political thought, failed states lack two main features of a state. They are no state on a definitional level and they do not deliver what a state is supposed to deliver on a functional level. Georg Jellinek’s “state territory, state people, state power (Staatsgebiet, Staatsvolk, Staatsgewalt)” is often used as a point of reference of when a state is considered a state. It needs to exert a monopoly on violence over a defined and limited territory which is inhabited by a people. The more functional approach to the state focuses on what a state needs to deliver. Jennifer Milliken claims that three functions are at the core of this: “Security, representation and welfare.” Once one of these functions is not fulfilled a state can be considered as failing. Obviously, Milliken’s requirements are challenging. All states only deliver certain degrees of security, representation and welfare. By consequence, one needs to develop indicators defining specific thresholds separating “consolidated”

12 As an aside: Both the security and the development community gain legitimacy in this process. The development world tries to counter doubts of its overall use by claiming to deal with crucial security-relevant topics. The security community gets a more human face which is equally beneficial in a media context of G8-campaigns, Live-Aid events and quite an omnipresence of “Africa” in public discourse.


16 Cf. Miliken / Krause 2002: 756-762; Zürcher puts it in way that is more adapted to the current African context: "Statehood could be measured along four dimensions: domestic authority, security, provision of public goods, and institutional arrangements for non-violent conflict processing. […] These outputs are provided not only by the state but also by international actors. A meaningful typology of state "strength" or "weakness" then should reflect the overall level of these outputs but also the contribution of external actors to it. […] Many of these outputs, but especially domestic authority, are built on informal, but nevertheless surprisingly effective mechanisms, whereas many "weaknesses" of states are actually a result of deliberately outsourcing some of the costs of statehood.” Zürcher 2007: 25
states from “weak”, “failing” and “failed” states. Max Weber, the most influential thinker on Western statehood until today, draws a distinction between a politischer Verband and a Staat. The latter exerts a legitimate monopoly on violence the former does not. For him, the cohesion of all political entities is granted by a monopoly on violence. However, according to Weber, this entity can only be regarded as a state if this monopoly is valued as legitimate by the governed. This legitimacy may be in question in states ravaged by internal conflict or civil war such as Angola and the Democratic Republic of Congo.

An interesting paradox of failed states is that they are still called states – states with the qualifier ‘failed’ – although they do not fit the definition of a state. One does not name them non-states or politischer Verband, as Weber possibly would have. What is the remaining state skeleton justifying the qualified use of the term state? Or what makes political science and policy-makers among the international community use this term? The answer to both of these questions lies in the conception of an international order composed of states that is implied in most literature on failed states. States do not only become states through their internal composition and the way the monopoly on violence is used. From the perspective of international order, states become states through external recognition by other (important) states and the United Nations. This means there is de-facto and de-jure statehood. Once a state has been formally recognised, the material realities on the ground will hardly lead to a change of label.

During the struggle for decolonization the African states signed an agreement with the departing colonial powers that none of the established borders would be touched. All states had to remain in their colonial shape. As William Reno puts it, “from a cartographic perspective, Africa is the most stable continent in the world.” As currents events show, however, it may be problematic if de-jure and de-facto statehood do not correspond. Decolonization and the end of the Soviet Union resulted in numerous secessions and independences – new states were founded and recognized. The membership of the UN increased from 50 to 192 states today. This may appear as an expression of self-determination of the peoples of the world. Unfortunately, most African states were founded not in their chosen but in their imposed borders. Their foundation was only to a certain degree self-determined. The viability of these states

17 Cf. Schneckener 2007, 107-109
18 There are different translations of the German term Gewaltmonopol in English: The monopoly on the legitimate use of physical force; The monopoly on the legitimate use of violence; The monopoly over violence; The monopoly on violence. We decided to consistently use the latter term.
20 Cf. Schneckener, 2007: 102
21 Reno 2006: 52
was never considered. However, this is not only due to colonialism. No independence hero was willing to give away territories of the newly independent state just because they were too big and impossible to control. Both of our case-studies would have been candidates for a split up. Thus, it is not a very contentious statement if Ulrich Schneckener puts Angola (1975-2002) and the DRC (since 1997) into the last of his four categories of statehood: Failed states.

For the international order to function very basic requirements have to be met. There need to be diplomatic representatives, mail-boxes and counterparts for political negotiations. The functional logic of this system explains why Somalia is still represented in international fora although it has been regarded as the classic failed state with no internal order whatsoever for the last fifteen years. Once states are formal states, they remain states. ‘Black holes’ cannot be dealt with. A Foucauldian perspective taken by Laura Zanotti, a former staff member of the UN Department of Peacekeeping Operations, gets at the heart of this functional logic:

"In classical Europe, discipline produced individuals as suitable elements of society. In the post cold-war period it manufactures states so that they are transformed into productive, law-abiding members of the "international community". [...] In the post cold war era, international organizations have increasingly endowed themselves with mechanisms to know, monitor and regulate the way that states govern their citizens with the goal of perfecting these processes.

...[This] international regime operates along two main trajectories: institutional disciplinarity and governmentalization. Institutional disciplinarity concerns reforms of the institutions of potentially disorderly states. [...] Governmentalization operates through the proliferation of mechanisms of international knowledge and control. [...] Both are overlapping and intersecting trajectories."  

As we will see later, this is exactly what smart sanctions against failed states are about. On the one hand, panels of experts and intelligence services create knowledge about the target and peacekeeping missions or the panel of experts themselves monitor

---

22 See Herbst 1990 and Herbst 1997 for a critical discussion of this.
23 This is not the place to elaborate further on the specifics of statehood in many African states. It should, however, be noted that many of them are characterized by urban bias, fluid borders and a total lack of control over their hinterland. See Herbst, Jeffrey (2000), States and Power in Africa: Comparative Lessons in Authority and Control, Princeton for more
24 And with a comparatively well functioning sub region “Somaliland” which wants independence but does not obtain international recognition.
compliance with the sanctions regime which in itself constitutes a regulation of the targeted state or entity. This is governmentalization. On the other hand, the UN disciplines states by contributing to regulating trade, income generation and conflict resolution “transform[ing] [them] into productive, law-abiding members of “the international community”. This amounts to disciplinarity. The logic of an international order shaped by an interventionist UN trying to preserve the status quo does not bode well with Edward Luttwak’s plead to “give war a chance” and let it burn itself out. It remains an open question whether the more isolationist position of ‘let them sort it out’ or the interventionist proponents of a disciplined and governmentalized international order is more appropriate to prevent states from failing or to rebuild them after failure.

In the next paragraph we will investigate how and for what reasons the monopoly on violence in failed states is shattered by rebel groups and what this means for conflict onset and conflict duration. This is an essential prerequisite to enable us to assess the impact of smart sanctions on conflict resolution and the monopoly on violence.

2.2 Reasons of conflict: Greed, grievance or feasibility?

Violent coups, rebellions and civil wars are ubiquitous in Sub-Saharan Africa. So is natural resource abundance. Most of the countries targeted by smart sanctions are well endowed with natural resources and were or are still plagued by long conflicts, especially our two case-studies Angola and the Democratic Republic of Congo. Although some resource-abundant states such as Botswana or Norway have managed to increase the country’s welfare most have fallen into the “resource trap”. These resources can play a destructive role because they enable rebels to finance their wars. Thanks to these resources it becomes possible to effectively challenge the monopoly on violence or to prevent its emergence. Despite this obvious relation it is an open question to what extent natural resource exploitation is a function of wars initially triggered by political objectives or if their control is in fact the objective of military efforts.

The lively scholarly debate on these questions is largely based on the probabilistic assumption that “countries whose wealth is largely dependent on the exportation of primary commodities – a category that includes both agricultural produce and natural resources – are highly prone to civil violence.” Paul Collier and Anke Hoeffler, at the

26 There are of course many theories of conflict apart from those focussing on resources. But as we deal with the DRC and Angola we only lay out the most prominent theories currently discussed in their context.

27 Cf. for example: Collier, Paul (2007), The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done about It, Oxford; Humphreys, Macartan (2005), Natural Resources, Conflict and Conflict Resolution: Uncovering the Mechanisms in: Journal of Conflict Resolution, 49 (4), 508-537; Le Billon, Philippe (2001), The Political Ecology of War: Natural Resources and Armed Conflicts, in: Political Geography 10(5), 561-584

28 Humphreys 2005: 510
Worldbank at the time and now at Oxford, coined this assumption in 1998 which they tried to prove using quantitative econometric methods for conflict prevalence analysis. The results of the study are still widely discussed among social scientists. Some try to refute this thesis others try to specify it, e.g. by disaggregating commodities and looking more closely at the different kinds of commodities and the resulting likelihood of conflict.  

Macartan Humphreys has made a bold and concise attempt at synthesising and summarizing this debate on the connection between natural resources and conflict. He identifies six mechanisms being used in the debate to explain conflict onset and seven being responsible for conflict duration in cases of natural resource abundance. The mechanisms for conflict onset serve as conceptual background information for our study. Those for conflict duration, however, are operationally relevant, for smart sanctions are designed to end conflict, to shorten conflict duration. Our case-studies aim at gauging smart sanctions impact. In this respect we will also take into account to what extent they impact on the following mechanisms for conflict duration.

Table 1: Coming to Terms with the Natural Resources and Conflict Relation

<table>
<thead>
<tr>
<th>CONFLICT ONSET</th>
<th>CONFLICT DURATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Motivation-based (Micro-level)</strong></td>
<td><strong>Feasibility-based (Macro-level)</strong></td>
</tr>
<tr>
<td>– The Greedy Rebels Mechanism</td>
<td>– The Military Balances Mechanism</td>
</tr>
<tr>
<td>– The Greedy Outsiders Mechanism</td>
<td>– The Possibility of Pork Mechanism</td>
</tr>
<tr>
<td>– The Grievance Mechanism</td>
<td>– The Domestic Conflict Premium Mechanism</td>
</tr>
<tr>
<td>– The Possibility of Pork Mechanism</td>
<td>– The International Conflict Premium Mechanism</td>
</tr>
<tr>
<td>– The Military Balances Mechanism</td>
<td>– The Feasibility Mechanism</td>
</tr>
<tr>
<td>– The Domestic Conflict Premium Mechanism</td>
<td>– The Fragmented Organizational Structures Mechanism</td>
</tr>
<tr>
<td>– The International Conflict Premium Mechanism</td>
<td>– The Sparse Networks Mechanism</td>
</tr>
</tbody>
</table>

Source: Author, adopted and modified from Humphreys 2005: 510-519

2.2.1 Natural Resources and Conflict Onset

The terms put forward by Humphreys can be further systematized by using Collier’s distinction between explanations reverting to motivations or to feasibility as main

29  Le Billon 2001: 566-572
causes of conflict. Table 1 thus synthesises Humphreys’ categories and Collier’s basic dichotomy. The first three mechanisms used as explanation for conflict onset – Greedy Rebels, Greedy Outsiders and Grievance – locate the reasons of conflict in motivations, thus the individual micro-level of belligerents, outsiders or the population. The other three – Feasibility, Weak States and Sparse Networks – bear witness of a more macro-oriented feasibility approach. Although the individual’s role is not denied their focus is on permissive structures and societal contexts.

### 2.2.1.1 Motivation-based Mechanisms

For Humphreys, there are three variants to the Greedy Rebel Mechanism explaining how rebel greed and natural resources lead to conflict. First, rebels want to earn money by securing resource export opportunities independent from the state. Second, possible income through natural resources “increases the ‘prize’ value of capturing the state” and thus makes a coup more attractive. Third, natural resources concentrated in a particular region of a country might make a secession attempt attractive. The second greed mechanism is called the Greedy Outsiders Mechanisms and identifies the “interests of third parties – foreign states and corporations –” in extracting profit from a particular natural resource as decisive for conflict onset. The Congo is a textbook case for this where both neighbouring Rwanda and Uganda kept fuelling the conflict at least partly to be able to exploit its natural resources. The Grievance Mechanism, then, has been very prominent particularly among social scientists wary of econometrics. According to this mechanism conflict is triggered by dissatisfied groups experiencing inequalities and injustices. Humphreys, again, lists four variants distilled from the debate which put their accents on different reasons for inequality. First, countries that have managed to get on a development path through massive natural resource earnings might experience “transitory inequality as part of the development process.” Second, the volatility of natural resource prices makes a country that is highly dependent on one particular resource “more vulnerable to terms of trade shocks” which can cause instability and dissatisfaction. Third, forced migration from extraction areas because of environmental damage or loss of land rights may trigger revolts or rebellions. Fourth, “natural resource wealth may be seen as more unjustly distributed than other wealth.” The source of wealth of a resource-rich country may be situated in a different region than the capital. While the latter is often the most cherished area of the political elite the capital

---

30 For Collier, the only relevant distinction lies “between theories focusing on motivation or on feasibility.” Collier, Hoeffler / Rohner 2007: 2
31 Humphreys 2005: 511
32 We use DRC, Congo or Zaire for the Democratic Republic of Congo beside this official term. In the case of the Republic of Congo we will use the term Congo-Brazzaville to avoid confusion.
33 Humphreys 2005: 512
34 Humphreys 2005: 512
35 Humphreys 2005: 512
is usually financed by the countryside. However, the capital does not invest in the countryside. This may lead to legitimate grievances. These three mechanisms with their various variants summarize the different explanations for the onset of conflict based on motivations of involved actors. Nevertheless, there are more structural and institutional theories that also have to be considered.

### 2.2.1.2 Feasibility-based Mechanisms

The Feasibility Mechanism, as Collier puts it in his most recent paper from 2007, “proposes that where rebellion is feasible it will occur: Motivation is indeterminate, being supplied by whatever agenda happens to be adopted by the first social entrepreneur to occupy the viable niche.” As a consequence, the feasibility thesis regards natural resources as a “permissive” and not as a “root” cause. The most basic factors determining feasibility are availability of funds through natural resource sales or “booty futures” that grant rebels advance cash in return for the promise of concessions or other support. Collier himself concedes in this paper that he and his colleagues had to come to the conclusion that feasibility seemed statistically more correlated with conflict than economic greed.

This is a major reinterpretation of the data, made possible, according to Collier, by a wider data set. Focussing on feasibility enables researchers and policy makers to think in a more rational way about conflict. ‘Greed’ and ‘grievance’ are morally loaded terms that cloud our judgement. The factors Collier identified increasing the likelihood of conflict are the level, growth and structure of income (from natural resource exploitation) and “whether the country was under the implicit French security umbrella, the proportion of its population who were males in the age range 15-29, and the extent to which the terrain is mountainous.” Countries with a lot of mountains who are no longer in the zone of French geopolitical interest (i.e. do not have to fear or, by contrast, cannot benefit from French military interventions) and have a large young and male populace should beware: They are likely to experience conflict very soon in case they have not yet. This is what the econometric Feasibility Mechanism would predict. As quoted above, for Collier, the only relevant distinction lies between theories focussing on motivation or on feasibility. But as feasibility is a permissive factor, it does not tackle the problem of root factors. In the course of conflict analysis, there should not only be a distinction between these factors but a combination of them has to follow. It is too easy to assert that “motivations are indeterminate”. Feasibility makes conflict

---

36 Collier, Paul / Hoeffler, Anke / Rohner, Dominic (2007), Beyond Greed and Grievance Feasibility and Civil War, 21
37 Cf. Humphreys 2005: 512
39 Collier / Hoeffler / Rohner 2007: 21
possible but does not explain its outbreak. For this, we need to make use of the other five mechanisms.

The two last mechanisms identified by Humphreys are of a more institutional nature. The Weak States Mechanism focuses on state-society linkages, the first variant more on the society side, the second on the state side. In a political system that is not based on taxation but on resource rents, society has less incentive to monitor government behaviour and withdraw support if necessary. “Accordingly, resource dependent states may have little compulsion to respond to the demands of their citizens or create structures that engage their citizens. […] This may result in greater insulation but less resilience of the state.”

Less resilience makes conflict more attractive as the probability of success is perceived as higher. From the perspective of the state, resource revenues “rather than taxation [weaken] incentives to create strong bureaucratic institutions.” These institutions might have been able to fulfil state functions like welfare and might have contributed to more legitimate and thus more stable statehood this way. The Sparse Networks Mechanism makes use of a sociological approach by looking at the interactive networks created through internal trade. Low levels of internal trade caused by a very small manufacturing sector – exacerbated by dynamics of ‘Dutch disease’ in resource-rich countries – bad infrastructure and a lack of transport capacities lead to the “fragmentation of an economy into independent enclaves” which, in turn, prevents higher levels of “social cohesion and inter-regional interdependence”. If there was more trade, killing trading partners would mean to commit “commercial suicide”. Conflict would thus be sheer folly.

### 2.2.2 Natural Resources and Conflict Duration

The way theorists try to come to terms with the causes of internal conflict is important to develop an understanding of what factors sanctions would have to tackle to prevent conflict. Unfortunately, a realistic perspective on sanctions would not expect them to overcome root causes but to contribute to easing conflict intensity and to create incentives for negotiations. In fact, to date, all sanctions regimes dealing with conflict

---

40 Humphreys 2005: 512

41 ‘Dutch disease’ is an economic concept connecting the success of natural resource export to the demise of the manufacturing sector. It asserts that manufacturing and agriculture – vital sectors for the population – lose out and shrink because of the capacity of, say, the oil industry to generate much wanted foreign exchange through exports. As manufacturing has a comparative disadvantage over oil in contributing to import capacity (through the generation of foreign exchange) it is slowly replaced and goods will rather be imported than produced locally. This does, however, not mean that the manufacturing sector of the concerned country would not also have had a comparative advantage in manufacturing over other countries. Concentration on resource exports crowds out sectors that might otherwise have proven highly profitable, too. See Collier 2007b: 39-40
and civil war were installed after conflict had broken out. Thus, the analyses of smart sanctions impact in our case-studies forces us to scrutinize the mechanisms of conflict duration rather than onset. As shown in table one above, Humphreys identifies seven mechanism families explaining the connection between natural resources and conflict duration, some of them analogous to the mechanisms for conflict onset.

2.2.2.1 Motivation-based Mechanisms

The Military Balances Mechanism is a particularly interesting case. Asymmetric wars tend to be short in case the opponent is decisively beaten. Asymmetry refers to differences in military strength here. Conflicts between terrorists and states have also been called asymmetric recently. In that case, asymmetry refers to a difference of means. In our cases, conflicting parties fight with the same military means.

Military balance or stalemates tend to prolong conflicts because “in an ‘aggressive-symbiotic’ relationship, opposing parties may have an interest in prolonging a profitable military stalemate in order to preserve economic interests that could be threatened by a total victory and subsequent peace.” Consequently, “the marginal impact of quantities of natural resources on duration depends on whether they tend to produce more symmetric or less symmetric forces.” This means, if measures such as sanctions increase symmetry between the conflicting parties they may have a prolonging effect. A decisive victory is prevented. The Possibility of Pork Mechanism suggests that “having rents to divide among faction leaders greases the wheels of a negotiation process” especially if the rents will possibly increase after agreement is reached. This would be the case, for example, when a defunct oil industry starts producing again once the conflict has ended. Nevertheless, this argument can be countered. The presence of natural resources might constitute an eternal lure for defectors from coalitions to re-negotiate the terms of reached agreements ex-post. This would contradict the viability of the Possibility of Pork Mechanism. The Domestic Conflict Premium Mechanism points at a similar connection. If conflict parties believe they benefit more during conflict than in times of peace they “may act as spoilers to the peace processes.” It does, however, seem irrational to reject a peace arrangement that leaves everyone better off. Two

42 Collier reveals economists’ desperation with the irrationality of certain conflicts in his most recent paper: “There is evidence that several rebel leaders have shown signs of insanity” (Collier / Hoeffler / Rohner 2007: 6)

43 Asymmetry refers to differences in military strength here. Conflicts between terrorists and states have also been called asymmetric recently. In that case, asymmetry refers to a difference of means. In our cases, conflicting parties fight with the same military means.

44 Le Billon 2001: 572

45 Humphreys 2005: 514

46 Humphreys concludes with a controversial remark which we will take up later: “The results suggest reasons to support one sided military interventions in resource conflicts […] sometimes inducing regime change and deadly effects.[…] The policy debate should focus more urgently on establishing workable criteria for determining what regimes should be supported and when external strategies of regime change should be pursued.” (Humphreys 2005: 515)

47 Humphreys 2005: 516

48 Humphreys 2005: 516
explanations for spoiling behaviour are usually put forward: First, negotiators lack the “ability to make credible commitments” because of weak cohesiveness among the group’s members. Second, by agreeing to peace they would undermine their financial base by agreeing to peace, for “they are engaged in illegal activities that they would not be able to undertake during peacetime.” This may lead to the conclusion that groups financing themselves by illegal activities tend to fight longer wars. War is their daily bread. The International Conflict Premium Mechanism is connected to the Greedy Outsiders Mechanism for conflict onset and brings in neighbouring or international countries’ interests and behaviour. In case neighbours are less resource abundant (compare again Rwanda, Uganda and the DRC) they might have a vivid interest in gaining access to their neighbours’ resources by supporting or harbouring rebel groups. Put simply, if neighbours profit from the conflict they are unlikely to support a peace agreement.

2.2.2.2 Feasibility-based Mechanisms

The Feasibility Mechanism put forward for conflict duration is closely linked to the mechanism explaining conflict onset. If rebels have the funds to keep fighting they will keep fighting. It does not matter if these funds come from “trade in natural resources, local abundance of food supplies, extortion, subscriptions, overseas aid or production by troops.” The Sparse Networks Mechanism also functions in analogy to the mechanism for conflict onset. The suspension of economic exchange networks caused by conflict may prove expensive for the conflicting parties. As a consequence, the desire to re-establish them may facilitate steps to end conflict. The Fragmented Organizational Structures Mechanism focuses on the level of cohesiveness and hierarchy among rebel groups and their respective influence on conflict duration. Philippe Le Billon argues that “point” (concentrated) resources that require joint production such as oil lead to more organizational cohesiveness than diffuse resources such as cattle. It is however highly unclear if more or less cohesiveness and hierarchy facilitate shorter conflict duration. Better organization, on the one hand, can help sustain the weaker party which prolongs the conflict while permitting, on the other, “an improved ability to reach a negotiated settlement.” This would shorten the conflict.

2.2.3 Summary, Criticism and Hypotheses

The identification of most of the mechanisms described above was achieved through quantitative econometric methods. Authors tried to discover factors that correlated with increased conflict incidence. Understandably, this approach was widely criticised for
being simplistic and reductionist. A fundamental problem with this quantitative approach lies in the chronic lack of reliable and exact data. There is no recent census data in the Congo and even GDP calculations are rather tentative given the state of the statistical bureau in Kinshasa. It is revealing that Collier admits to significantly readjust his findings with every expansion of available data. His 1998 paper is widely considered as the most influential paper on the connection between natural resources and conflict.\textsuperscript{53} His conclusion at the time pointed in a clear direction: Rebel greed is the most important root cause of conflict. By contrast, in 2007 feasibility has become the most decisive cause for conflict although he calls it a “permissive cause”. Resulting from this shift, after ten years of intense debate between economists and other social scientists it seems that feasibility is the concept that may be able to reconcile proponents of the greed and the grievance camps. Feasibility is opportunity and opportunity cannot be analysed only with tools inherited from methodological individualism. An opportunity structure is always dependent on other social, cultural or political factors. Contextualization and interpretation of the social world become indispensable again. As Jenny Pearce remarks, “the idea of ‘opportunity to rebel’ does open up a much greater possibility of dialogue between competing explanations and approaches to civil wars than the ‘greed proposition’.\textsuperscript{54} Pearce then proposes to seize this opportunity to integrate social movement research into this debate assuming that rebel groups can be understood as social movements:

“In social movement literature, a sophisticated debate has developed which has recognized that at least three sets of factors need to be taken into account when trying to explain the emergence of social movements. They are ‘(1) the structure of political opportunities and constraints confronting the movement, (2) the forms of organization (informal as well as formal), available to insurgents; and (3) the collective processes of interpretation, attribution, and social construction that mediate between opportunity and action.”\textsuperscript{55}

By including the Weak States and the Sparse Networks Mechanism for conflict onset, Humphreys, a political scientist, has partly lived up to this expectation. Both of these are genuinely institutional perspectives that transcend the simplistic reductionism of the Greedy Rebel Mechanism. We will see in our case-studies that, in applying these mechanisms, one has to indulge deeply into internal state-society and interstate relations to recognize the importance of “the structure of political opportunities”, “forms of

\textsuperscript{53} See the judgements made by Pearce, Jenny (2005), Policy Failure and Petroleum Predation: The Economics of Civil War Debate Viewed “From the War-Zone”, in: Government and Opposition, 40 (2), 153, Karen, Ballentine / Nitzschke, Heiko (2005), The Political Economy of War and Conflict Transformation, Berlin, 4 and Humphreys 2005: 510;
\textsuperscript{54} Pearce 2005: 160
\textsuperscript{55} Pearce 2005: 160
organization” and “processes of social construction” that Pearce identifies as shaping rebel action.

For the purposes of our study, however, we need to keep two basic lessons from this debate in mind. First, all mechanisms can be subsumed under either motivation-based or feasibility-based. This can be a useful base for systematic conflict analysis. Second, it is hard to find out whether the permissive cause of feasibility (both from an organizational or financial viewpoint) or the root cause (motivation: greed or grievance) determine whether a conflict breaks out or ends. Given that, logically, both permissive and root causes have to coincide to cause or to prolong conflict one may conclude that this question is impossible and even unnecessary to answer. Coming to terms with a conflict situation thus imperatively requires a thorough study of the case at hand to be able to assess the utility of specific political action or instruments. Macro-level analysis too often errs on the speculative side. In our case-studies, we will revert to those mechanisms that appear most suitable for conflict analysis in Angola and the DRC. They will serve to illustrate some of the similarities and differences of these conflicts.

Before getting to the case-studies in Chapter 5 and proving it empirically we hypothesise that smart sanctions are able to impact upon some of the causal relations the mechanisms described above try to establish. Among the motivation-based mechanisms relating natural resources to conflict duration smart sanctions consisting of arms embargos, financial sanctions, travel sanctions and selective commodity sanctions might impact upon the International Conflict Premium, the Domestic Conflict Premium and the Military Balance. We hypothesise that they discourage outsiders to interfere, render activities facilitated by a situation of conflict more difficult and break profitable military stalemates by strengthening one of the conflict parties. The Possibility of Pork Mechanism cannot be linked to sanctions impact analysis as the possibility to generate further revenues after conflict has ended is not influenced by sanctions. The defunct oil industry whose prospective re-launch might grease the negotiation process exists or does not, with or without sanctions.

Among the feasibility-based mechanisms, all of them can be analytically linked to sanctions impact. In case smart sanctions deplete funds and impede the arms supply they might render conflict less feasible (Feasibility Mechanism). Being targeted against certain individuals, if designed well, they might decrease organizational cohesiveness by weakening certain key figures in decisive positions in the rebel organization (Fragmented Organizational Structures Mechanism). As shown above it is, however, unclear whether more unified structures prolong conflicts or shorten them. We will show that Angola and DRC are suitable examples for opposing interpretations. Conflict in Angola lasted long with a cohesive actor. Eastern DRC is in shambles largely thanks to the existence of myriads of incohesive break-away factions. Commodity sanctions against key trading goods employing a large number of people among the local populations might as well increase the economic rupture between neighbouring areas initially caused by conflict. Following the logic of the Sparse Networks Mechanism, by
exacerbating this situation, sanctions might increase the pressure exerted by the local population on its leaders to end conflict.
3 United Nations Smart Sanctions

In the previous chapter the United Nations and the Security Council in particular were treated as a black box. ‘They’ recognized states or withheld recognition. They are of course no black box at all. Fierce negotiations, corridor diplomacy and backroom deals are standard operating procedures of the Security Council. These interactions are influenced by ideological shifts and practical lessons learnt from previous action. So the following chapter tries to shed light on three determinants of smart sanctions strategy: First, which provisions of the Charter the Security Council refers to when imposing sanctions. Second, to what extent the ideological core of the Charter has been altered by current action owing to contemporary Zeitgeist. To analyse this we will develop the term ‘human rights paradox’ owing to the paradoxical nature of the pursuit of human rights objectives by tending to violate them. The attempts to overcome this paradox have led to a departure from previously comprehensive to smart sanctions of today. Third, we will illustrate how the Security Council designs and institutionally manages the respective sanctions regimes.

3.1 Normative and Legal Background

Sanctions are imposed under Chapter VII of the UN Charter determining “action with respect to threats to the peace, breaches of the peace and acts of aggression.” Article 39, the first of Chapter VII, empowers the Security Council to determine which of these categories shall be applied to the situation at hand and what measures shall be taken in accordance with Article 41 and 42 to maintain or restore international peace and security. Article 41 contains the measures “not involving the use of armed forces” such as the “complete or partial interruption of economic relations, and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.” The term ‘sanctions’ is not explicitly used but the “measures” imposed nowadays are considered to be more or less analogous to what the drafters of the UN Charter were thinking of back in 1945.

As can already be expected by the semantic spectrum of the terms “peace” as such, “threat to peace”, “breaches of peace”, “acts of aggression” and “international peace and security”, the Security Council possesses wide discretionary powers in applying these terms to political situations and calling for the measures of Article 41 and 42. Consequently, it comes as no surprise that sanctions have been imposed with a variety

56 Own term
57 Article 42 lays out the military means
of goals in a variety of contexts. Sanctions against Iraq\textsuperscript{58} aimed to reverse territorial aggression, in Haiti they were designed to help restore democratically elected leaders. The sanctions regime against the Taliban in Afghanistan wanted to punish and deter terrorism, the one against UNITA aimed at forcing the rebels to comply with a peace agreement and in the DRC the regime envisages an acceleration of disarmament.\textsuperscript{59} The last two, of course, amount to a call to stop fighting. These discretionary powers of the Security Council, however, have been increasingly scrutinized resulting from the humanitarian consequences comprehensive sanctions had in Iraq. Comprehensive sanctions attempt to completely seal off a country by imposing both comprehensive import and export trade sanctions. If properly enforced, this is a harsh measure.

The possible severity of Security Council decisions notwithstanding, there is no judicial body in the UN system that is mandated to check the ‘constitutionality’ of Security Council resolutions which are binding for all member states (Article 25)\textsuperscript{60} and override all other international agreements (Article 105).\textsuperscript{61} The veto powers of the Permanent Five (P-5) may be understood as an implicit checks and balance mechanism preventing exaggerated measures. In cases of unanimity among the US, the UK, France, Russia and China, i.e. in situations where their political interests converge, there is, however, no limit whatsoever to their powers. Critics of the UN frequently bemoan that the UN is no world government and cannot be regarded as exerting some kind of international monopoly on violence given its lack of a standing army or of police forces. Nevertheless, as stated above, when interests of the P-5 converge or none of them has any interests at stake in a particular conflict setting, decisions go unchecked and can have serious consequences. The International Court of Justice (ICJ) can comment on Security Council decisions but has no formal powers to render them illegal, to \textit{judicial review}.\textsuperscript{62} ICJ findings are only declaratory.


\textsuperscript{59} Which we understand as first steps towards a monopoly on violence and statehood

\textsuperscript{60} Nevertheless, there is intense debate about the extensive invocation of Art 39 (‘threat to peace, breach of the peace or act of aggression’) after the end of the Cold War. It appears, to some, that “Chapter VII is being used to make mandatory decisions on matters outside the traditional jurisdiction of the Council” (Bailey, Sydney / Daws, Sam (1998), The Procedure of the UN Security Council, Oxford, 271)

\textsuperscript{61} Given the problems surrounding this issue there is growing scholarly interest in the role of the European Court of Justice or national courts in challenging SC Resolutions. Cf. Biersteker, Thomas / Eckert, Sue (2006), Strengthening Targeted Sanctions Through Fair and Clear Procedures, Providence

\textsuperscript{62} “If by this term is meant a constitutional process of judicial review, with compulsory effect, it is clear that no analogous procedure is to be found in the structure of the United Nations (Gowlland-Debbas, Vera (2001), UN Sanctions and International Law: An Overview, in: Gowlland-Debbas, Vera (Ed.) (2001), United Nations Sanctions and International Law, The Hague, 14)
Given the fluidity and dynamics of international law, it is not entirely reassuring that Council decisions have to respect the spirit of the Charter. There may be situations where the overarching principle of maintaining international peace and security conflicts with other important principles such as the respect for human rights (Article 55 VI) in peacetime or for humanitarian law during war.\(^{63}\) Naturally, some observers will identify some Council decisions as running counter the spirit of the Charter in case they see violations of human rights or humanitarian law. These critics have argued that the lack of *judicial review* may posit the Council “above the law” in some situations.\(^{64}\) Most scholars, however, regard the UN as bound to *jus cogens* and basic human rights are widely considered to be part of it. Derogation from *jus cogens*, peremptory norms, is not permitted.\(^{65}\) Nevertheless, being forbidden does not mean derogation does not occur, especially if there is no institutional mechanism enforcing compliance with these norms.

Taking this into account, one can imagine that the Security Council has run into problems made possible by its wide discretionary powers. To understand the evolution of sanctions strategy in this normative and legal context the sanctions regime against Iraq starting in 1990 is crucial in two ways: First, the resolutions passed after Iraq had been prevented from occupying Kuwait constitute the first major conceptual shift of the term “threat to international peace and security”; Second, they exemplify the fundamental dilemma sanctions have to deal with between human rights and humanitarian law on the one hand and international peace and security on the other.

### 3.2 The Human Rights Paradox: From Comprehensive to Smart Sanctions

Iraq sanctions “proved to be a protracted form of economic warfare rather than a quick decisive blow to coerce a recalcitrant government into compliance with international law.”\(^{66}\) After a cascade of resolutions the sanctions regime amounted to an absolute economic embargo. Apart from strictly humanitarian exemptions (medical and health supplies), all trade by land, air or see with Iraq was rendered illegal. This, “combined with the destruction resulting form the 1991 Gulf War, created one of the

---

\(^{63}\) Sidney Bailey and Sam Daws compared the number of times both of these principles occur in the Charter: The phrase "international peace and security" is mentioned 27 times, “human rights” 7 times (Bailey/ Daws 1998: 4)

\(^{64}\) See for example: Oosthuizen, Gabriel (1999), Playing the Devil’s Advocate: The United Nations Security Council is Unbound by Law, in: Leiden Journal of International Law, 12 (3), 549-563

\(^{65}\) Vienna Convention on the Law of Treaties, Article 53,

The Iraq sanctions regime can be divided into three parts with three different objectives each justified by invoking a “threat to international peace and security”. The Security Council passed its first resolution 660 on Iraq on August the 2nd, 1990, the same day that Iraqi troops entered Kuwait. Comprehensive economic sanctions were imposed four days later in resolution 661. Its stated goal was to “bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait.”

Eight months later, Iraq was militarily defeated and resolution 687 of the 3rd of April 1991 laid out the cease-fire conditions. Although the objective of resolution 661, the restoration of Kuwait’s sovereignty, was achieved, the invocation of Chapter VII and the sanctions regime remained in place. However, the objective was modified. Now, sanctions were to contribute to prevent Iraq from acquiring nuclear weapons and force it to destroy its chemical and biological weapons.

Today, at the end of 2007, Iraq is under the third sanctions regime. Throughout these seventeen years the objectives stated in the resolutions have changed from reversing the occupation of Kuwait to limiting Iraq’s military potential to the stabilization of the newly elected government with Security Council Resolution 1483 of May 2003. As we speak, the newly established Iraq Sanctions Committee, heir to the dissolved Committee in place from 1990 to 2003, monitors an arms embargo from which the government of Iraq is exempted and financial and travel sanctions against members of the deposed former Iraqi government.

The rationale behind these changes seems to be quite simple. Whenever the Security Council decides to act forcefully it will (and has to) invoke Chapter VII no matter what kind of threat we face. The term “threat to international peace and security” has become a legitimating tool for intervention. Its evocation is based on a diffuse mixture of

---

67 Cortright, David / Lopez, George (2000), The Sanctions Decade, Boulder, 37
68 SC/Res/661 (1990), Preambula
69 Saddam Hussein’s legacy of aggressively expansionist foreign policy notwithstanding, it remains an “unsettled issue regarding the imposition of sanctions on Iraq whether the Security Council acted in accordance with international law when it kept the sanctions in place after the main purpose of the Security Council policy, i.e. the liberation of Kuwait, had been fulfilled and whether Iraq could still be seen as a threat to the peace.” (Kondoch 2001: 281) As the mere possession of weapons of mass destruction is not prohibited by international law, this is an insufficient base for evoking the “threat to peace” formula. Nevertheless, Saddam Hussein was known to have unscrupulously made use of chemical weapons against the Kurds. Thus, under the assumption of his continued capacity to use them, one might argue for the invocation of Chapter VII. The persistence of this assumption was clearly revealed in summer 2003 when “The coalition of the willing” invaded Iraq partly in order to defuse this threat.
perceived problems ranging from clear threats to regional stability to threats to local populations or deficient democratic practices. Undoubtedly, the Charter was designed to prevent *inter*-state war and saw the UN’s role in this. The fact that *intra*-state war has become the rule today opens the door to a wealth of broad definitions of “international peace and security”. One could even argue for an understanding that calls not only for the absence of inter-state war but for the complete absence of intra-state conflict, as in most conflicts human rights are disregarded. The expansion of UN activities particularly in Africa points into this direction. Until now, however, budgetary constraints and the unwillingness of member states to promote a strong and well equipped world organization have prevented this ideological sea-change from being translated into even more interventionist policies.\(^{71}\)

As stated in the introduction and in Chapter 2, we understand smart sanctions as an instrument to promote the establishment of a monopoly on violence in failed states. Illustrating the flexible and dynamic interpretation and invocation of Chapter VII of the UN Charter serves as contextualization of smart sanctions against non-state actors. In Angola and the DRC even more normative flexibility is needed to legitimately apply Chapter VII.\(^{72}\) United Nations interference with internal state affairs has come a long way from virtually complete non-interference during the Cold War\(^{73}\) to dictating Iraq which weapons it is allowed to own to strengthening failed states by exerting genuine state security functions through smart sanctions regimes. It has to be noted, however, that in Iraq the receiver of the sanctions regime was a stable government undoubtedly in control of its territory.\(^{74}\) This is not the case in the majority of current sanctions regimes. As we have seen, failed states are defined by the exact lack of control of the central government. By analysing the impact of the sanctions regime we will show to what

---

71 The progression towards this widening concept of “threats to international peace and security” was shown not only in Iraq but at the beginning of the 1990s also in Somalia and Haiti countries facing similar challenges as Angola and the DRC: “[In] Resolution 794 of 3 December 1992 on Somalia, […] the Security Council held that “the magnitude of the human tragedy caused by the conflict” was sufficient in itself to constitute a threat to peace within the meaning of Article 39 of the Charter. […] In the case of Haiti, the Security Council, in a cautiously worded resolution, ruled that a form of government irreconcilable with democratic principles represented a threat to peace under Article 39 of the Charter. Thus, in line with the latest extended practice of the Security Council, it may be taken as given that the mere fact of serious and systematic breaches of human rights or gross infringements of the principle of internal democracy is sufficient to permit forceful intervention by the Security Council in the internal affairs of a State - at least in the case of a State in which government authority has for all practical purposes broken down.” (Thürer, Daniel (1999), The “Failed State” and International Law, in: International Review of the Red Cross, No. 836, 739-740)

72 See footnote 71 for an early example of normative flexibility in the Sub-Saharan African context.

73 It has to be noted, however, that sanctions against Rhodesia (S/RES/223 (1966)) in and South Africa (S/RES/418 (1977)) already had a similar quality of interference. In these cases the fight against racism seems to have been the rallying call.

74 The same applied to sanctions against Rhodesia and South Africa
extent this increasing interventionism achieves its aims of ending conflicts and promote
peaceful modes of interaction.

The reinterpretation of threats to international peace and security is only the first
important aspect resulting from the first major sanctions operation after the end of the
Cold War. The second and equally important result is the focus on humanitarian
consequences of sanctions which was the main impulse for the elaboration of the smart
sanctions concept as prioritising a specific understanding of “threats to international
peace and security” had led to a certain disregard for the provisions of human rights and
humanitarian law. This is where the human rights paradox comes into play. The
extensive use of sanctions in the 1990s was largely determined by a Security Council
freed from its paralysis during the Cold War. Human rights concerns were now put to
the fore – implicitly as in the dynamic use of Chapter VII and explicitly in various
conventions and just recently with the newly-founded Human Rights Council.
Paradoxically, in the case of sanctions, this interventionism triggered by human rights
concerns led to their massive violation.

The bad reputation that sanctions as the preferred means of the Security Council
have earned during the 1990s originates from the widespread perception that they were
unproportional. Their results were meagre but the suffering of the Iraqi population was
massive. “Proportionality in the context of collective sanctions requires that a careful
balance be struck between the United Nations interest in attaining the goal of a
sanctions regime and its interest in avoiding unacceptable harm to the civilian
population.” This balance was not struck. Much of the infrastructure was destroyed
by massive air strikes between 1990 and 1991. Accompanying comprehensive sanctions
exacerbated these problems and made reconstruction of infrastructure extremely
difficult. In the first years, only food and medicine could legally be imported by Iraq.
These are, of course, not the kind of imports needed to rebuild a country. In case
sanctions have no expiration date, they can only be lifted with the consent of all of the
P-5. In Iraq this led to a perpetuation of the sanctions regime as the Council was split
between Russia and France on the one hand and the UK and the US on the other.

75 Kondoch 2000: 290
76 The question remains, however, if the sanctions regime as such was unproportional or if it
was skilfully abused and circumvented by the Iraqi government in utter disregard of the
plight of the population. Public opinion both in the West and in the Arab world certainly
tended to blame sanctions for the humanitarian misery in Iraq. Kofi Annan expressed
concern about this in a statement to the Council on 24 March 2000 (SG/SM/7338): “Let me
conclude by saying that the humanitarian situation in Iraq poses a serious moral dilemma
for this Organization. The United Nations has always been on the side of the vulnerable
and the weak, and has always sought to relieve suffering, yet here we are accused of
causine suffering to an entire population. We are in danger of losing the argument, or the
propaganda war – if we haven’t already lost it – about who is responsible for this situation
in Iraq – President Saddam Hussein or the United Nations.
Despite these lacunae, sanctions against Iraq were partly successful. The objectives of resolution 687 were at least partly reached. Iraq destroyed all of its weapons of mass destruction and, by 2003, was not even able to mount the slightest defence against the coalition troops. Iraq clearly did not threaten international peace and security any more.77

After this experience comprehensive sanctions have become outdated. By contrast, the concept of smart sanctions has received increasing attention. They are ‘smart’ because they are to differentiate between the ‘breachers of peace’ and innocent populations. Not a population is taken hostage but the breachers – and only they – are to be targeted. In short, one strives to overcome the human rights paradox. The UN saves interventionism without violating human rights. Thus, “smart sanctions are clearly smart form a humanitarian perspective, but [the question remains:] are they also smart in terms of political impact?”78 We will shed light onto this in our case-studies. Before proceeding to the case-studies, however, we have to look at the institutional architecture of sanctions regimes. How does the Security Council administer the sanctions it has imposed?

### 3.3 The Institutional Architecture

The graph below shows which main actors are involved in UN sanctions management. As stated above, decisions are made at the multilateral Security Council level. These decisions are administered in a Sanctions Committee whose interlocutors are UN member states, NGOs and concerned individuals.
3.3.1 Sanctions Committees

The first sanctions committee was established as a subsidiary organ\textsuperscript{80} of the Security Council to administer the sanctions against Southern Rhodesia in 1968, the second for sanctions against South Africa in 1977. All later committees were appointed after the end of the Cold War because all other sanctions were imposed after 1990. The strategy to use Security Council sanctions to pressure Iraq came up rather surprisingly after decades of Security Council paralysis. As a consequence, institutional knowledge and routines were not available yet. Thus, the evolution and improvement of committee organization and administration proceeded following an ad-hoc and trial-and-error approach. Given this institutional weakness and the committees’ dedication to closed


\textsuperscript{80} The Security Council Provisional Rules of Procedures (Rule 28) allow the creation “of a commission or committee or a rapporteur for a specified question”. Furthermore, Article 29 gives the Council the right to “establish subsidiary organs […] it deems necessary for the performance of its functions”
meetings and unwillingness to explain its decisions, it is not surprising that its work has been widely criticised for its lack of transparency and unclear procedures.

A sanctions committee is composed of fifteen UN member states, the same that hold a seat on the Security Council. This means that political priorities between Council and committee will rarely differ. Furthermore, fluctuation is high as every year five of the member states on the Council are substituted. The Council elects a chairman, usually from one of the non-permanent members of the Council, and two deputies as representatives of their countries. All of the members of the committees are generalist diplomats not necessarily experienced in sanctions management. The rank of the chairmen and delegates is important in the diplomatic context of hierarchical sensitivities. The famous Angola committee, chaired by former Canadian ambassador Robert Fowler, was a special case because Fowler, endowed with the high ambassadorial rank, made his committee work a priority. Usually, ambassadors to the UN have too great a workload to focus entirely on their work in a sanctions committee. In case sanctions administration is contested and highly politicised, however, they do require a lot of work as thanks to the consensus principle applied via a no-objection procedure decisions can be blocked and slowed down very easily. The majority rule reigning in the Council (Article 27)\(^{81}\) does not apply to the Committee.

The tasks of the Sanctions Committee are “political, administrative or quasi-judicial”\(^{82}\) depending on the perspective of the analyst. It gathers information on national implementation of sanctions, develops guidelines for their implementation and checks sanctions violations. During the peak phase of trade sanctions in Iraq and former Yugoslavia, a large share of the committee’s work consisted of granting humanitarian exemptions.\(^{83}\) This is changing now that comprehensive sanctions are increasingly absent and get substituted by smart sanctions. Yet in case of specific commodity sanctions like diamond or timber sanctions, humanitarian pre-assessment missions have become the norm. Used systematically for the first time to assess possible humanitarian impacts of the imposition of timber commodity sanctions against Liberia in May 2003, this instrument is now common practice. Moreover, the committee is also consulted if member states invoke Article 50 of the Charter. This article provides that third parties suffering from economic problems possibly caused by reduced trade income through sanctions against a neighbouring state can appeal to the Security Council for action.

---

\(^{81}\) Prerequisite is, of course, P-5 unanimity.

\(^{82}\) Cf. Schaller, Christian (2003), Internationales Sanktionsmanagement im Rahmen von Artikel 41 UN-Charta, Baden-Baden, 49

\(^{83}\) According to Paul Conlon, the administration of humanitarian waivers was the Iraq Sanctions Committee’s main task. Given the fact that these exemptions constituted the only way to import non medical goods into Iraq, it is understandable that “the driving force behind the ISC’s [Iraq Sanctions Committee, KK] development of this practice was not the use, but the abuse, off such waivers.” Conlon, Paul (2000), United Nations Sanctions Management: A Case-study of the Iraq Sanctions Committee, 1990 – 1994, New York, 59
the Iraq and the former Yugoslavia case, the committee had to establish special working
groups to deal with the multitude of requests. No action was, however, ever taken. The
most relevant tasks for current smart sanctions regimes are the administration of lists of
targeted individuals both for financial and travel sanctions. Furthermore, in cases of
arms embargos, the committee grants special permission if government troops or UN
peacekeeping forces inside the sanctioned country need to purchase arms.

At the time of the Iraq Sanctions Committee its model of international trade was
criticized. According to Paul Conlon, that model saw “all trade as largely bilateral, overt
and static over time, and was unable to cope with complex trans-jurisdictional trade
transactions, covert trading practices or target state flexibility in the face of sanctions.”
This has improved. Starting with UNICOI (the United Nations International
Commission of Inquiry) established by resolution 1013 in September 1995 which had to
investigate arms embargo violations prior to and during the genocide in Rwanda and
especially reinforced by the Fowler-phase of the Angola Sanctions Committee complex
trade and smuggling structures have become an explicit focus of the sanctions
committees’ work. To fulfil this task experienced experts in arms trade, international
finance or logistics are hired to be part of panels or groups of experts mandated to
monitor and investigate sanctions compliance.

3.3.2 Panels of Experts and Monitoring Mechanisms

These panels of experts are no subsidiary organ of the Security Council. Despite this
formal lack of powers, we argue that these groups of experts constitute the core of
current UN smart sanctions strategy. They are mandated for a period of three to twelve
months – a mandate that is usually consecutively extended until the end of the sanctions
regime. Mostly comprising five specialists in logistics, smuggling, arms trade,
international finance or other sanctions relevant fields they investigate the entire nexus
of sanctions violations. The reports they publish twice a year can have massive impact
on the effectiveness of a sanctions regime. Both the Angola and DRC cases will prove
this. The advantage of not being a Council organ but just an investigative group lies
mainly in the lack of obligations to diplomatic speech and niceties. The closed
consultations the Committee undertakes with the members of the group undoubtedly
lead to a certain softening of accusations, as the Committee may easily be paralysed by
too aggressive findings. In addition, the draft reports are circulated widely among
interested member states and within the UN Secretariat. Comments are made and
objections are raised, so the final product has undergone a longer drafting process.
However, even the final report can result in massive diplomatic uproar, as could be
observed in the Angola and DRC case. In the Liberia case, the reports of the groups of

84 Conlon 2000: 167
85 These terms are used interchangeably
experts even led to the first secondary sanctions regime\textsuperscript{86} to date. The strategy of ‘naming and shaming’ the sanctions busters can pay off if they are named and shamed indeed. Similar to sanctions committees the panels of experts are established in an entirely ad-hoc manner. This leads to major losses of institutional knowledge, a result which is intended by member states to prevent the UN Security Council from acquiring a level of information comparable to intelligence services. There are cases, however, where the same experts served on different panels. For example, two experts who served on the UNICOI panel in Rwanda chose to be on the Angola panel. This was an important measure of continuity\textsuperscript{87} and might have contributed to the improvement smart sanctions design experienced during the Angola Sanctions Committee.

Monitoring Mechanisms have fulfilled similar functions but have had the status of a subsidiary organ themselves. Their use, however, was less systematic and in the most recent sanctions regimes the sanctions committees have usually reverted to panels/groups of experts with their formal weakness but informal punch.

\subsection{3.3.3 The UN Secretariat and Humanitarian Assessment Missions}

As illustrated above (see Illustration 1), the Secretariat with its Departments of Legal Affairs (DLA), Political Affairs (DPA) and the Office for the Coordination of Humanitarian Affairs (OCHA – formerly, as in the illustration, Department of Humanitarian Affairs (DHA)) supports the sanctions committees in fulfilling its administrative tasks.\textsuperscript{88} As with most bureaucracies, “for structural reasons, their influence is considerable.”\textsuperscript{89} In contrast to the highly fluctuating membership of the committee “UN Secretariat officials […] are relatively stable in their functions”. It is hard to discern which reforms in sanctions management have originated from the Security Council Subsidiary Organs Branch located in DPA which is officially tasked to prepare and process committee meetings. It is highly probable, however, that staff members of the Secretariat with their institutional memory and growing routine in sanctions management have played a major role.

Apart from the formally supportive and informal agenda-setting role the Secretariat plays, it is now formally tasked with the humanitarian assessment missions undertaken prior to or during current sanctions regimes. They are to facilitate a sanctions design solving the human rights paradox.

\textsuperscript{86} Sanctions imposed because of sanctions busting starting with S/RES/1343 (2001).
\textsuperscript{87} Bondi, Loretta (2001), Arms Embargos, in: Brzoska, Michael (2001), Smart Sanctions – The next Steps, Bonn, 74
\textsuperscript{88} The Secretariat is a Charter organ (Article 101), set up to support the Security Council, the General Assembly, the Economic and Social Council, the Trusteeship Council and the Secretary General.
\textsuperscript{89} Conlon 2000: 18
3.3.4 Summary

The institutional architecture of UN sanctions looks like mere administration. Nevertheless, under this harmless cloak political bombs can be engineered. Panels of experts have created worldwide stirs with their powerful agenda-setting function. The human rights paradox may seem to be effectively tackled by humanitarian exemptions and the evolution from comprehensive to smart sanctions. A newly emerging and hotly debated topic, however, are the individual’s rights in case of being placed on a smart sanctions list. As Paul Conlon, a former staff member of the UN Secretariat puts it: “The move from sanctions against states to sanctions targeted against individuals and non-state entities has generated new issues, particularly regarding the rights and standing of parties that might be listed wrongly. While political and administrative in nature, targeted sanctions can affect peoples’ lives in a manner comparable to criminal proceedings.”90 The balancing effort between creating maximum impact and protecting innocent bystanders will continue.

3.4 Types of Smart Sanctions

Due to the research topic of this paper all types of smart sanctions presented below are multilateral sanctions imposed by the Security Council. Nevertheless, bilateral sanctions have played an important role in foreign policy during the last decades. The United States have imposed numerous sanctions bilaterally, the most prominent being the complete trade embargoes against Cuba and Iran or the arms embargo against China. The EU has issued a concept paper on “Basic Principles on the Use of Restrictive Measures” in 2004 detailing its sanctions policy. Thus, the United Nations is not alone on the sanctions market but may claim most legitimacy thanks to its representation of 192 member states. Neither Iraq nor Iran or China fit into our question to what extent smart sanctions can contribute to state-building. These sanctions regimes were designed to force governments to change behaviour, be it to stop invading neighbouring countries or to pay more attention to human rights. In the case of bilateral US sanctions versus Iran the objective of sanctions seems to have been mere punishment and retaliation for the humiliating attack on the US embassy in Tehran in 1979. These sanctions are an expression of contempt for a hostile regime.

By contrast, UN smart sanctions against states in Sub-Saharan Africa often have taken on more of a supportive than a coercive function. Most smart sanction regimes nowadays are either targeted against one rebel group, the non-state actor which is threatening the central government, or there is a combination of an arms embargo against the entire country, and additional financial and travel sanctions against the rebels. Assuming that these interventions have an effect on the conflicting parties, this is a clear departure from the mantra of non-interference in internal affairs prevailing until

90 Biersteker / Eckert 2006: 3
1990. As shown above, the UN is increasingly prepared to pick its camp. Not only the shift from neutral “peacemaking” characterized by positioning troops between warring parties to “peace enforcement” by fighting more actively against one party of the conflict (see the UN mission in the DRC, MONUC, described in Chapter 6) bears witness of this shift. Sanctions policy reveals the same pattern.

“A smart sanctions policy is one that imposes coercive pressures on specific individuals and entities and that restricts selective products or activities, while minimizing unintended economic and social consequences for vulnerable populations and innocent bystanders.”

Exerting pressure and cutting of supplies while sparing the innocent is best undertaken in a strategic way. David Cortright and George Lopez propose in this regard:

“The first step in such a process is identifying the decision-making elites who are responsible for the objectionable policy and who have the power to change it. The next step is identifying the assets and resources that are most valuable to these decision-making elites. Sanctions are then designed to deny these individuals and groups their most treasured assets and resources. The goal is to impose sufficient costs on these decision makers to encourage a reevaluation of the costs and benefits of the objectionable policy.”

In the paragraphs below, we will try to illustrate the different types of smart sanctions designed to discourage rebels from rebelling. We divide smart sanction into four categories: Arms embargos, financial and travel sanctions and commodity sanctions.

3.4.1 Arms Embargos

The arms embargo is the most frequently used among sanctions. Its aim is straightforward: “Focusing the coercion and restrictions of sanctions as much as possible on the activities and assets of particular individuals in the society who are responsible for the norms violations that prompted the sanctions. Thus, arms embargos aim to make it more difficult for armed protagonists to carry out violent conflict.”

The simple reasoning behind an arms embargo is: Without arms there will be no conflict. Arms embargos are usually subsumed under the smart sanctions umbrella because they do not harm the entire population but only those responsible for conflict. The reality of conflicts in Sub-Saharan Africa, however, makes it hard to achieve this goal. Most

---

91 Cortright / Lopez 2002: 2
92 Cortright / Lopez 2002: 16
national conflicts have regional links which leads to entire regions being pestered by violent conflict. Examples are the Horn of Africa with Somalia, Eritrea and Ethiopia, Central Africa with Sudan, Chad and the Central African Republic or the Democratic Republic of Congo and Rwanda and Uganda. Most of West Africa has been cursed by conflict in the last decade, the trajectory of violence spanning from Nigeria to Cote d’Ivoire, from Sierra Leone to Liberia. As these conflicts do not take place simultaneously, stockpiles of arms move from one hotspot to the next. They are transferred with the authorization of heads of states, or, if this is not granted, illicitly over porous borders. Arms embargos have to confront this reality.

Arms embargos have been imposed and usually renewed\(^{94}\) and mostly complemented with other smart sanctions types against fifteen countries since 1990.\(^{95}\) Eight out of fifteen countries against which an arms embargo was imposed are in Africa. Some of these even went through different arms embargos.

What does a UN arms embargo look like? Let us have a look at the Security Council Resolution 864 of 13\(\text{th}\) of September 1993 which imposes an arms embargo (plus a petroleum embargo) on UNITA, the rebel movement in Angola:


Decides, with a view to prohibiting all sale or supply to UNITA of arms and related matériel and military assistance, as well as petroleum and petroleum products, that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the afore-mentioned, as well as of petroleum and petroleum products, whether or not originating in their territory, to the territory of Angola other than through named points of entry on a list to be supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations;

---

\(^{94}\) We only list the instances of the first imposition. For a complete list see: The Watson Institute for International Studies – Targeted Sanctions Project available online under: http://www.watsoninstitute.org/tfs/CD/res.html, [30/11/2007]

Calls upon all States, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of adoption of this resolution;**96**

As explained above, the Security Council issues internationally binding decisions. As a consequence, all sales of arms and ammunition to Angola that do not pass through the named port of entry were rendered illegal by paragraph 19 of this resolution. Paragraph 20 adds that any previous contract between the sanctioned party and any member state is legally over-ridden by this resolution.**97**

Not surprisingly, the formal rigor of this judicial text does not correspond to the material reality of unhindered arms trade after the imposition of embargoes. On the one hand, UN member states are not afraid of any kind of punishment by the Security Council and have thus little incentive to enforce embargos and incorporate them into national law. On the other, the UN does not have sufficient means to dispatch troops, police and customs officers to monitor effectively. That is why most analysts regard arms embargos as inefficient given the lack of political will on the Security Council to punish embargo violators. Another frequent problem is that open trade is pushed underground.**98** Arms trade that was previously pursued in the open by more or less legitimate actors is now left to clandestine operations undertaken by the slickest figures of international arms trade. This makes it even harder to track arms flows. Following this logic, weakly enforced arms embargos might even be worse than a do-nothing approach. In addition, bluntly imposed arms embargos without knowledge of the local economy and arms industry may inadvertently fuel the conflict. Kimberley Ann Elliot illustrates this with a striking example: “Nominally even-handed arms embargos may lead to highly inequitable results on the ground. This, in turn, can undermine support for the embargo, as happened in the former Yugoslavia (1992-1995) where the UN arms embargo effectively favoured local Serb forces, who [sic, KK] had access to indigenous arms production that was denied to the Bosnians**99**

In our case-studies we will observe, however, that arms embargos, in concert with other smart sanctions, can have an effect. Nevertheless, stand-alone arms embargos, to date, “had little or no impact.”**100**

---

97 A statement that is not legally necessary, as Article 103 of the UN Charter already prescribes this.
98 Bondi 2001: 80
99 Elliot 2002: 174
100 Cortright / Lopez 2002: 10
3.4.2 Financial Sanctions

Financial sanctions are called smart for similar reasons as arms embargos. Only the perpetrators of the sanctioned actions shall be targeted. Contrary to arms embargos, financial sanctions have never been used as a stand-alone measure. They have always been part of a sanctions regime and have thus to be analyzed as a complementary measure to arms embargos, travel and commodity sanctions.

Financial sanctions have rarely been used in the past because “banking institutions and financial elites traditionally have objected to any government interference in client relationships even for the most vital national security purposes.”¹⁰¹ This has changed during the 1990s and in particular since September 11, 2001. The US are now at the forefront of pushing banks within their jurisdiction to establish routine screening and scanning procedures making financial sanctions more effective.

In attempting to define the targets of financial sanctions, the literature on smart sanctions shows considerable differences in definitions because sanctions regimes in the last seventeen years varied, depending on the trial-and-error approach taken. Novelties could be found in every new regime. For the purpose of our study it is useful to compare two definitions found in the same monograph edited by Cortright and Lopez: The editors themselves argue that “UN financial sanctions are targeted only against the assets of governments and government controlled entities, thereby exempting privately held accounts and resources.”¹⁰² Reird / Eckert / Chopra and Biersteker, by contrast, assert “that they are applied only to a subset of the population, usually the leadership, responsible elites, or individuals responsible for operations.” This comparison shows that the traditional approach to sanctions where governments of consolidated states are targeted still partly shapes terms and definitions. Some of the new smart sanctions regimes such as those against Iran and North Korea¹⁰³ can be described in these terms. The majority of sanctions measures today, however, are imposed against Sub-Saharan African states where the monopoly on violence is in question. As we will see in our case-studies, the targeting of specific rebel leaders of UNITA in Angola and of RCD, MLC or FDLR in the DRC has to be characterised as an assets freeze of assets controlled by non-government entities. By definition, these are privately held accounts, a situation that Reird et al. cover but Cortright and Lopez do not. The phenomenon of countries in flux where authority and officiality are constantly in question has not been fully apprehended yet – neither in judicial nor in political terminology.

As we know, the UN consists of member states and is no world government. It has no police or judiciary of its own to force powerful member states to comply with its provisions. In order to exemplify what kind of challenges this poses even if member

---

101 Cortright / Lopez 2002a: 24
102 Cortright / Lopez 2002a: 11
103 See SC Resolutions quoted in footnote 95
states are absolutely willing to cooperate on a given subject let us have a closer look at how hard it is to determine what financial sanctions encompass having pointed out who is addressed by them. For Reird et al financial sanctions consist of “assets freezes or restrictions on loans, credits, or assistance by financial institutions.”104 This means there are two categories: First, targeting the assets the target already controls; second, preventing the target from acquiring further funds on the financial market or through donors. Thus, we should focus our attention on “assets”. Assets comprise bank accounts, cash, and liquid assets in general and non-liquid assets such as houses or other property. This may seem straightforward. Yet, as noted in the introduction, the integration of Security Council Resolution provisions at the national level is paramount. Unfortunately, the judicial meaning of the term “asset” among the “principal hard currency centres of international finance” the US, the UK, France, Germany, Switzerland and Japan differs. In the US assets that may be subject to sanctions are simply “anything of value.”105 In the other five countries, however, this term is understood as funds, i.e. financial resources and investments, not property (comprising immovable property) in general. These differences lead to loopholes and inconsistencies that are skilfully exploited by sophisticated sanctioned entities or individuals.

But what is an assets freeze? It “entails a change in the legal status of targeted entities. While title to […] frozen assets remains with the target person or entity, the exercise of the powers and privileges normally associated with ownership is prohibited.”106 The seizure of assets constitutes a step further but has not been used as a UN measure to date. It “implies passage of title while blocking or freezing do not, instead suggesting some sort of suspending of title.”107 This means when its assets are frozen the target still owns its property but is prevented from using it until the sanctions are lifted.

The principal enactors of the freeze are banks. It is no surprise, as stated above, that banks have not been sanctions enthusiasts in the past. Secrecy is a bank’s lifeblood. As they are now increasingly forced to report on suspicious transactions, banks have to be protected from legal action, for compliance with sanctions regimes constitutes a violation of customer obligations. This is a fundamental area of concern for effective financial sanctions. It is thus essential that they are lured into cooperating with the political and administrative bodies responsible for putting UN sanctions into practice.

105 Reid / Eckert / Chopra / Biersteker 2002: 74
106 Reid / Eckert / Chopra / Biersteker 2002: 74
107 Reid / Eckert / Chopra / Biersteker 2002: 81
How do banks know, then, which individuals, companies or other entities they need to look for? The US has developed the most sophisticated listing mechanism at the Office of Foreign Assets Control (OFAC) at the Treasury.\footnote{SDN list available online: http://www.ustreas.gov/offices/enforcement/ofac/sdn/, [30/11/2007] See the entry for the leader of the Congolese-Rwandan FDLR MURWANASHYAKA, Ignace; DOB 14 May 1963; POB Nogoma-Butera, Rwanda; President, Forces Démocratiques pour la Libération du Rwanda (FDLR) (individual) [DRCONGO]} OFAC produces a list available to the public which entails all the individuals and entities subject to US financial sanctions. The more details are known about the target the more are listed ranging from one first and last name only to dozens of \textit{noms de guerre} plus passport numbers. Most of this information stems from intelligence services. The UN has to operate the same way. It produces a list of individuals\footnote{See Appendix B} and calls on member states to freeze their assets. Through the resolutions passed by the Security Council and the accompanying lists of individuals the banks are advised who to look for. The UN, however, does not have its own intelligence services, which means it depends on information acquired from member states. In the context of individually targeted financial sanctions the obscure procedures leading to the list of individuals have been widely criticised as violating human rights and requirements of due process. Until recently there was no established procedure to be de-listed from a targeted sanctions list.\footnote{Now there is a focal point for de-listing inside DPA. - a reform repeatedly called for.} Although smart sanctions are a step in the right direction to overcome the human rights paradox it appears this is more easily said than done.

As can be synthesised from above, several conditions have to be met for financial sanctions to be properly in place: The group or individual has to be identifiable which often poses a major problem in countries with administrations functioning on bribes and not on rules.\footnote{See the scarcity of information available to the UN as illustrated by some entries on the list of individuals for the DR Congo in Appendix B} In addition, “regime leaders must hold assets abroad [so they can be frozen]; [and] the assets must be identifiable.”\footnote{Elliot 2002: 177} Identifying assets is no easy task. Most targeted individuals are involved in illegal smuggling activities and possess several passports or nationalities. No European bank is known “to use either name recognition software or other technological means of tracking and interdicting questionable transfers and as yet there is no European system of consistent required reporting of assets affected by sanctions.”\footnote{Offshore banking centres add to the difficulty of getting a hold on globally connected political actors.} Offshore banking centres add to the difficulty of getting a hold on globally connected political actors.

All in all, financial sanctions can only a strong impact, if they are applied surprisingly and the targeted individual has a large quantity of seizable assets in accounts under cooperative government’s jurisdiction. This condition is rarely met, in
particular in Sub-Saharan African conflicts. What they can contribute to is making financial transactions more difficult because every now and then even rebel groups have to use traditional bank accounts to make a payment. This will not end the conflict but make life harder for the rebels.

### 3.4.3 Travel Sanctions

“Travel is essential for political leaders and their elite constituencies to conduct business, raise foreign support, and purchase weapons.”\(^{114}\) Consequently, to change sanctioned policies travel sanctions aim to impose costs on the target. There are two kinds of travel sanctions: First, travel bans on individuals, i.e. visa bans or even a ban of entry into the country; second, general aviation bans. Travel bans on individuals can be targeted against the leaders themselves whose behaviour the sanctions want to alter or against their key supporters in order to make them withdraw their support for the political leadership. Aviation bans can be designed in different degrees of comprehensiveness. The most comprehensive ban is a complete ban of all air travel to and from the concerned territory and a further ban on trade in aviation parts and services. "More limited sanctions may only ban cargo aviation, international flights by aircraft owned by the target, or flights by specific companies to and from the target’s territory.”\(^{115}\) The degree of comprehensiveness chosen depends “on resulting humanitarian impact, the precision with which travel sanctions are crafted to ban travel of select groups, and the degree of consensus that Security Council members can achieve on the severity of sanctions.”\(^{116}\) In contrast to arms embargos and financial sanctions, humanitarian aspects have to be seriously considered when crafting a travel sanctions regime. Patients who need to fly abroad to get medical treatment may be hindered by the ban. Trade routes may also be seriously disrupted resulting in losses of income for the exporting sectors. In poor countries this can have serious consequences quite rapidly.

As described in the financial sanctions section, the problem is identifying the targets of smart sanctions. Sometimes there is no official register where name and residence of the targeted individual can be found. In addition, Congolese and Angolan nationals often have several passes. Many Congolese politicians have Belgian passports, some Angolan nationals are also Portuguese citizens. Apart from these colonial benefits there are criminal ways of acquiring different identities. Another decisive impediment to effective targeting both concerning financial and travel sanctions are regional alliances and political support structures. As will be shown in the Angola case, UNITA’s

---

113 Reird / Eckert / Chopra / Biersteker 2002: 77
115 Conroy 2002: 145
leadership travelled regularly to Europe to conduct business using forged Ivorian passes supplied to them by their government allies in Côte d’Ivoire.

3.4.4 Commodity Sanctions

Commodity sanctions are selective trade sanctions. They ban trade in a selected commodity either by banning its export from areas controlled by the targeted entity or the import to this area of specific commodities. In Sub-Saharan Africa most commodity sanctions have applied to the commodity that created the largest revenues for rebel groups such as diamonds in Angola or timber in Liberia and have restricted their export. As we have seen the arms embargo against UNITA (3.4.1) was accompanied by a petroleum embargo banning the import of petroleum into all UNITA-held territory.

If a country is, say, to 90 percent dependent on oil to acquire foreign exchange targeted oil sanctions get a comprehensive quality because nearly all trade revenue will fade. Apart from this, commodity sanctions can be understood as financial sanctions, as the UN tries to deprive the targets of export revenues to limit their financial resources used for armed conflict. Although being the type of smart sanctions most similar to traditionally comprehensive sanctions they can be used in a smart way. By targeting the resources that rebels use to sustain their military campaigns they only hit those groups or individuals that have been identified as the breachers of peace. This is the core advantage of smart sanctions.
4 Summary of Part I

Smart sanctions against failed states face several challenges: First, in a state being only a state on paper with a barely discernable monopoly on violence and non-state actors (rebel groups) reverting to highly effective clandestine and illicit self-financing strategies it is hard to actually target and hit the sanctioned entities. Second, the institutional weakness of UN administered sanctions regimes and their dependence on quick and committed national implementation and enforcement make the impact of these hits a matter of exceptionally positive circumstances. To contribute to state-building by supporting the establishment of a monopoly on violence, then, smart sanctions will have to contribute to end conflict. We will now endeavour to find out what Angola and the Democratic Republic of Congo can teach us on this matter. Do smart sanctions really strengthen the state in cases of protracted conflicts that have led a state to fail?
Part II – Case-Studies

5 Sanctions in Angola

When UNITA rebel leader Jonas Savimbi was killed by government troops in February 2002 and his followers decided to lay down their arms Angola was at peace for the first time in about forty years. War had continuously plagued the country as the struggle for independence from Portugal evolved into a civil war which turned from a superpower sponsored to a largely self-financing resource war.

For the purpose of our study we need to analyse whether Angola could be regarded as a failed state lacking a monopoly on violence at that time and to what extent this state of the state was overcome supported by the imposition of smart sanctions. We will do so by first giving an overview of the conflict history of Angola before the imposition of the sanctions regime in 1993 with its national, regional and international actors, their agendas, motivations and strategies. In a second step we will look in more detail at the final decade of the civil war from 1993 to 2002, the key developments leading to its end and the contribution of the smart sanctions regime in this regard.

5.1 Historical Background

5.1.1 The War for Independence

Until its independence in 1975, Angola was one of the few colonies in Africa with a colonial power highly motivated to maintain its grip on the country. In addition, not only was Portugal a persistent colonialist but the number of Portuguese whites living in Angola made it one of the few settler colonies on the continent where settlers “saw themselves living permanently in Africa, in contrast to most colonialists who were
transients.”117 Caused by this colonial persistence, following the wave of independence sweeping over Africa since the liberation of the British Gold Coast, now Ghana, in 1957, the rising discontent with colonial rule led to a war for independence “unlike the rest of [Franco- and Anglophone, KK] Africa, where the transfer of power was astonishingly peaceful.”118 In this liberation war, Portugal’s hitherto firm grip on its monopoly on violence was questioned by three major and one minor rebel movements “each with different ethno-regional heartlands, competing external backers and leaderships bent on achieving absolute power at the expense of their rivals.”119 All of these movements were founded in the 1950s or 1960s. The minor Frente para a Libertação do Enclave de Cabinda (FLEC) fought for independence of the Angolan enclave of Cabinda which was entirely surrounded by the Belgian and the French Congo at the time. Nowadays, Cabinda is the most valuable region of Angola, the source of most of its oil wealth. The Movimento Popular de Libertacao de Angola (MPLA – People’s Movement of the Liberation of Angola), the party still in power today, had its origins in Luanda, the Angolan capital, and was led by an urban intelligentsia plus some mixed race mesticos and assimilados120 partly educated in Europe or in protestant missionaries in Angola.121 The MPLA drew its support from the Mbundu people in Luanda and its surroundings, the second largest ethnic group in Angola. The most important trait setting them apart from the other movements was its overt communist leanings. In its initial phase, the MPLA enjoyed support from the Portuguese Communist Party that was striving to topple the authoritarian Salazar regime in Portugal. The third rebel movement was the Frente Nacional de Libertacao de Angola (FNLA – National Liberation Front of Angola), founded in Leopoldville (now Kinshasa) in the Belgian Congo by Bakongo émigrés. The Bakongo are the third largest ethnic group in Angola living mostly in the north-west. They constitute a large share of

117  Herbst 2000: 17. The other settler colonies in Southern Africa were Mozambique (also under Portuguese rule), South Africa, Namibia (under apartheid South African rule) and Southern Rhodesia (under Ian Smith’s white minority rule. Southern Rhodesia is now called Zimbabwe)
118  Herbst 2000: 17
119  Hodges, Tony (2001), Angola From Afro-Stalinism to Petro-Capitalism, Oxford, 8
120  “In these early years much of the MPLA leadership hailed from the European trained student elite. Many were the sons of civil servants or came from relatively privileged backgrounds, which set them apart from the inhabitants of the Luanda muceques (sand slums)” (Cornwell, Richard (2000), The War for Independence, in: Cilliers, Jackie / Dietrich, Christian (2000), Angola’s War Economy, Pretoria, 45)
121  “The victory of the Allied powers in 1945 triggered a wave of political enthusiasm among Luanda’s nascent nationalists. The defeat of European fascism left Salazar’s Portugal isolated and ideologically obsolete. In Luanda’s growing slums a discontented black proletariat awaited organisation, which was to be forthcoming from the white and mestiço elite, many of whom had been educated in Portugal, and a growing class of black assimilados, many of whom had received their schooling from Protestant missionaries, and who identified with the aspirations of the uneducated majority. The local authorities’ suppression of opposition simply led to a continuing radicalisation of dissent” (Cornwall 2000: 45)
5 Sanctions in Angola

the population in the Republic of Congo and the Democratic Republic of Congo today. In the first half of the 20th century many Bakongo had fled to the Belgian Congo to escape the harsh conditions in Angola where forced labour in the cotton fields was the rule. The FNLA initially operated entirely from Leopoldville and did not have a base in Luanda. This fact would have devastating consequences for the movement although, initially, the more cosmopolitan and modern capital of the Belgian Congo supplied the FNLA with a better network of contacts in the African political sphere and even in the United States. The FNLA’s support base consisted of the Angolan émigrés in the Belgian Congo and the peasants living in the north-west. Moreover, until the FNLA’s dissolution, Mobutu’s Zaire was a close ally and supporter. The fourth major rebel movement, the Uniao Nacional para a Independencia Total de Angola (UNITA – National Union for the Total Independence of Angola), was only founded in 1966 by Jonas Savimbi who was an important figure of exile Angolan nationalism before returning to Angola. In the late 1950s and early 1960s he had studied medicine in Lisbon and received a doctorate in political science in Lausanne. During that time he was approached both by the MPLA and the FNLA to join their movements while staying there. Savimbi strategically positioned UNITA as the movement for the largest ethnic group in Angola, the Ovimbundu (which he himself hailed from), and (officially) propagated a political agenda avoiding “the embroilment of the Angolan struggle in Cold War confrontations.”

When MPLA and FNLA made their first attacks on the Portuguese in 1961, Savimbi stayed clear because he aimed at building a popular base for his struggle among the peasantry before resorting to military means. Portugal responded forcefully to the attacks it endured from MPLA and FNLA. Thousands of insurgents were killed. Although sharing the common goal of getting rid of the Portuguese the three movements were not able to form a united front in the ensuing fifteen years until independence. At times they even fought each other. The lack of cooperation and outright antagonism between MPLA, FNLA and UNITA led to the beginning of the civil war once the Alvor Accords were agreed upon. These accords of January 1975 foresaw the establishment of a transitional coalition government, the integration of the three armed branches of the movements into a single national army, elections and the

122 Cf. Hodges 2001: 8
124 Cornwell 2000: 53
125 In 1964 he consulted Che Guevara in Algiers for advice like these (cf. Cornwell 2000: 53). In addition, in 1966, he received training in the People’s Republic of China.
127 Although under pressure from the Organization for African Unity (OAU) Holden Roberto (FNLA), Agostinho Neto (MPLA) and Jonas Savimbi (UNITA) had signed an agreement of cooperation just prior to the accords.
declaration of independence on the 11th of November 1975. These independence accords were made possible by the fact that the Portuguese colonial regime crumbled after President Caetano’s overthrow in the Carnation Revolution. Nevertheless, the three movements did not work together to prepare these first elections in Angolan history but engaged in a “desperate race to achieve supremacy before the scheduled date for independence.”128

The MPLA with its communist ideology had maintained strong ties with Cuba and the Soviet Union during the war for independence while the FNLA had secured support from the Kennedy administration in the US and from Beijing. In addition, Mobutu, President of Zaire129, was a relative of Holden Roberto, the FNLA leader, and facilitated their operations from Zaire and the Northern enclave of Cabinda. UNITA tried to position itself as a mediator and force of peace between the two but had approached the US and South Africa for support playing the anti-communist card while at the same time also maintaining ties to the People’s Republic of China.130 Eager to embarrass the US, Cuban military advisors arrived in Luanda in August to train the MPLA, a presence that would amount to up to 45,000 combat troops later. South Africa realized it had to get actively involved in this war if it wanted to keep its interests secured.131 Thus, it forged an alliance of convenience with FNLA and UNITA and deployed its South African Defence Forces (SADF) to take Luanda from the South and sent trainers and military advisors to both of its allies. Support from Cuba and its combat troops, however, helped the MPLA to repel all attacks on Luanda. This ensured that the MPLA was in control of the capital at the decisive date, November 11th, 1975. Independence was formally declared, the Portuguese government withdrew from the country.132 Being in control of the capital, the MPLA proclaimed a people’s republic and appointed its leader Agostinho Neto as president – without holding the planned elections.

As we have seen in Chapter 2 of this dissertation, international recognition is crucial for newly emerging states or governments. That was the problem for the MPLA. As the Alvor Accords had included the holding of elections to determine the first government

128 Hodges 2001: 9
129 Zaire was the name of the Belgian Congo and subsequent Democratic Republic of Congo that Mobutu gave the country in 1971 in his quest for African authenticity
130 See footnote 124
131 It is contested among scholars of Angolan history whether in the tumultuous months before independence the Cubans or the South Africans intervened first. This is a crucial debate because depending on which camp you chose you could regard the fight against the later MPLA government as legitimate (as it was brought into power by a foreign force) or as illegitimate (because you attacked the MPLA with the help of a foreign force – racist apartheid South Africa). See for example Bridgland, Fred 1986, Jonas Savimbi – A Key to Africa, 451 for the ‘Cubans-first’ thesis and Hodges 2001: 9 for the ‘South-Africans-first’ thesis.
132 Along came a large majority of the Portuguese settlers (roughly 340,000 or five percent of the total population) who did not want to live under a black government
of independent Angola and had called for the cooperation of the three movements, the Organization for African Unity (OAU) and Western states were initially reluctant to recognize the MPLA government. Only the Soviet Union and Cuba readily recognized the MPLA government on the day of independence. But as the scale of South African involvement in support of FNLA and UNITA became apparent, “more and more states announced their support for Neto’s government.” As a result, the UN recognized it in November 1976. The involvement of apartheid South Africa was beneficial for the MPLA’s claims as, by the middle of the 1970s, it had become the pariah of the international community and particularly among African states. As David Birmingham puts it: “Moral revulsion at seeing the armies of apartheid marching into independent Africa brought some sympathy to the struggling government of Angola.”

5.1.2 From Civil War to Proxy War

The MPLA, however, had only won a battle not the war. The war was to increase in intensity and in its devastating effects for the Angolan population when the war for independence turned into a vicious civil war fuelled by extensive external intervention along Cold War lines.

From a global perspective the US, the Soviet Union and Cuba were the protagonists of these interventions. The regional perspective, however, was just as important, as the Angolan civil war was highly influenced by a regional power struggle between Zaire and South Africa. The latter had withdrawn its troops in early 1976 but was determined not to accept the MPLA government, as a successful black government might ignite revolutionary fires in South Africa itself. In addition, the MPLA supported the Namibian and South African freedom movements of SWAPO and the ANC. Because of this, South Africa chose a destabilization strategy by supporting the opponents of the MPLA. Zaire under Mobutu was the closest ally of the US in Africa at the time and was encouraged by them to use its regional influence against the Soviet backed Angolan government. In 1976, the US shifted its support from the defeated FNLA to the barely surviving UNITA but was less actively involved than before because of the Clark Amendment passed by Congress which rendered overt support to armed rebel groups across the world illegal. The Vietnam disaster loomed large. Thanks to this Vietnam disaster and to the achievement of military parity, the Soviet Union and with it Cuba were at the peak of their power in the middle of the 1970s. As a consequence, they were eager to demonstrate their leadership and appeal to revolutionary movements across the

133 Cornwell 2000: 64
134 As shown in footnote 75, in 1977, a UN arms embargo was imposed against the country.
world by making Angola their success story. De Beer and Gamba state in this regard that

“The influence accrued by the Soviet Union and its proxies in supporting what was the weakest of the Angolan liberation movements [the MPLA, KK] continued to serve a dual purpose. It generated credibility for Soviet support of insurgencies worldwide, and, at the same time, ensured a constant ideological and financial dependency by sustaining a weak government in power.”

Financial dependency in particular was to become the crucial element of this strategy, as the acquisition of ever larger amounts of sophisticated weaponry became essential for both the MPLA and UNITA in their attempt to win decisively.

Although UNITA was not strong enough to stage a bid for power in Luanda it was able to “reorganize after its defeat in 1976, due to the resilience of the political structures it had built up in its Ovimbundu heartland, the fierce determination and charisma of its leader, Jonas Savimbi, and, above all, the support it received from South Africa.” The MPLA had been strong enough to project its power to Luanda and its surrounding areas but had been too weak to build a monopoly on violence over the entire Angolan territory.

The origin of the decade-long civil war was a political power struggle, as can clearly be synthesized from the above illustrated. Mineral wealth did not cause the conflict. “The war began as a nationalist revolt against an obdurate colonial power and continued, from 1975, as a struggle between rival nationalist factions headed by leaders unwilling to share power and able to mobilize their respective ethno-regional constituencies and the support of external powers.”

5.1.3 Resource War

The metamorphosis of the externally supported civil war into a self-financing resource war began as soon as MPLA and UNITA leaders realized that their foreign backers could not be taken for granted any longer. At the end of the 1980s Gorbachev had to reduce spending on military adventures to keep a struggling Soviet Union

136 The independence of Cuban initiatives from the Soviets’ objectives has been a controversial issue. Although Castro might have pursued his own agenda in Angola, it was obvious that Cuban logistics alone could not have managed the airlift operations required to get the troops into Luanda on time (cf. De Beer, Hannelie / Gamba, Virginia (2000), The Arms Dilemma: Resources for Arms or Arms for Resources, in: Cilliers, Jakkie / Dietrich, Christian (2000) Angola’s War Economy: The Role of Oil and Diamonds, Pretoria, 71)

137 DeBeer and Gamba 2001: 74
138 Hodges 2001: 11
139 Hodges 2001: 171
Sanctions in Angola

South Africa underwent important internal evolutions which lead to the independence of Namibia in 1990 and the beginning of the end of apartheid. Although the Clark Amendment had been recalled in 1985 and supporting ‘low intensity conflict’ was the strategy of the Reagan era which had led to an increase of support to UNITA, the US administration under George Bush Sr. now considered a civil solution preferable to an eternal military stalemate. Given these developments and the personal ambition of both Savimbi and MPLA leader and current president Eduardo dos Santos, it is understandable that from 1985 on both groups tried to systematically occupy areas abundant with natural resources. Controlling much of the seaside of Angola, the MPLA focussed on off-shore oil, UNITA concentrated on alluvial near-gem quality diamonds in the central highlands of Angola (See Illustration 2 below). The financial and military support both sides received until 1991 could thus be entirely substituted by income generated on the global oil and diamond markets when their foreign support waned. DeBeer and Gamba remark poignantly in this regard:

“A reading of the drawn-out history of the Angolan conflict and the resources needed to sustain it can clearly be separated into two different periods: one which was run on the political fuel of the Cold War ideological struggle, and a subsequent phase dominated by economic imperatives. In many regions, the Cold War proxy struggle exhausted itself with the subsequent lack of interest from international actors. In Angola, the opposite seems to have taken place. The country’s vast riches, managed and exploited by a handful of people bent on total control allowed for war to continue.”

Although the war would continue until 2002, there was a period of hope for the Angolan people between 1991 and 1992. The convergence of the global and regional historical trends with the end of the Cold War and the end of Apartheid ultimately brought the warring parties back to the negotiation table. This led to the Bicesse Accords in May 1991 providing for a “ceasefire, the quartering of UNITA, the formation of new unified armed forces, the demobilization of surplus troops, the restoration of government administration in UNITA-controlled areas and multi-party parliamentary and presidential elections.” Cuba and South Africa had agreed to withdraw their troops already in 1989 and by 1991 all South African and Cuban troops had left the country under the supervision of the first UN peacekeeping mission to Angola (UN Assistance and Verification Mission I - UNAVEM I).

The departure of the Cubans certainly contributed to convincing Savimbi to participate in the negotiations that led to the elections. The Cubans had formed the backbone of the MPLA’s military strength. Without them Savimbi was confident not to

140 DeBeer and Gamba 2000: 89
141 Hodges 2001: 13
be tricked. Another contributing factor was the fact that the US were convinced that Savimbi’s easiest way to gain power would be via the ballot box, as they assumed the corrupt Luandan elite, as which the Angolan population perceived the MPLA government, would certainly lose given their lack of support in the countryside.

The election results, however, proved them wrong. Supervised by the second UN mission UNAVEM II, Dos Santos won 49.6 percent against 40.1 for Savimbi. This result called for a second round to gain the absolute majority but this was not going to happen. In addition to the presidential election, the MPLA won the parliamentary elections with 54 to 34 percent. “The voters divided clearly [...] between town and the countryside.” As the towns had been better off during the civil war thanks to imported food paid for with oil revenue and to the aid provided by philanthropic Western NGOs, they voted against change and for the government they already knew. The countryside that had suffered most, clearly voted for change and UNITA. A decisive factor for the results of the elections was that the town-countryside cleavage had become more important than ethnic loyalties. As Patrick Chabal notes: “UNITA leaders were greatly dismayed to find that some urban Ovimbundu, in both highland towns and coastal cities, had failed to support them in their election bid and had adopted the national townsmen’s strategy of voting for the MPLA.” Put differently, the MPLA had had more “cross-ethnic appeal.” UNITA leader Jonas Savimbi was taken by surprise. As a consequence, he did not accept the results of the election, declared them as rigged and retreated to the highland city of Huambo. “Savimbi calculated that his only hope of gaining power that he had craved almost pathologically since his student days in Switzerland was to seize it through the barrel of a gun.” Reacting to these announcements the MPLA and its urban militias embarked on a murderous tour around Luanda massacring members and alleged supporters of UNITA. The civil war had returned.

142 So “Savimbi and his entourage of generals moved down from the highlands and set up their opulent residential quarters in the Miramar district of Luanda.” (Chabal, Patrick (2006), The Struggle for Power in: Birmingham, David (2006), Empire in Africa – Angola and its Neighbors, Athens, 141)

143 Back in 1975 opinion polls had already predicted a victory for Savimbi as his movement represented the largest ethnic group in Angola (Bridgland 1986: 156). As we know, the people did not have the chance to cast their votes.

144 Chabal 2006: 142
145 Chabal 2006: 142
146 Hodges 2001: 27
147 Chabal 2006: 143
148 Chabal 2006: 143
5.2 Natural Resources and the Angolan Civil War

Illustration 2: Location of Diamond Reserves in Angola

Source: Partnership Africa Canada (2007), Diamond Industry Annual Review, 3

Several of the mechanisms presented in Chapter 2.2. relating resource abundance to civil war duration can be brought to the fore here to sharpen our understanding of the conflict situation in the Angola of 1993. Among the motivation-based mechanisms trying to relate conflict duration to resource abundance, the Military Balance Mechanism states that in an “‘aggressive-symbiotic’ relationship, opposing parties may have an interest in prolonging a profitable military stalemate in order to preserve economic interests that could be threatened by a total victory and subsequent peace.”

The relationship between UNITA and the MPLA had traits of an aggressive-symbiotic leadership. They fought each other but they also depended on each other. The MPLA needed UNITA to be able hide the vast amounts of oil funds it secretly put in its pockets, as “war allows a lack of accountability that would not be possible during peace time.” UNITA needed the enemy to keep its troops motivated. Accounts of UNITA life in the rural parts of Angola do, however, not point at largesse and riches. It seems that UNITA needed most of its funds for arms and had to find ways of organizing social

149 Le Billon 2001: 572
150 Cilliers 2000: 9
life in rather inhospitable rural lands.\textsuperscript{151} By contrast, the oil revenues which the MPLA generated were about ten times higher\textsuperscript{152} and left enough room for genuine economic interests to develop during the war. To sum up, the MPLA had more interests in preserving a comfortable military stalemate. UNITA leadership was genuinely interested in capturing state power and strived for a decisive victory.\textsuperscript{153} ‘The Domestic Conflict Premium Mechanism, again, does not fit the Angolan case. Savimbi’s longing to be president was clearly his driving force. Thus, the conflict was not prolonged because the parties to the conflict profited from it more than they would have in peacetime. The ultimate price was being head of state. Earnings made were a means to this end. It can be said with near certainty, that the personal element of Savimbi’s quest for power and of dos Santos’ unwillingness to share it was the driving force in this conflict, not greed but strong desires. The International Conflict Premium Mechanism has some explanatory power in the Angolan case. US involvement was at least partly driven by the realization that the US could not dispense with Angolan oil. Although US companies like Chevron were operating in Cabinda under MPLA rule the US would clearly have preferred their ally UNITA in power. In addition, not directly connected to resources, there were other premiums for international actors. The US wanted to lower the diplomatic costs of an easy victory of the Soviet Union and Cuba in Angola. From a public diplomacy perspective it might be argued in this regard that both the US and the Soviet Union and Cuba profited from the long duration of the conflict because it proved their commitment to the protection of client regimes across the world. With their support, the international actors might have contributed to a prolongation of the conflict, as they allowed both actors to keep fighting and to recover after defeats. Less external support would either have increased the incentive to reach a negotiated agreement or would have facilitated a decisive victory. Nevertheless, both MPLA and UNITA might just have self-financed their war earlier if external support had waned.

The explanatory use of the feasibility-based mechanisms in the Angola case may be quickly summarized. Civil war was feasible during all the decades. First, because of external support, then, thanks to vast amounts of diamond and oil revenues. Feasibility, however, decreased after 1998 with the help of sanctions. We will proceed to that shortly. The Sparse Networks Mechanism linking the disruption of economic networks during conflict and the incentives to re-establish them to conflict duration can serve to illustrate a twofold process. As UNITA had its backers in the countryside and their members led a rural life themselves the conflict affected them directly. As described above, the cities managed to somehow mitigate the effects of civil war on food supply

\textsuperscript{151} In an interesting account of the ‘habitus of the warrior’ Beck and Schlichte describe, in somewhat romanticised fashion, the way UNITA combatants organized their life in the bush with the slogan “arma, inchada e lápis - weapon, hoe and pen”. Education and labour were to balance out military action. (cf. Beck and Schlichte 2007: 12).

\textsuperscript{152} Hodges 2001: 57

\textsuperscript{153} A word of caution is, however, needed here. Middle ranks of soldiers on both sides surely profited from informal trades and deals increasing their sparse income.
and economic opportunities. It would be highly speculative, however, to argue that UNITA defections starting to occur after 1992 were linked to this deficiency. Besides, UNITA defectors helped to de-legitimise Savimbi’s continued rebellion but did not substantially weaken the movement’s military cohesiveness. As a consequence, the Fragmented Organizational Structures Mechanism can be used to explain what effect the cohesiveness of UNITA had on the duration of the Angolan civil war. In contrast to the rebel movements in the DRC which are characterised by constant realignments and new foundations, every decision Savimbi made was followed. His authority was never questioned because he installed an increasingly authoritarian system which severely punished critics.154 UNITA was able to make credible commitments, for the will of its leader was effectively implemented. It can thus be argued that conflict duration was prolonged by the effective and hierarchical organization of the movement as it increased their military resilience to MPLA attacks and a peace agreement without giving him power was no option for UNITA leader Savimbi.

5.3 Smart Sanctions against UNITA

Two major developments facilitated the imposition of sanctions against UNITA in 1993. First, voting patterns had changed in the Security Council because of the end of the Cold War. The P-5 saw a strong UN as serving their interests and cooperated in a variety of conflict cases.155 Second, following the election of Bill Clinton the intransigence of UNITA made the US perform a reversal of its Angola policy. The US administration recognized the MPLA government and stopped its support for UNITA. Although they would have preferred Savimbi to win, they could not justify their support any longer in the face of an obviously non-cooperating UNITA leader.156

As described in Chapter 3.1 this policy has to be seen in a wider context of increasing intervention in internal affairs to pursue wider human rights and democracy

154 Cf. S/2001/966, Sanctions monitoring mechanism report on UNITA organizational structures
155 Michael Matheson identifies four “waves” of post-Cold War peacekeeping operations bearing witness of this increased level of cooperation: First, starting in 1988 the UN missions in Afghanistan, Namibia, Central America, El Salvador and Cambodia. Second, the UN missions at the fringes of the collapsed Soviet Union in Georgia and Tajikistan and in the former Yugoslavia. Third, the involvement in a series of internal conflicts particularly in Sub-Saharan Africa such as UNAVEM in Angola. Fourth, the UN missions to oversee ceasefires in Iraq, East Timor and Eritrea-Ethiopia. (Matheson, Michael (2006), Council Unbound: The Growth of UN Decision Making on Conflict and Postconflict Issues after the Cold War, Washington D.C., 104-106)
156 Sanctions against UNITA were only the second case where a non-state actor or rebel group was targeted. About nine months before, in January 1993, the Security Council had already used this sanctions design to isolate and weaken the Khmer Rouge in Cambodia during the election process. Sanctions cut of their petroleum supply and installed a moratorium on logs exports which the Khmer Rouge had used to substitute for the funds previously supplied by China (Cf. Lopez / Cortright 2000: 139)
agendas in contexts where the state is not able or unwilling to pay heed to them. Although some scholars argue that failed states are no new phenomenon⁵⁷ the absence of monopolies on violence has only become problematic in the regulatory void of the post-Cold War era as the level of predictability assured by superpower interference has decreased. As illustrated by the Angolan war for independence, the civil and resource war periods, the monopoly on violence was in question particularly in the rural areas where UNITA was firmly present. In fact, one could argue there were two separate monopolies on violence: The MPLA in control of the capital, the coast and the Cabinda enclave, UNITA in control of the central highlands and the areas bordering Zambia (see Illustration 2 above). While initially international and regional support assured the stability of this situation, oil from the coast and diamonds from the highlands permitted its continuation. As shown in Chapter 2.1, from the perspective of international order a de-jure state is supposed to have one de-facto monopoly on violence. This was clearly not the case in Angola. The minimum criterion of statehood was not fulfilled.¹⁵⁸

The conflict constellation, however, was clear-cut – MPLA vs. UNITA – which made it possible to target the group that was identified as the breacher of peace. In addition, UNITA’s ability to sustain its rebellion had grown increasingly dependent on revenues generated through diamond trade. Not only the actor but also the commodity fuelling the conflict had become evident – An ideal situation for smart sanctions strategy.

### 5.3.1 The Regime

Following the breakdown of the Bicesse Accords and the electoral process in November 1992, the Clinton administration recognized the MPLA government on the 19th of May, 1993, a “sea change from the cold war years”⁹ as the New York Times put it. Thanks to the United States’ changed position, the UN Security Council was able to impose an arms and a petroleum embargo against UNITA along with the establishment of a Sanctions Committee on the 15th of September, 1993, the first step in a sanctions regime that was both smart and, from UNITA’s point of view, increasingly comprehensive. Table 3 shows the sanctions structured into four steps with consecutively mounting impact.¹⁶⁰ The tightening of the sanctions regime was largely

---


¹⁵⁸ See Chapter 2.1


¹⁶⁰ The panel of experts is presented as a separate smart sanctions type here (in contrast to Chapter 3.4.) because of their decisive influence on smart sanctions impact. That is why they need to feature prominently in this visualisation. Formally the panel rather constitutes the means through which the smart sanctions types are enforced.
due to the steady realization among the Security Council members that conflict in Angola would only end if UNITA was militarily defeated. This was not the UN’s official stance but can clearly be concluded by analysing the evolution of the UN sanctions regime from 1993 to 2002.

**Table 2: The Evolution of the Angolan Sanctions Regime**

<table>
<thead>
<tr>
<th>Steps</th>
<th>Sanctions Types</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 1993 - 1997</td>
<td>Arms and Petroleum</td>
<td>Bring UNITA back to the negotiation table</td>
</tr>
<tr>
<td>2. 1997 - 1998</td>
<td>+ Travel</td>
<td></td>
</tr>
<tr>
<td>3. 1998 - 1999</td>
<td>+ Financial, + Commodity (Diamonds)</td>
<td>Contribute to UNITA’s military defeat</td>
</tr>
<tr>
<td>4. 1999 - 2002</td>
<td>+ Panel of Experts</td>
<td></td>
</tr>
</tbody>
</table>

Source: Author

The first step of the smart sanctions regime followed the breakdown of the electoral process and the violation of the Bicesse Accords. Because of that, the objective was to bring UNITA back to the negotiation table and respect the Accords. The arms and petroleum embargo and the threat of further measures were part of a ‘carrot and stick’-strategy (See Chapter 1.3.) with sanctions as the stick and the possible participation in the elected government as the carrot. Resolution 864, however, did not only impose the embargos but also threatened to impose commodity sanctions and travel sanctions if UNITA would not show its commitment to Bicesse and signed an effective ceasefire by the 1st of November, 1993.161 This threat seems to have been effective, for UNITA declared a unilateral cessation of hostilities and returned to the negotiation table. “UNITA’s prompt response to the Security Council’s action indicated a serious concern about the potential impact of sanctions. It illustrated the bargaining impact of sanctions.”162 Fighting, however, continued, the deadline passed and UNITA managed to lull the Security Council with its pro-forma cooperation and avoided the imposition of further measures clearly threatened in the resolution. In fact, one of the most deadly phases of the civil war ensued. Nearly 1000 people died daily while world attention was focussed on former Yugoslavia, Somalia and Haiti.163 The peace process was obviously dead. By the end of 1994, UNITA was under intense military pressure by the MPLA

162 Cortright / Lopez 2000: 152
and had no choice but to agree to a UN monitored cease-fire formalized in the Lusaka Protocol. This Protocol was to constitute a return to the electoral process monitored by UNAVEM II which was severely understaffed. For some time, UNITA seemed to cooperate and disarm but pragmatic observers already warned that UNITA was rearming and stockpiling weapons unobserved by the UN. In 1996, tougher sanctions were again, as in 1993, announced unless UNITA cooperated. Smart as the movement was “UNITA usually responded with a last minute gesture of compliance – an ambiguous announcement that it had disarmed, a carefully worded statement that sounded compliant but failed to match the Security Council’s demands or an actual gesture of compliance that it later reversed.” Under these circumstances the involvement of the UN at this stage can be seen as war prolonging, for the MPLA was clearly close to victory in 1994. Following Luttwak’s advice of giving war a chance might have ended the war with a decisive MPLA victory. The peace process and continuing trickery of UNITA which the UN failed to recognize enabled UNITA to regain its strength and launch massive attacks from 1998 on.

By 1997, however, the Security Council had finally realized that UNITA was not willing to negotiate but was aiming at victory and the presidency. Thanks to this realization the goal of the sanctions regime shifted from isolating UNITA in order to bring them back to the negotiation table to enabling the government to militarily gain an upper hand. The sanctions regime was now designed to increase military asymmetry and permit a decisive victory to the MPLA. After years of deception and a deadly military stalemate Luttwak-thinking had prevailed. In quick succession the Security Council imposed the three next steps of the ultimately comprehensive sanctions regime targeting the lifeblood of UNITA. So the second step of sanctions regime consisted of travel sanctions for senior UNITA members and their families and a ban on flights to and from UNITA-held territory, the closure of UNITA offices abroad. The third step comprised financial sanctions against the same UNITA individuals and a diamond embargo on all diamonds originating from UNITA-held territory not certified by the Angolan government’s certification scheme. Then a ban on all travel to and from

\[163\] Hodges 2001: 15
\[164\] Cortright / Lopez 2000: 155
\[165\] A possible explanation for his might be he continued hope of the US to see UNITA in power although they had recognized the MPLA government. They were probably the softening factor in Security Council action until 1997.
\[166\] We already stated the personal ambition of Jonas Savimbi. President dos Santos offered him lucrative posts in the government several times (under his leadership, of course). Savimbi always declined. His quest was clearly not financially motivated.
\[167\] Cf. Cortright / Lopez 2002b: 63
\[168\] The list of individuals prepared pursuant to this resolution first comprised 80 individuals (See SC/6479) and then grew to 157 until 2001 (See SC/7162).
\[169\] S/RES/1127 (1997)
UNITA-held territory\textsuperscript{170} and finally, the fourth step, the core of the future success of the sanctions regime: the establishment of a panel of experts tasked to monitor sanctions compliance.\textsuperscript{171} With these measures the UN Security Council displayed the next level of willingness to get involved in internal affairs and to try to shape the future of a country. Interestingly, in contrast to the Democratic Republic of Congo, this engagement has to be located rather at the ideological and public diplomacy level than at the military level.\textsuperscript{172} With this sanctions regime the UN clearly picked its camp without sending large numbers of peacekeepers into the country, as is the case in the DRC. To the contrary, UNAVEM III tasked with the supervision of the Lusaka Protocol from 1995 to 1997 and with roughly 7000 personnel better equipped than UNAVEM II was replaced by the much smaller observer mission MONUA. Tellingly, even MONUA was withdrawn in 1999 at the height of renewed fighting between UNITA and the MPLA after two UN planes had been shot down by UNITA. At first sight, this might appear like a repetition of UN disengagement seen in Rwanda and Bosnia. On the one hand it is. On the other, however, the highly interventionist and investigative operational style of the panel of experts might have contributed as much to the end of the civil war in Angola as some peacekeeping missions have to ending other conflicts across the world. What is more, the UN’s realization that the MPLA must be allowed to defeat UNITA may appear cynical. To the contrary, it was highly pragmatic.

5.3.2 The Impact

To evaluate the impact the smart sanctions regime since 1997 had on the end of conflict, i.e. the defeat of UNITA, and to a respectively strengthened monopoly on violence we will use three parameters. The first and second focus on UNITA as the targeted entity, the third relates to both MPLA and UNITA. First, sanctions impact on political support structures of UNITA. Second, sanctions impact on UNITA’s supplies. Third, sanctions impact on the military balance between UNITA and the MPLA.

5.3.2.1 Political Support Structures

The international, regional and national dimensions of the Angolan civil war favourable to enduring warfare have been amply demonstrated in the preceding sections. To the detriment of UNITA, this comfortable situation started to change in 1993-1994. Although sharing a similar identity as “liberation movements” UNITA and the newly governing ANC in South Africa were not allied. UNITA had relied too opportunistically on apartheid South African support to be worth a second look for the ANC. The US, as explained above, had lost patience with UNITA and, at best,

\textsuperscript{170} S/RES/1173 (1998)
\textsuperscript{171} S/RES/1237 (1999)
\textsuperscript{172} In the DRC troop strength of the peacekeeping mission continuously grew. In Angola the opposite was the case.
contributed to softening the Security Council’s determination to impose harsh sanctions fast. As we know, this was over in 1997. Given the disappearance of their two single most powerful and well equipped sponsors and weapons suppliers whose departure was underlined by the imposition of the arms embargo both countries adhered to, UNITA had to rely on regional ties of friendship and economic relationships to obtain basic supplies, weapons, petroleum and fuel for their conventional military capabilities and their armada of Toyota 4x4s and trucks. Following the imposition of travel sanctions UNITA even had to find partners who could issue false passports to enable UNITA officials to pursue essential business trips to Lisbon, Paris, London, New York and Antwerp. In addition, funds had to be stored in different countries, as financial sanctions made it increasingly difficult to use conventional bank accounts to transfer payments.

The two main backers lost a couple of years before, 1997 was to be the beginning of the end of substantial support for UNITA even on a regional level supported by ever tighter smart sanctions. Until then Savimbi and his entourage had relied on an extensive network of friends and business partners in neighbouring countries to replace this loss. Mobutu Sésé Séko, the president of Zaire, had always been a loyal supporter of UNITA since the defeat of the FNLA in 1976. He personally assured that UNITA could use the Zairian regions bordering Angola as military rear bases, facilitated transport routes to Kinshasa (which is not far from the Angolan border. See map in Appendix A) and allowed Kinshasa to be a major trading centre for UNITA diamonds and weapons supply. Unfortunately for UNITA, he was toppled by Laurent Désiré Kabila in May 1997 in a coup supported by Rwanda and Uganda who wanted to get rid of Mobutu as they asserted he was a threat to regional stability. To make matters worse, Kabila was also supported by the Angolan government, which came to his rescue and occupied large parts of the South of the newly renamed Democratic Republic of Congo (DRC) when Kabila turned against his former backers Rwanda and Uganda and was close to being removed from power himself in 1998. With MPLA forces in the south of the DRC, Kinshasa and the rear bases were lost for UNITA.

The regional chaos contributing to the demise of UNITA at the end of the 1990s was not to stop there. The Republic of Congo (Congo-Brazzaville) under President Lissouba had also helped UNITA by hiding and storing weapons and delivering all sorts of

173 “Until the overthrow of Mobutu in May 1997, UNITA used Zaire as a base for the stockpiling of weapons, and it used Zairian end-user certificates as the means by which arms brokers working for UNITA were able to obtain the weapons Savimbi wanted. Mobutu provided Savimbi with the Zairian end-user certificates, and in exchange Savimbi gave Mobutu diamonds and cash” (S/2000/203, Para 20)

174 He supported the Lord Resistance Army operating in Uganda and the Hutu militias in Rwanda and in hiding in Eastern Zaire since 1994.

175 The name of the independent Congo which was renamed Zaire by Mobutu in 1971.
supplies from telecommunications systems to tank fuel.\footnote{According to the third report of the panel of experts which was to form the cornerstone of the sanctions regime “UNITA moved a "significant amount" of military equipment from Angola into Congo (Brazzaville) [which was] […] progressively fed back into UNITA's part of Angola by air.” (S/2000/203 Paragraph 23).} However, Lissouba was toppled in October 1997 by former President Denis Sassou-Ngeusso with the support of MPLA forces. Because of this scenario, Congo-Brazzaville could not be used as a weapons depot any longer.

Although not actively involved in the political turmoil in the Great Lakes region, Zambia had always been the main economic lifeline for UNITA.\footnote{Global Witness 1998: 12} As UNITA mostly controlled the eastern part of Angola, trade with western Zambia was paramount. No observer to date could prove that the Zambian government supported UNITA but, until 1998, it clearly did not make an effort to curb the cross-border trade that enabled UNITA to sell a majority of its diamonds via Zambia. Most of the smuggling across the border was organized by small-scale diggers and local diamond comptoirs. Given the length of the shared borders it is impossible to prevent Angolan diamonds from entering Zambia. When the UN Security Council imposed diamond sanctions and the Angolan government increased its pressure, Zambia tried to adhere to this regime and increasingly started to exert some level of oversight over its border officials.

All these political sea-change s in the regional political environment of Angola have hardly been triggered by sanctions. Albeit, it is necessary to embed the analysis of smart sanctions impact into these regional processes as it is only in connection with these developments that the fall of UNITA can be understood. Sanctions facilitated this fall, they were an exacerbating factor.

After the removal from power of both Lissouba and Mobutu, UNITA needed to find new partners. Against all odds, UNITA did. In addition to free-floating arms brokers who we will deal with in the next paragraph, UNITA even managed to forge new political alliances. But this became increasingly difficult thanks to the sanctions regime.

The relationship between the Rwandan government and UNITA had been adversarial until Savimbi agreed in 1998 to let two Rwandan battalions retreat into UNITA controlled areas of northern Angola when they were trapped by Zimbabwean, Namibian and Angolan troops defending the newly installed Kabila government in DRC. Since then UNITA and the Rwandan government started cooperating united by their opposition to Kabila.\footnote{S/2000/203, Para 20} As a result, Kigali, the Rwandan capital, partly assumed the role as a central trading place and point of departure for UNITA diamonds, a role that Kinshasa and Brazzaville had played before.
Even more surprisingly, Savimbi managed to find substitutes for his former support bases in West Africa, situated thousands of kilometres to the north-west of Angola. The presidents of Côte d’Ivoire, Burkina Faso and Togo were ready to step in. Burkina Faso, as detailed by the third of the ground-breaking panel of experts reports, supported UNITA by allowing “flights carrying weapons from Eastern Europe [to land] in Ouagadougou and Bobo-Dioulasso, with the arms then being transhipped from there to other end-users including UNITA.”\(^{179}\) President Blaise Compaoré, said to have been be the most genuine friend of Savimbi among African leaders,\(^{180}\) also assisted with the diamond trade and with petroleum supply. Contacts with Gnassingbè Eyadéma, then President of Togo, were established in 1993 and Savimbi was assured that once Zaire could no longer provide a port of entry for weapons shipments and a source of end-user certificates Togo would help. Thus, “following the overthrow of Mobutu, president Eyadéma replaced Mobutu as the primary supplier to UNITA of end-user certificates for arms and military equipment.”\(^{181}\) The deal was that Eyadéma could keep twenty percent of the weapons for himself as reward for his cooperation. In addition, at times, he received “passport sized packets of diamonds on Savimbi’s behalf.”\(^{182}\) Furthermore, Savimbi sent parts of his family to school in Togo where they were protected. Eyadéma also stored five million US dollars in cash in his palace to aid UNITA circumvent the financial sanctions.\(^{183}\) Then Ivorian President Henry Konan Bedié’s contribution to temporarily keeping UNITA alive was harbouring parts of Savimbi’s family and providing UNITA officials on the sanctions list with false passports with which they could travel without being detected at international airports.

The support system UNITA so skilfully built is now laid out in most basic fashion. There are myriads of further fascinating details to it but we will have to content ourselves with the basics here. It is already evident that UNITA had to make enormous efforts to ensure that the logistical provisions to sustain its military campaign were in place. This rather successful continental diplomacy fuelled by friendships and pockets full of diamonds notwithstanding, UNITA found itself in a much weaker position in 1999 than only two years before. And this is where the first report of the panel of experts struck. Canadian Ambassador Fowler had assumed the chairmanship of the Angola Sanctions Committee in 1999 and, in contrast to most previous committee chairmen, had made this assignment his priority. He not only travelled to all relevant African countries to encourage and pressure governments to enforce the sanctions which, as we know, are formally binding for every UN member state. In addition, he also visited European, American and Middle Eastern capitals to discuss reforms of the demand side of the diamond market and the supply side of the arms market – both large

\(^{179}\) S/2000/203, Para 21  
\(^{180}\) S/2000/203, Para 103  
\(^{181}\) S/2000/203, Para 35  
\(^{182}\) S/2000/203, Para 33  
\(^{183}\) S/2000/203, Para 121
contributors to UNITA’s continued capacity to fight and keep Angola separated. With this he initiated a concerted diplomatic offensive towards taking sanctions seriously – which had obviously not been the case before. Following this shuttle diplomacy, the panel of five experts that Fowler had established in May 1999 issued its report in March 2000. Its publication laying out in detail all the support structures described above created a diplomatic outcry – a sign that some representatives were afraid.

This ‘naming and shaming’ strategy led to a number of measures taken by accused governments to counter the statements made by the panel. Togo expelled 56 Angolans connected to UNITA from its territory, Burkina Faso set up a parliamentary commission to investigate the allegations made by the panel. Cote D’Ivoire announced not to extend the false passports it had issued to specific individuals named in the report. Of course, some level of cooperation will have remained and it is questionable whether these actions were more than symbolic. One has to keep in mind, however, that in the diplomatic world very few countries are willing to be seen as pariahs. Diplomats and other government officials do not want to be seen as sanctions busters breaking international law. Moreover, most of the countries forming the political support structure of UNITA since 1998 are substantial receivers of financial aid. The recommendations made by the panel to enhance sanctions impact ranged from imposing secondary (this means as punishment for sanctions busting) smart sanctions against the concerned individuals such as the presidents of Burkina Faso, Togo and Cote D’Ivoire, withdrawing development aid to suspending the country’s membership in certain international organizations. In the case of Eastern European arms suppliers they recommended to make compliance to sanctions a prerequisite to EU accession talks.

In an atmosphere of unusual straight talk, these recommendations appeared as genuine and credible threats. The report itself had constituted such a major departure from usual diplomatic niceties prevailing at the UN that radical measures seemed possible. As a consequence, the named and shamed made serious efforts to limit their support to UNITA. Even though it did not stop, facilitated by the porosity of borders and the problems of most African governments to oversee their entire territory, transaction costs for UNITA were substantially raised by the increased need for clandestine operations. Decreased overt political support made life much harder for the rebels.

Following the publication of the Fowler report, as it is now known, the panel was dissolved and replaced by a newly mandated monitoring mechanism staffed with entirely new experts. This was the next intelligent step of the smart sanctions strategists. After the diplomatic uproar one made concessions, replaced the experts who had seemingly discarded all diplomatic rules. This facilitated dialogue with the countries

---

184 See S/2000/1225, Para 96
185 Although the latter had been deposed in the meantime
identified as being major obstacles to maximising impact of the sanctions regime. Now, “in addition to identifying violators, the Mechanism also expended considerable effort, as appropriate, on the use of good offices and quiet diplomacy. This approach, when combined with incontrovertible evidence, was premised on the use of persuasion as a tool for encouraging governments to reverse their policies.”

This contributed to the first important aspect of sanctions impact: UNITA’s political support structures were severely damaged. UNITA grew more and more isolated.

### 5.3.2.2 Supply Structures

The smart sanctions regime not only aimed at damaging UNITA’s political support network but, simultaneously, at depriving it of the funds and supplies needed to keep fighting. By raising transactions costs and making some allies turn their back on them, the regime succeeded in increasing difficulties for UNITA to secure these. Furthermore, UNITA had to “pay substantial premiums on the purchase price and carrier costs of equipment due to the UN sanctions.” Moreover, the MPLA government engaged in major military offensives from 1998 on now backed by the international community as a whole. Depending on the military situation of UNITA and the areas it had under control needs and strategies differed. For example, until 1999 UNITA had built a considerable conventional warfare capacity with tanks, armed vehicles and mines which exceeded its usual guerrilla warfare equipment of RPGs, AK 47s, explosives and jeeps. To sustain these it was heavily dependent on fuel supplies which were under sanctions since 1993. During the 1990s UNITA depended mostly on income generated through diamond trade, taxes levied on diamond production and concessions granted. UNITA controlled up to 80 percent of Angolan diamond reserves. As the amount of terrain controlled dwindled, however, and illicit diamond trade became restricted through the diamond sanctions it grew harder for UNITA to generate revenue.

But how exactly did UNITA manage to secure its supplies and was subsequently hampered by the sanctions regime? As UNITA’s main currency were raw diamonds we have to illustrate how the rebels were able to barter diamonds for arms, petroleum, medical supply for the troops and civilians, clothes and other basics. As the first report of the monitoring mechanism on Angola states in this regard: “The individuals, companies, route and landing areas play[ed] a vital role in keeping UNITA operational.”

This diamond trade originated in rural Angola and has to be traced to the diamond destinations in Antwerp or other European or American cities. We have already alluded

---

186 S/2002/486, Para 7
187 De Beer and Gamba 2000: 87
188 Global Witness 1998: 12
189 S/2000/1225, Para 111
to the networks spanning Central and Western Africa. This network was essential, but not the entire picture. As rear bases in the DRC and Zambia were not available any longer most trade took place by air. Commercial cargo plane operators, criminal arms brokers and dealers assumed an important role.

„As a result of the end of the Cold War and the dissolution of the Warsaw Pact international arms markets were being filled with surplus weaponry, much of it of East European origin offered at below market prices. The arms reduction requirements imposed by the Conventional Forces in Europe Treaty (CFE) [...] resulted in the need for some countries to reduce and dispose of stockpiles.״

Although not necessarily encouraged by the respective governments, former parts of the armed forces or intelligent arms brokers made a fortune by selling this weaponry to conflict countries in the developing world. It is thus no surprise that the investigators from the panel of experts and several NGO reports identified Ukraine, Bulgaria, Rumania and Slovakia as the main countries of origin of UNITA’s weapons. As shown above, countries supporting UNITA were used to provide UNITA with the requested supplies. But from 1997 on, private arms brokers owning their own aircraft and considerable transport capacities have played an even more important role for UNITA.

Victor Bout with his company Air Cess has become the most prominent case thanks to his ubiquitous involvement in the conflicts in Angola, Sierra Leone, Liberia and the DRC and the subsequent widely discussed reports produced by NGOs and the sanctions panels of experts. Bout, a Russian national, operated mainly from Dubai in the United Arab Emirates and used his extensive networks in Eastern Europe, the Middle East and Africa to become one of the most successful arms brokers of the 1990s. In the case of UNITA he often used one of the various small airstrips in South Africa which was hard for the government to control to take the ordered material originating from Eastern Europe into UNITA held territory. But there were other arms brokers serving UNITA. Ronnie De Decker, a South African national, purchased arms in Eastern Europe with his brother Joe De Decker and, according to the Fowler report, sat down personally with UNITA leadership to evaluate the value of the diamonds offered as payment. The De Decker brothers then travelled to Antwerp in person to sell the diamonds.

To secure these kinds of contacts and to pave the way for a functioning diamond sale’s structure the UNITA representation offices in Africa, the US and Europe were essential. Before the international turn against UNITA they were even called UNITA ‘embassies’. After they were rendered illegal by the second step of the sanctions regime

190 S/2000/203, Para 39
192 S/2000/203, Para 16
in 1997, UNITA redesigned them and gave them names like “Casa de Angola” (based in Belgium) or the “Commission for Justice, Peace and Reconciliation in Angola” (based in Portugal). UNITA used these offices to maintain its trade networks in its diamond markets and to continue to lobby for the UNITA cause.

Following the series of investigative panel of experts and monitoring mechanism reports both the transport and the representational network were severely damaged. Air Cess had to continuously reregister its company from Liberia to Equatorial-Guinea to Swaziland and Victor Bout had to go to court in Belgium. In addition, the United Arab Emirates expelled him and South Africa started to scrutinize aircrafts using its airstrips. Countries tolerating UNITA operations on their territory assumed a much more restrictive posture. Many of the ‘representatives’ of UNITA were put on the list of targeted individuals for both travel and financial sanctions. This has resulted in the seizure of a number of assets and attempts, for example, at expulsion of the UNITA ‘representative’ Isaias Samakuva in France who was able to stay temporarily because he applied for asylum. In addition, communication was restricted as UNITA business was usually handled in person which became difficult as travelling was made harder. Furthermore, the sophisticated communications network UNITA used over the internet was completely shut down thanks to the information governments received through the panel of experts and the monitoring mechanism.

Strict enforcement of the smart sanctions regime inside the European Union was extremely difficult, however, because of the Schengen Agreement. It is easy to hide inside the EU. It is nevertheless obvious that the room for manoeuvre for UNITA officials had substantially decreased and that political lobbying had become all but impossible. The UNITA cause had grown completely illegitimate through the public exposure the reports created. In addition, ridiculed as incompetent administrations, the governments of Bulgaria, Slovakia, Ukraine and Rumania stepped up their efforts to regulate and oversee their arms market. From 2000 on, UNITA had to content itself with the weapons it had. Re-supply had become extremely difficult as governments were sensitized and every six months many of the loopholes were mercilessly exposed in the UN reports.

193 S/2001/966 Para 46 - 63
194 The case has been recently dropped for lapse of time.
195 S/2001/966, Para 56
196 “In its reports, the Mechanism unveiled [these] activities with full details, exposing their nature, the places where the web sites were operated and the individuals behind the operations. It took both time and sustained effort to convince the Governments of the countries concerned to act on this situation, which was in clear violation of the sanctions imposed by the Security Council. Thanks to their actions, the intensive use of the Internet by UNITA began to decline, until it virtually disappeared.” (S/2002/1119, Paras 54-55)
But not only the institutional arrangements UNITA profited from were under intense pressure. The diamond business itself, the key source of income for UNITA, underwent important shifts to the detriment of UNITA. Fearing a disastrous NGO and media campaign against “blood diamonds” several steps were made which decreased UNITA’s possibilities to generate income by selling diamonds. As the diamond sanctions of 1998 forbade all diamond export from Angola that was not certified by the Angolan government, the MPLA designed an increasingly sophisticated certification scheme which was able to partly restrict the mixing of legal with “illegal” diamonds originating from UNITA-held areas. It has been noted before that large parts of UNITA diamonds were smuggled to Zambia, DRC, Rwanda and South Africa anyway but the internal trade route was from now on heavily limited.\footnote{Even though it was difficult to prevent that, on the local level, officers and traders turned a blind eye on diamonds form UNITA territory if they wanted to make money.} In addition, De Beers, the company with a market share of roughly 80 percent in the diamond sector decided not to accept diamonds from UNITA-held areas any more. Furthermore, the Diamond High Council (the representative body for many of the diamond traders in Antwerp), already pressured by Fowler and now fearing the decline of Antwerp as the diamond capital of the world, promised to exert more active oversight over the diamond trade taking place under its auspices.\footnote{Today, Antwerp is challenged by Dubai as the world’s most important diamond centre as the Belgian authorities have started to regularize the market triggered by the Angola and Sierra Leone “blood diamond” episodes.} Given this context of increasingly difficult business, exacerbated by the naming and shaming approach enshrined in the smart sanctions regime, the massive attacks of the Angolan government on UNITA strongholds came at the worst moment.

### 5.3.2.3 Military Balance

The shifting military balance between the MPLA government and the sanctioned UNITA rebels is to a large degree a result of the withering political support and supply structures illustrated above. This last section on sanctions impact now serves to illustrate the military consequences that UNITA’s weakened position had. This means, it deals with sanctions impact only indirectly by showing to what extent decreased support and supply contributed to defeat.

As stated above, UNITA had mustered a formidable conventional warfare capacity during the time of relative calm from 1994 to 1998. This became “evident in December 1998 when conventional war started after a failed Government attempt to take UNITA strongholds of Andulo and Bailundo [situated in the central Highlands, KK]. The situation changed dramatically in September 1999 following the start of a major government offensive in the central Highlands, which led, inter alia, to the capture of
the crucial UNITA strongholds of Andulo and Bailundo and forced Jonas Savimbi to flee."^{199}

This major setback resulted from two main factors. First, Government revenue had consistently been up to ten times higher than UNITA revenue because the oil price kept rising and production had increased almost six fold since 1983.\textsuperscript{200} UNITA, however had generated about 700 Mio US$ a year but started to have difficulties in 1998 with a decline of revenue to 200 Mio $US\textsuperscript{201} due to losses of territory, sanctions, better controls and a lower market price. This meant UNITA had less cash to service its weaponry. Second, the petroleum embargo in place since 1993 made itself felt in 1998 because of the loss of rear bases and supply routes. According to General Bandua, a high ranking UNITA defector interviewed by the Fowler panellists,

"By January 1999 UNITA had less than 100,000 litres of fuel on hand, and the acquisition of additional supplies became UNITA's top strategic procurement priority. Fuel was considered so vital a commodity, that all withdrawals from stockpiles had personally to be authorized by Savimbi."\textsuperscript{202}

This shortage led to frantic attempts to secure fuel supplies to be able to sustain conventional warfare. But apparently only president Compaoré of Burkina Faso was still willing to provide UNITA with fuel (this was before the publication of the Fowler report). So he sent three airplanes to UNITA territory carrying each about 20,000 litres, about as much as one fuel truck is able to carry. It is thus no surprise that Savimbi lost his conventional warfare capacities in September 1999. Probably tanks and armed vehicles were just not moving anymore. Paradoxically, this came as a relief to Savimbi, as he was not dependent on large quantities of fuel any longer and could revert to the tactics he knew best: guerrilla. Le Billon remarks poignantly in this regard: "Ironically, UNITA’s diamond wealth may have encouraged it to pursue a bold but ultimately self-defeating strategy of conventional warfare."\textsuperscript{203}

However, even a guerrilla war had become hard to sustain. Through the loss of the permanent bases of Andulo and Bailundo UNITA had to be constantly on the move and ultimately hid in Moxico, a region not rich in diamonds at all (see Illustration 2 above).

---

199 S/2000/1225 Paras 9-10
201 Global Witness 1998: 7
202 S/2000/203, Para 64
All operations grew much more complicated.\textsuperscript{204} Trading had become more difficult and supplies were only obtainable by foot or by infrequent airdrops from business partners like Victor Bout.\textsuperscript{205} The fact that “UNITA seem[ed] to encourage barter for medicine, clothes, electrical equipment and other supplies,”\textsuperscript{206} indicates to what extent basic supplies started to lack. In 2002, UNITA soldiers concentrated on stealing food and attacking civilians while avoiding clashes with government forces.\textsuperscript{207} Defections increased because of harsh living conditions “in the sparsely populated parts of eastern Angola, where the leadership had taken refuge and was constantly on the run.”\textsuperscript{208} Only in this context of obvious dominance, MPLA forces could reach Savimbi and his entourage on 22 February 2002. Savimbi was “killed in battle.”\textsuperscript{209} UNITA had grown weak. Its soldiers were no longer able to repel a personal attack on its leader.

### 5.4 Summary

For five years, Angola has been recovering from the havoc the MPLA-UNITA war created. It is always easier to assign specific outcomes to specific factors in retrospect. Although the tendency of some sanctions scholars and practitioners to overestimate the impact of one of their preferred instruments in the field of conflict resolution cannot be denied, it has been shown that smart sanctions in Angola indeed had a decisive impact. They came at the right time and contributed crucially to weakening UNITA. Without these sanctions Angola might not be recovering yet.

While the stand-alone arms and petroleum embargos were useless, the smart sanctions regime since 1997 significantly contributed to isolating UNITA, depriving it of support, raising transactions costs and real costs of supplies. In turn, it enabled the MPLA to pursue a deadly and vigorous military campaign that had been prevented by the UN’s approach to peace processes and conflict resolution before 1997. This was the best Angola could realistically get.

Synthesising the mechanisms on natural resource abundance and conflict duration and our three parameters used to analyse sanctions impact to check the hypotheses developed in Chapter 2.2.3 we can observe several effects. Among the motivation-based mechanisms smart sanctions against UNITA clearly discouraged international support. This means smart sanctions made the International Conflict Premium Mechanism less relevant.

\begin{itemize}
  \item \textsuperscript{204} Cf. S/2001/966, Para 20
  \item \textsuperscript{205} S/2000/1225, Para 19
  \item \textsuperscript{206} Global Witness 1998: 11
  \item \textsuperscript{207} S/2002/486, Para 6
  \item \textsuperscript{208} S/2002/486, Para 6
  \item \textsuperscript{209} Cauvin, Henri / Swarns, Rachel (2002), Angola Says Soldiers Have Killed Savimbi, Longtime Rebel Leader, New York Times, 23 February 2002
\end{itemize}
Particularly the feasibility-based mechanisms can be linked to smart sanctions impact. Conflict became clearly less feasible for UNITA (Feasibility Mechanism), life for UNITA members was made harder so defections increased in number and the organization became slightly less cohesive (Fragmented Organizational Structures Mechanism). However, as shown above, the hierarchy among UNITA remained rigid and Savimbi’s will to sustain his campaign only ended with his death. As clearly illustrated, the military balance had shifted in favour of the Angolan government since 1998. In case the government had preferred the military stalemate to keep plundering the state’s accounts this ceased to be an option. The Military Balance Mechanism lost its explanatory power for conflict duration in Angola thanks to UNITA’s defeat supported by strategic smart sanctions use.
6 Sanctions in the Democratic Republic of the Congo

"At independence from Belgium in 1960, the country was viewed as the world’s first ‘failed state’. Yet by the mid-1960s and into the 1970s the country was being held up as an example of rapid modernisation. By the 1980s President Mobutu Sésé Sékó, became a paradigm of personal corruption and state decline. In the 1990s, Congo had become synonymous with state collapse. "

William Reno

In contrast to Angola, UN smart sanctions against the DRC were not imposed in a situation of a clear-cut civil war between two equally (in)competent political and military actors. They were imposed in a situation of completely intractable ethnic, economic and political chaos that developed after the longstanding dictator Mobutu Sésé Sékó was toppled in 1997 after thirty-two years of rule. The difficulty of the central government to exert its monopoly on violence became virulent after the departure of Mobutu as he had managed to conceal the fragile nature of his reign by skilfully using patronage and divide-and-rule tactics. In Angola, it was only in 2002 that the MPLA consolidated its power. The government was almost constantly on alert. This means, in the DRC case we rather deal with a situation of a newly failed state oscillating between state consolidation and re-failing whereas in Angola we have followed a process of slow but ultimately successful state consolidation. Whether the sanctions regime in the DRC contributes to a strengthened monopoly on violence remains to be seen.

What Angola and the DRC share, however, is the territorial component of the conflict. Both governments firmly control the capital but have difficulties to politically penetrate the hinterland and exert a monopoly on violence over the entire territory. But while UNITA at times controlled a majority of the Angolan territory, Congolese rebel groups today are only active at the eastern periphery of the territory bordering Rwanda, Burundi and Uganda. The regions of the Kivus and Ituri, a district of Province Orientale north of North Kivu, where most of the trouble takes place and where sanctions have been imposed are so far from the capital that some observers might be ready to propose their secession to solve the problem. These regions, however, are among the most densely populated in the DRC and have historically and economically always played an important role. They are part of Congolese national pride. Their secession would violate the national identity even of the Kinois, the inhabitants of the far away capital Kinshasa.

211 Cf. the opening Reno quote
The analysis of the historical background of the conflicts serves to illustrate the political in them. As shown in Chapter 2.2., mainstream conflict theory tends to overestimate the economic reasons of conflict. In describing the history, genuine political questions of legitimacy, security, representation and welfare or rather the lack thereof come to the fore. In a situation like the one in the Congo only by tackling these alongside the economic aspects, any attempts at conflict resolution can succeed. To make the current conflict understandable we will look in some detail at Mobutu’s rule from 1965 to 1997 in particular concerning its eastern Congo policy. We will then proceed to the short interlude of Laurent Désiré Kabila’s reign from 1997 to 2001 which was followed by the “First African World War”, as some observers put it, to arrive at the current conflict configuration under Joseph Kabila, Laurent Désiré’s son, who has been in power since 2001.

As in the Angola case-study we will then analyse the role of natural resources in the conflict, the sanctions regime and its impact on the consolidation of a monopoly on violence in the Democratic Republic of Congo.

### 6.1 Historical Background

#### 6.1.1 Mobutu Sésé Séko’s Reign – Long but Fragile

Having participated in the assassination of President Lumumba in 1961, Mobutu seized power in 1965 and stayed president for thirty-two years. The international community at the time and the United States and Belgium in particular regarded him as a reliable and cooperating force of stability in the region and thus supported him actively. Initially, Zaire, as he renamed the DRC in 1971, “was being held up as an example of rapid modernisation” fuelled by state-led development plans as “economic reforms in 1967 and fiscal austerity convinced foreign investors that Mobutu was serious about promoting economic growth.”

Profiting from a wide network of influential political and business figures from the colonial times, he smoothly built a patronage network he used to consolidate his power position. This “patronage-based politics was seen as compatible with economic growth, rather than the cause of economic failure, as scholars would later conclude. It was an adequate strategy for pacifying demanding interest groups and co-ordinating diverse and often antagonistic power brokers.”

The rich copper province Katanga, however, wanted secession already in 1960 when they declared independence from independent Congo. Only with

---

212 Cf. Raeymaekers 2007: 94
213 Reno 2006: 43
214 Reno 2006: 47
215 Reno 2006: 47
the help of the UN in the 1960s and of American, Belgian and French support in the 1970s Mobutu was able to suppress the secession attempts in Katanga.

Unfortunately, Mobutu’s patronage system was not blessed with longevity. When Zaire was confronted with reduced economic growth and even economic decline due to the fall in international copper prices since 1975\textsuperscript{216} the limits of patronage surfaced. Although he stayed in power for more than three decades, Reno argues convincingly against Chabal and Daloz who assert that Mobutu’s divide-and-rule strategies grow out of African patrimonial culture\textsuperscript{217} that, by contrast, Mobutu’s loss of power and the Zairian decent into civil war was influenced by his increasing “lack of central control over sprawling local networks of new cadres and administrators [which] led him to use destabilising indirect methods to weaken their power.”\textsuperscript{218} Increasingly investing the few state revenues into presidential largesse and trips to the Cote d’Azur, his ability to accommodate interest groups and antagonistic power brokers decreased. Given the vast territory of the country, the lack of infrastructure and the wide economic opportunities for local businessmen and administrators to profit from trade, taxation or natural resource extraction, it came as no surprise that by the early 1990s they had started to build their own local or regional power bases. Mobutu slowly lost his monopoly on violence and Zaire came to be identified as a failed state.\textsuperscript{219} He was left with only one option to stay in power: Destabilize opponents that might threaten his rule and give allied strongmen that were still part of his weakened patronage network “a free economic rein on the condition that they did not cross the threshold of outright political opposition to his rule.”\textsuperscript{220}

The oscillation between patronage politics and divide-and-rule strategies becomes evident when analysing the way Mobutu dealt with the eastern provinces of North Kivu, South Kivu and Ituri. These are still witnessing low intensity conflict, “violent peace”\textsuperscript{221} and mass displacement of its populations today. This is why the sanctions regime is focussed on this part of the country. Political struggle in the Kivus has always been about citizenship, access to land and economic opportunities in general.\textsuperscript{222} We have to take a closer look at these issues as they still constitute the main challenges to stability and a strengthened monopoly on violence today.

\textsuperscript{216} Nest, Michael 2006, The Democratic Republic of Congo: Economic Dimensions of War and Peace, Boulder, 18; At the time Gécamines the statal mining company, generated 50-80 per cent of state revenue.
\textsuperscript{217} Cf: Reno 2006: 51
\textsuperscript{218} Reno 2006: 53
\textsuperscript{219} Cf. Nest 2006: 19
\textsuperscript{220} Nest 2006: 20
\textsuperscript{221} Vlassenroot, Koen / Raeymaekers, Timothy (2005), The Formation of Centres of Power, Profit and Protection – Conflict and Social Transformation in Eastern DR Congo, Occasional Paper, University of Copenhagen 15
Before colonialism, the regions around Lake Kivu and Lake Edward were already closely interconnected culturally, economically and politically although being parts of three different colonial entities. After independence, the area belonged to four different sovereign states: DRC, Uganda, Burundi and Rwanda. Over time, nevertheless, influenced by the cognitive and political impact of national boundaries competition and outright antagonism between the different ethnic and national groups grew. Migratory flows in this closely connected area from then until now have been triggered either by land shortages or conflicts. Following the departure of the Belgians from Rwanda and Burundi, the Tutsi and Hutu divide became increasingly important and deadly in the region.

Historically, Banyarwanda, has been the umbrella term for Hutu and Tutsi immigrants into the DRC. Following the colonial administrative separation of autochthones and allochthones undertaken after the Berlin Conference of 1885, people present on Congolese soil that had not recently immigrated could regard themselves as autochthone (indigenous) whereas an immigrant was allochthone (foreign). Looking back at the entire recent history of insider-outsider conceptions in the Kivus, Mahmood Mamdani states that from the perspective of the Congolese state

“The Banyarwanda in the Congo comprised three distinct groups: nationals, migrants and refugees. The nationals could claim the greatest historical depth: they were already resident in the territory that the Belgian colonialism demarcated as Congo in the late nineteenth century. Migrants crossed the border at different times during the colonial era, either voluntarily in search of a livelihood or under compulsion. Refugees, in contrast, were wholly a postindependence phenomenon. They testified to the mercurial instability of post-colonial politics in the region.”

“In 1993 the Banyarwanda were said to represent approximately half of the total population of 3.5 million in North Kivu [next to Hunde, Nande, Banyanga etc., KK]. Of these, approximately 80 percent were Hutu and 20 percent Tutsi. The majority of them were Hutu because the Belgian colonial administration had hired them to work on

222 Although only provinces of the DRC, North and South Kivu are bigger than neighbouring Rwanda and Burundi combined and only little smaller than Uganda.
223 The Belgian Congo had turned into the independent Democratic Republic of Congo in June 1960. The British colony Uganda became independent in 1962. The Belgian colony Rwanda-Urundi was split into two separate sovereign states - Rwanda and Burundi - when they reached independence in 1962.
224 Mamdani, Mahmood 2001, When Victims become Killers: Colonialism, Nativism and the Genocide in Rwanda, Princeton, 236f
tea and coffee plantations. According to Mamdani, these should be categorized as *migrants*. There were both Hutu and Tutsi, however, who had migrated to North Kivu long before the beginning of Belgian colonialism after the Berlin Conference in 1885. These would have to be regarded as *nationals*.

In South Kivu the majority of immigrants were Tutsi. Trying to assert a sense of belonging to the Congolese nation a Banyarwanda sub-group that is crucial for our following analysis of sanctions and the conflict called itself ‘Banyamulenge’ which literally means ‘the people of Mulenge’. They sought to replace an ethnic by a territorial concept of citizenship. The Banyamulenge migrated to the South Kivutian town of Mulenge (which the first among them had founded) coming from what is now Burundi and Rwanda in the nineteenth century. This means before and during colonial times - thus, *nationals* and *migrants*. This group is said to have consisted of both Hutu and Tutsi or of Tutsi only. At any rate, intermarriage between Hutu and Tutsi was and is a regular phenomenon. It thus seems logical that families migrating to the Mulenge region were not only Tutsis. In 1959/1960, however, a large number of Tutsis fled from Rwanda to the Kivus because of the ‘Social Revolution’ which with Belgian help installed Hutu dominance and ultimately brought President Kayibanda to power at independence in 1962. In turn, the 1972 massacres of Tutsi against Hutu in Burundi led to a sizeable influx of Hutu into South Kivu. As a result of this, the local population started to see itself as an imperilled indigenous majority. This is when Banyamulenge and Banyarwanda tried “to seek citizenship in an attempt to get this [indigenous] majority to distinguish between Kinyarwanda speakers and the newcomers.” This was a conscious attempt at distancing themselves from the turmoil in their countries of origin to underline their eagerness to be regarded as Congolese.

For all the differences in origin and time of arrival shown above, “the Banyarwanda never ceased to be seen by the soi-disant Zairois otherwise than as foreigners, and therefore disqualified to claim citizenship rights.” Comparable to other instances of ethnic rivalry or antagonism, the defensive attitude of the autochthones stemmed from perceptions of inequality and envy. As we know, skilful exploitation of these perceptions can have devastating consequences.

---

226 Nest 2006: 21
227 Nest 2006: 21
228 Cf. Romkema, Hans 2007, Opportunities and Constraints for the Disarmament & Repatriation of Foreign Armed Groups in the Democratic Republic of Congo: The cases of the FDLR, FNL and ADF/NALU, Consultant’s report to the Multi-Country Demobilization and Reintegration Program (MDPR), 37
229 Nest 2006: 21
230 The language of the Rwandese
231 Nest 2006: 21
232 Lemarchand 1997: 7
With the liberal citizenship law of 1972, Mobutu granted citizenship to all refugee Banyarwanda that had arrived in the Congo until 1962 and thus met their demands to distinguish them from the newly arriving refugees from Burundi. In 1981, however, he revoked this law, a revocation that was confirmed in 1991 during the Conférence Nationale Souveraine (CNS). The fragility of the Banyarwanda's situation in the DRC remained.

Citizenship was so important because only citizens were allowed to buy state land, use it for cattle ranching or other profitable businesses. So when Banyarwanda became citizens in 1972, the wealthy among them purchased large swathes of land which obviously displeased the ‘indigenous’. From a strategic point of view Mobutu tried to lure the Banyarwanda into his system of “state-based patronage, in which closeness to the political centre became the prime condition for the accumulation of economic wealth.”

This is where the essential role of land rights for the conflict in the Kivus comes into play. Since 1966, there were two ways of acquiring land: One was through a market transaction with the state, only available to the well-off, the other by asserting one’s customary right as member of a Native Authority. The first option became available to the Banyarwanda in 1972. The second has until today been blocked for them. It speaks of the weak nature of the then Zairian state that it was not able to impose a non-paradoxical land rights and citizenship system. Customary right to communal land which tenants could use by paying tribute to the local chief was only available to ethnic communities belonging to that Native Authority. As stated above, Banyarwanda had always been considered foreigners by the local population and had thus no access to this land. The concept of ‘civic citizenship’ imposed by the central state in Kinshasa stayed a parallel concept unable to replace the local ‘ethnic citizenship’.

Comparable to other minorities across the globe, Banyarwanda thus had to find ways to circumvent obstacles posed by their immediate living environment. This led to a large number of careers in trading and increasingly in the state and security apparatus as the state offered them opportunities, another pillar of the patronage system. Under certain circumstances, people deprived of simple jobs tend to end up in the state, business or academic elite. When the 1972 citizenship law was passed, Mobutu’s then chief of staff Bisengimana was said to be a Banyarwanda refugee himself. Conspiracy theories developed. Fearing Banyarwanda dominance local ethnicities in both North and South forcefully opposed this law.

---

233 Raymaekers 2007: 97
234 When Mobutu nationalized and seized the land left by Belgian colonialists in the 'Bajika Law'. He even seized customary land but was not able to impose this part of the law, an early sign of the independent political power the local polity possessed.
235 Mamdani 2001: 252
It is not clear why Mobutu changed sides between 1972 and 1981 but he must have felt that he needed Banyarwanda support less than before. The democratisation process that Mobutu was forced to promise in 1990 led to the reaffirmation of the citizenship law of 1982. Although forming important minorities in both Kivus and in large parts residing on Congolese soil for more than a hundred years, they were thrown back to non-indigenous status. *Ius sanguini* had prevailed over *Ius soli*.

The lack of predictability and the seemingly random changes of position point at Mobutu’s patronage system as being rather malfunctioning. He often had to succumb to local pressure and was unable to push central state measures through if they contradicted local preferences. Reno might be right that “Mobutu was not authoritarian enough, though not for want of trying.”

As Aloys Tegera from the Kivutian Pole Insitute puts it: “Il était perché comme sur un arbre rongé par les termites et qu'un coup de vent venu de l'Est suffisait à lui seul pour le faire crouler.”

Although observers simply qualified Zaire as a US (and French) client state because Mobutu’s authority seemed to be fatally tied to external support it is obvious that his swift fall orchestrated from the Kivus in 1997 also depended to a large degree on his lack of internal support. His failed management of the land and citizenship rights in the Kivus had from the beginning been unable to create a social structure that would cope with the regional chaos that started in the 1990s, led to the genocide in Burundi in 1993, in Rwanda in 1994 and to the two Congo wars from 1996 to 1998 and from 1998 to 2003. Even as we speak, hundreds of thousands are displaced and countless people die every day in the Kivu.

The democratisation process since the 1990s impacted on the provinces in different ways. “In the region of Kivu it tended to crystallize two related trends, one in the “indigenous” majority and one in the Kinyarwanda-speaking minority. It accelerated the majority tendency to differentiate Tutsi from Hutu and lump together all Tutsi, regardless of the depth of their presence on Congolese soil, into one group.”

Differences between nationals, migrants and refugees were already academic but by now had lost all meaning for the ‘real Congolese’. The prospect of elections made political entrepreneurs (often coinciding with economical entrepreneurs) exploit the most mobilizing cleavages present in Kivutian society: Ethnicity and citizenship. Combined with “the constant political manipulation of the citizenship issue by the Mobutu administration during the “democratisation period [this] ultimately resulted in

236 Reno 2006: 49
237 “He was sitting on a tree eaten away by termites and a single wind gust coming from the east was enough to make him fall” (Translation into English, KK), Tegera, Aloys (2007), RD Congo: Liens de Facade et Lieux de Fract ures, in: Regards Croisés 18, Pole Institute, Goma, 8
238 Mamdani 2001: 246
violence becoming the only option to claim political rights\textsuperscript{239} for those who thought to lose out in this process.\textsuperscript{240}

The genocide in Rwanda and its consequences for the region were to multiply the already existing tensions. When the mostly Tutsi Rwandan Patriotic Front (RPF) took power in Kigali after about 800,000 Tutsis had been murdered in summer 1994, roughly 1,000,000 Hutu fled across the border to Kivu, among them a large number of ex-\textit{Forces Armées Rwandaises} (FAR) soldiers and members of the \textit{Interahamwe} youth militia who had committed the genocide. As a result, the Tutsi part of the Banyarwanda minority felt even more threatened than before and urgently had to find ways to guarantee their security. Protected by refugee agencies and continuously supplied with weapons by France\textsuperscript{241} the \textit{génocidaires} continued their campaign against Tutsis on Congolese soil. In response the Banyarwanda from both North and South Kivu increasingly looked to the new Rwandan government for protection,\textsuperscript{242} as Mobutu had chosen to side with the Hutu this time.

It is hotly debated whether the ensuing incursion of Ugandan and Rwandan government troops into the Kivu in 1996 was planned and orchestrated or an honest reaction to the threat that especially Rwanda faced through the ex-FAR and \textit{Interahamwe} in the refugee camps\textsuperscript{243} in the Kivus. Both countries had a shared interest in the removal of Mobutu from power: Rwanda because he was harbouring the Hutu \textit{génocidaires} and Uganda because he allowed the \textit{Lord Resistance Army} (LRA) to operate from Congolese territory against Uganda. Joined by numerous Banyarwanda and Banyamulenge but also other communities as their victory appeared imminent, the \textit{Rwandan Patriotic Army} (RPA)\textsuperscript{244} and the \textit{Uganda People’s Defence Force} (UDPF) organized a coalition under the old Katangan rebel leader Laurent Désiré Kabila to topple Mobutu. They chose the name \textit{Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre} (AFDL) and used Kabila to disguise the predominantly foreign character of the rebellion and to give the movement Congolese credibility. After

\begin{footnotesize}
\textsuperscript{239} Raeymaekers 2007: 96
\textsuperscript{240} “L’\’équation simpliste Tutsi = Rwandais = occupant étranger sera une constante dans le débat politique au Kivu” [The simplistic equation Tutsi = Rwandan = foreign occupier would become a constant of public debate in Kivu ; Translation into English : KK]Tegera 2007 : 9
\textsuperscript{241} Mamdani 2001: 254; Romkema 2007: 41. The role of France in the Rwandan genocide has been documented by numerous reports, e.g. http://www.hrw.org/reports/1995/Rwanda1.htm, [30/11/2007]. This has, nevertheless, not created much of a stir. See http://survie-france.org/ for more.
\textsuperscript{242} Nevertheless, there were Banyamulenge communities who opposed these steps, as they did not want to be perceived as Rwandans. They wanted to be Congolese. See Vlassenroot 2003 for a detailed analysis of different Banyamulenge agendas.
\textsuperscript{243} See Lemarchand 1997 as a proponent of the opinion that Rwanda wanted to occupy eastern DRC. See Nest 2006 for the opposing opinion.
\textsuperscript{244} The former rebel RPF was renamed RPA when the RPF became ruling party
\end{footnotesize}
an eight month campaign they reached Kinshasa. Mobutu had fled shortly before the rebel’s arrival.

This easy victory was financed by selling “booty futures”\textsuperscript{245}, concession promises to foreign companies for natural resources the AFDL not technically owned yet. The ease with which these business deals were struck can only be explained by the porosity of Mobutu’s rule in the 1990s. Not only had the wealthy business people (“Les grosses légumes” as the Congolese call them\textsuperscript{246}) in the Kivus left his patronage network but they had installed themselves as leaders of an informal and illicit resource economy which was to play an important role in the continuation of Kivu’s troubles. Their jumping on the bandwagon of the AFDL rebellion showed that now “ethnicity provided a sensible means to take direct control over commercial opportunities associated with their old positions in Mobutu’s patronage network.”\textsuperscript{247} People who wanted to keep making money exploiting the ethnic divisions to strengthen their positions and get rid of competitors.

\textbf{6.1.2 Laurent Kabila’s Reign – Short and Fragile}

Laurent Kabila did not establish a more consolidated monopoly on violence than Mobutu. Brought to power by massive support by Rwanda and Uganda, the ‘foreigners’ of Kivu and quite a few opportunistic ‘indigenous’ businesspeople, he would only stay in power and alive for another four years. His coalition would prove too heterogeneous to sustain.

Two steps the new President took in 1997 led to the second Congo war, a large-scale war witnessing more regional armies involved than any previous war on the African continent. Being perceived as a Rwandan puppet would be the last thing to gain support among the Kinois in Kinshasa and the ‘indigenous’ Kivutians. So, once in power, Laurent Kabila quickly sought to distance himself from his foreign backers. This step obviously displeased them. The second step would be equally fatal. Trying to install a new patronage network and strengthening state control by handing out profitable concessions to his business partners and allies\textsuperscript{248} naturally infuriated the now sidelined mobutist elites and local strongmen in the Kivus who had grown accustomed to striking their deals unimpeded by state authority. In addition to these steps, his AFDL coalition was ridden with internal divisions: “Non-Tutsi Congolese resented the prominence of Banyamulenge, Banyarwanda and Rwandan advisers […]”. These divisions had both

\textsuperscript{245} See Chapter 2.2  
\textsuperscript{246} Reno 2006: 51  
\textsuperscript{247} Reno 2006: 51  
\textsuperscript{248} For example, Kabila granted a diamond monopoly to the Israeli company IDI Diamonds (Braeckman, Colette (2003), Les Nouveaux Prédateurs – Politique des Puissances en Afrique Centrale, Paris, 112). A monopoly has the disadvantage of pleasing one and displeasing a lot of others.
nationalistic and ethnicist elements.” So when Kabila ordered the Rwandan and Ugandan troops to leave the country in July 1998 and refused to cooperate with them in the disarmament of the Interahamwe and ex-FAR troops roaming the Kivus, Banyarwanda and Banyamulenge knew that they could not count on Laurent Kabila any longer to improve their political and economic situation. On the 2nd of August, 1998, one month later, Banyamulenge and Banyarwanda commanders of the Armée Nationale Congolaise in Goma (capital of North Kivu) and Bukavu (capital of South Kivu) renounced their allegiance to the government and in concert with Rwanda founded the Rassemblement Congolais pour la Démocratie (RCD) to replace Kabila’s government. A few days later, they used a cargo plane to fly to the Kitona military base near Kinshasa in order to launch their attack on Laurent Kabila’s government.

Another rebel group, the Mouvement pour la Libération du Congo (MLC), was founded around the same time and started to advance on Kinshasa from Equateur Province in the north. This movement was headed by Jean-Pierre Bemba, a wealthy businessman who had been part of the mobutist elite. Supported by a multitude of other wealthy entrepreneurs unhappy with Laurent Kabila’s ‘non-inclusive’ economic policy, Bemba’s objectives were clearly economic. The grievance component that was a part of the newly founded RCD played no role in the MLC.

After a fact-finding mission of the South African Development Community (SADC) in Mid-August, the Zimbabwean Defence Forces (ZDF) and Angolan government troops entered the conflict to support Kabila, as he seemed to fall. For a short period of time even troops from Namibia, Eritrea, Chad and Sudan joined ranks with the Congolese, Zimbabwean and Angolan armies. In addition to these governments, some Hutu militias from Burundi that were primarily fighting the Tutsi-dominated Burundian army supported Kabila. On the local Congolese level, in the Kivus and Ituri, Mai-Mai militias which usually pursued local ethnic communities’ interests for example against Banyarwanda and Banyamulenge groups joined the fight for Kabila by attacking RCD and MLC forces. As the conflict reached a military stalemate in 2000, ex-FAR and Interahamwe founded the Forces de Libération du Rwanda (FDLR) in North Kivu and entered the conflict on Kabila’s side. Laurent Kabila had switched side.

249 Nest 2006: 24
251 As shown in the Angola case-study, the MPLA government was eager to get rid of Mobutu who was supporting UNITA. During the second war, Angola had strategic interests against Rwanda as they coalesced with UNITA. Cf. Nest 2006: 39
completely. He was now kept alive by all those groups fighting against the Rwandan and Ugandan governments, the governments which had brought him to power in 1997.

Illustration 3: Natural Resource Geography of the DRC

Since mid-1999 substantial military advances had stopped and the war reached a military stalemate. The DRC was split into three. The government roughly controlled the west and centre, the MLC the north and the RCD the east (See Illustration 3 above). Behind the frontlines terrible massacres took place especially in the Kivus and Ituri. Local groups settled old scores. The militarization of politics in eastern Congo continued and exacerbated deadly dynamics. Kabila armed his Mai-Mai and FDLR allies, Rwanda and Uganda the RCD, MLC and Banyamulenge and Banyarwanda groups. The local antagonisms originating in the 1960s had reached their climax. At the same time, Rwanda and Uganda started to disagree on who should lead the RCD which led to its split into the RCD-Goma in North Kivu, supported by Rwanda, and the RCD-Mouvement de Libération (RCD-ML), supported by Uganda in Province Equatorial and Ituri253. Given the fluidity of Congolese politics and the speed of possible changes and reversals, the political landscape had become entirely uncontrollable.

253 They would split into even more factions later
In Ituri a structurally comparable conflict claimed a large number of lives. “More than six armed groups fought intermittently, leaving more than 50,000 people dead and another 400,000 displaced.”254 Hema and Lendu militias were competing over land and had taken up arms to drive out the other.255 The main Hema militia, the *Union of Congolese Patriots (UPC)* was headed by Thomas Lubanga who is now the first person tried at the International Criminal Court (ICC).256 His Lendu opponents had formed the *Front des Nationalistes Intégrationnistes (FNI)* under the leadership of Peter Karim, a former general of the UPDF.257

To further complicate the picture, there was also an unarmed non-violent opposition led by two parties from pre-Mobutu times: The *Union pour la Démocratie et le Progrès Social (UDPS)* and the *Partie Lumumbiste (PALU)*. These had constantly opposed Mobutu and been part of the first transitional government in the early 1990s. As Laurent Kabila did not include either Etienne Tshisekedi (UDPS) or Antoine Gizenga (PALU) in his government, they contributed to the chaos by staging massive demonstrations in Kinshasa against his rule.

In January 2001, Laurent Kabila was killed by one of his personal guards. It is unclear who masterminded this plot. He had not managed to consolidate his power base.

### 6.1.3 Joseph Kabila’s Reign – Business as Usual

Joseph Kabila’s accession to power was surprisingly quick and uncontested.258 Very little is known about how he managed to take over the presidency from his father in a situation of civil war without any particular eruption of violence or at least the slightest attempt by the RCD or MLC to take advantage of the situation. It seems that every party involved was content with the situation and the resources it controlled – a mutually beneficial military stalemate. Although a transitional government was set up in 2003 which officially ended the second Congo War, smart sanctions were imposed beginning

---


255 “Hema clan members, particularly members of the sub-clan Gegere, have justified the purchase of arms and the training of their own militia by the need to defend themselves against their traditional enemies, the Lendu. It is true that a long-festering dispute over land has resulted in discord between the two groups. Recently, however, the traditional enmity over land and the ongoing feud between the two groups is used as a rationale by the Hema, and especially by the extremist sub-clan Gegere, for importing arms and training their own militia with the ultimate unspoken objective of consolidating their economic strength in the region.” (S/2002/1146, Para 119)

256 The case against Lubanga at the ICC will begin at the 31 March 2008; see International Criminal Court website http://www.icc-cpi.int for more

257 Bunia, the district capital of Ituri, was the epicentre of the French-led EU rapid reaction force that restored relative calm in 2004

258 He must have had powerful backers.
in summer 2003 and presidential and legislative elections were held in 2006, the conflict in eastern DRC has remained. Joseph Kabila and his party won the presidential and legislative elections, Jean Pierre Bemba came second in both, the UDPS boycotted the elections, PALU and Gizenga came third and the country was again divided into three, this time by elections. The west was won by Bemba because Kabila was initially seen as a foreign sponsored puppet and rumours had it that he has a Tutsi mother, by now the biggest enemies in popular Congolese discourse. Bemba is now in exile in Portugal but is willing to come back into the country, as he has been elected senator. The RCD clearly lost the election, which is part of the problem in the Kivu. Although Kabila largely won the Kivus, he is based in Kinshasa and the central state is, not surprisingly, struggling to establish a monopoly on violence spanning the whole territory including the east. In addition, he won most of his votes among the ‘indigenous’ and Hutu populations. Crucially, Tutsi constituencies did not support him.

The international community has increased its efforts in the DRC. The UN peacekeeping mission MONUC (Mission d’Observation des Nations Unies au Congo) was set up in 1999 starting with 500 military observers tasked to monitor the Lusaka ceasefire agreement officially ending the first Congo War. MONUC numbers roughly 17,000 troops today: 4000 of them are based in the Kivus. As in Angola, the international community has decided to place their bets on one of the conflicting parties – the government – and enable it to establish a firmer grip on power.

6.2 Natural Resources in the Congo wars

In the DRC, most mechanisms put forward by Humphreys (see Chapter 2.2) shed light on relevant aspects of the conflict. In this case, natural resources played a decisive role from the onset. This means both the mechanisms for conflict onset and for conflict duration are of analytical value here.

Starting with the military stalemate in mid-1999 the foreign armies, foreign sponsored rebels and locally active militias increasingly looked for natural resources extraction, taxation, extortion and looting as a way to finance their activities. Opportunities of revenue were ubiquitous. Taking all major resources in the DRC together one could gain from coffee, gold, coltan, timber, diamonds, copper, cobalt, and oil. In addition, engaging in or taxing trade was quite profitable as well as the depletion of tax-generated state funds. Given the multi-actor, multi-level character of the war

259 Negotiations with the Worldbank and the IMF resumed once he came to power and the US and the larger international community were overtly supporting him.

260 Cf. Turner 2007: 4


262 Cf. Nest 2006: 45
the situation was highly fluid. But to be able to bear the costs of warfare every party involved reverted to one natural resource business or another. The Military Balance Mechanism (see Chapter 2.2) is well suited to explain the situation at the national level. As RCD and MLC controlled east and north of the country they were able to develop more and more stable production and trade networks thanks to the relative calm the military stalemate offered. Parts of the revenues were used for the war and some disappeared in the pockets of their foreign backers Rwanda and Uganda. Members of the DRC government were busy handing out concessions in return for large down payments. They were equally involved in natural resource trade especially in Kabila’s home province Katanga thanks to their privileged access to international and regional market networks. Furthermore, the government raised the taxes on consumption goods and profited from foreign aid which resumed pouring in once Joseph Kabila came to power in 2001. This means, both major rebel groups and their foreign backers and the government had an incentive to preserve this military stalemate. This contributed to longer war duration. It seemed that Kabila could equally have opted for an end to the conflict as the DRC government (and he himself) could have profited more from international confidence and investment. Important members of the government, however, made a fortune with illicit trade and had thus to be kept in mind by reformers if the stability of the government was to be preserved. At the local level, Mai-Mai and FDLR also engaged in natural resource exploitation to finance their efforts and make money. It was simply the most readily available source of income.

At the onset, some Congolese businessmen were certainly motivated by greed (Greedy Rebels Mechanism) and joined different rebel groups and militias to sustain or strengthen the business networks they had already established bypassing the state during Mobutu’s times of faltering patronage. Besides, some wanted to regain the positions they held under Mobutu as they had been pushed out of business by Kabila’s allies. Over time, many of these businessmen may have realized that the insecurity and lack of control made possible by the conflict served them well. This greed might then have motivated them to prefer a perpetuation of the conflict (Domestic Conflict Premium Mechanism). Although some observers argue that both Rwanda and Uganda invaded the DRC for politically strategic reasons (which sidelines the Greedy Outsiders Mechanism for conflict onset), they surely came to enjoy the fortunes they made by exporting the resources extracted in the Kivus or in Ituri after smuggling them into their territories (International Conflict Premium Mechanism). The war led to a large-scale reconfiguration of economic life in the most affected areas such as the Kivus and Ituri. Subsistence farming had become impossible because of the constant need to move and relocate. For large parts of the populations working in the mining business had become the last economic lifeline. As a consequence, political grievances (as shown in Chapter 6.1.) were exacerbated by an even worsening economic situation. At the onset, the

263 See Chapter 6.3. for more
264 See Nest 2006: 38
militarization of the Kivus was due to political reasons. The antagonized groups of among others Babembe, Bafulero, Nande, Banyamulenge, Banyarwanda and Hutu refugees reverted to armed self-help to ensure security and protection (Grievance Mechanism). Some aspiring members of the business elite that had neither been part of Mobutu’s nor Laurent and Joseph Kabila’s patronage networks, then tried to improve their position by posing as protectors of these core communities which in turn supplied them with the resources used for business (link between greed and grievance). Moreover, the civil war was only feasible thanks to the possibility to sustain the military campaigns with natural resource trade. Laurent Kabila’s accession to power was facilitated by selling “booty futures” to foreign companies (Feasibility Mechanism). As amply shown above, the porous nature of Mobutu’s power and extremely weak state-society relations especially in eastern Congo, the Weak States Mechanism helps us understand why resource abundance contributed to conflict onset in the DRC although in a way different to Humphrey’s analysis. Mobutu did not have strong incentives to build a functioning administration and he did not consistently listen to the demands of the diverse eastern Congolese population. His fatal blow, however, rather originated in the “lootability” of the resources in this region which increased incentives for local elites to leave Mobutu’s patronage network. This means, not the abundance of natural resources led Mobutu’s state to fail and keeps it fragile today but the lack of capacity to control the rich east because of the nature of these resources.

The most useful mechanism in explaining why the Congo conflict still smoulders is, undoubtedly, the Fragmented Organizational Structures Mechanism. As we have seen in our analysis of the intractability and interconnectedness of ethnic and economic problems in the Kivus, changing and reversing alliances are commonplace. This renders it near impossible for the Congolese government, the international community or the involved regional actors to achieve a negotiated settlement that holds. Despite considerable UN presence, the official withdrawal of both Rwanda and Uganda and the expected pacifying effect of elections, North Kivu in particular is currently in flames. South Kivu and Ituri may be back on the agenda any time. Nobody is able to make credible commitments, as defections and the emergence of new strongmen claiming to protect the interests of one of the many ethnic communities in search of security can certainly be expected. Local elections are scheduled for 2008. As in 2006, the international community pours in hundreds of millions of dollars to support this process. If local elections lead to a situation which gives the strongmen enough power to abide by peaceful political means and ensures sufficient representation of Kivu’s ethnic diversity, they might indeed constitute a further step in DRC’s evolution towards strengthened statehood. Until now, however, the DRC has to be content with the elections it had so far, the MONUC presence and the sanctions regime as support. Thus, we will examine to what extent the smart sanctions regime installed unofficially in 2000

265 Le Billon 2001: 569
and officially in 2003 has already contributed to easing the conflict and establishing some degree of monopoly on violence of the Kabila government.

6.3 Smart Sanctions against eastern DRC

The wars in the DRC witnessed a much larger degree of (in)direct involvement of multinational companies than the war in Angola. There, the diamond trade at the time was virtually under the monopoly of De Beers which played a decisive role in keeping UNITA alive as well as, later, in depleting its funds. In DRC however, resources are so varied and plentiful that a wide array of companies tried to keep or gain their foothold in the area. Cooperating with rebel groups or government officials who controlled mining sites by force lowered transactions costs, as only they could, during the military stalemate, guarantee the steady flux of the precious minerals.266

Nevertheless, not only multinational companies were involved in the scramble for Congo’s resources but all local, national and regional players in the Congo conflict. As shown above, the country was divided into three since 2000 when the smart sanctions regime was installed. Just as in Angola, there were several monopolies on violence on Congolese soil. Denis Tull even called the RCD-ruled Congolese east a “fully fledged para-state.”267 Given our understanding of statehood (See Chapter 2.1), however, the absence of a true monopoly on violence over the formal entity of reference, the state in its internationally recognized borders, the Congo in the year 2000 is a textbook example of a failed state. It does not fulfil our minimum criterion of statehood. Furthermore, even the rebels’ monopoly on violence over the territory they occupied was questioned by constantly reascent and realigning local rebel militias, partly created as proxies by neighbouring countries, partly self-organized (see Illustration 4 in Chapter 6.3.2.1 as a striking visualisation of this).

Thus, the conflict constellation was neither clear-cut nor was there primarily one commodity such as diamonds which the rebels could tax and exploit. Quite the opposite: There were plenty of different sources of income plus continued foreign support. In

266 A striking example is First Quantum (Canada) which, according to one of the panel of experts reports, offered 100 Mio $ US in down payments to four individuals close to Joseph Kabila in order to secure the concession for the Kolwezi copper-coltan mines in Katanga (S/2002/1146, Para 33)

267 “In rebel-held Eastern Congo, a fully-fledged para-state has been established to the extent that the RCD insurgency has carved out a large chunk of Congo's national territory and has durably appropriated the state's means over coercion” (Tull, Denis (2005), The Reconfiguration of Political Order in Africa: A Case-Study of North Kivu (DR Congo), Hamburg, 292) The term para-state was coined by Trutz von Trotha (Trotha, Trutz von (2000), Die Zukunft liegt in Afrika. Vom Zerfall des Staates, von der Vorherrschaft der Konzentrischen Ordnung und vom Aufstieg der Parastaatlichkeit, in: Leviathan, 28 (2), 253–451)
short: this conflict was not prone to be a proof of smart sanctions impact. Despite these obvious difficulties smart sanctions strategy would run into the Security Council adopted a similar strategy as in Angola in a conflict that was by far more complex.

6.3.1 The Regime

While the DRC sanctions regime reverted to a similar ‘tightening’ approach it used the types and components in a different order and did not get to the final and most serious stage of commodity sanctions. For heuristic purposes this regime can also be divided into four steps with evolving objectives (see Illustration 3). The first step is the unofficial phase of the sanctions regime from 2000 to 2003: The naming and shaming through an independent panel of experts not connected to a sanctions committee. The second starts with the arms embargo in 2003, the third with the establishment of sanctions committee and a new panel of experts in 2004. The first and until today last step is the imposition of travel and financial sanctions against entities and individuals involved in the conflict since 2005.

Table 3: The Evolution of the DRC Sanctions Regime

<table>
<thead>
<tr>
<th>Steps</th>
<th>Sanctions Types</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2000 - 2003</td>
<td>Panel of Experts on the Illegal Exploitation of Natural Resources and Other Sources of Wealth</td>
<td>Create incentives for peace agreement by naming and shaming Rwandan, Ugandan and Congolese government and multinational companies.</td>
</tr>
<tr>
<td>2. 2003 - ?</td>
<td>+ Arms embargo</td>
<td></td>
</tr>
<tr>
<td>4. 2005 - ?</td>
<td>+ Travel and Financial</td>
<td></td>
</tr>
</tbody>
</table>

Source: Author

Taking into account the lessons learnt in Angola and other later sanctions regimes, an interesting innovation took place: A panel of experts mandated to investigate the trade routes and resource exploitation strategies of all involved actors on Congolese soil was founded as a first measure even before sanctions were imposed. Instead, the Security Council President issued a statement in June 2000 asking the Secretary General to establish a Panel of Experts on the Illegal Exploitation of Natural Resources and Other Sources of Wealth
“To follow up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country; and to research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict” 268

The naming and shaming strategy had proven so successful in Angola that the Security Council assumed its impact may be reached just as efficiently by a simple investigative panel without imposing sanctions. In fact, this is what advocacy NGOs like Global Witness or Human Rights Watch try all the time. Unfortunately, their reports receive less public attention. However, the Security Council had not turned into an idealistic NGO. A strategic approach towards the DRC conflict was at play. According to Francois Grignon, long-time member of the UN mission in DRC (MONUC), France, as the lead-nation on this issue, wanted to push Rwanda, Uganda and Zimbabwe out of the DRC as they perceived their economic activities on Congolese soil as the main deterrent to progress in the peace process. 269 This is why the panel had to investigate the “illegal” exploitation of resources, i.e. lacking signed contracts, and the violations of Congolese “sovereignty”, two terms clearly geared towards the foreign armies involved in the second Congo war. 270

The seven 271 reports the panel issued from January 2001 to October 2003 painted a vivid (and depressing) picture of the actors and their economic agendas involved in the pillaging of Congo’s riches. This contributed to a more informed and realistic agenda of the peace process and the establishment of a transitional government during the negotiations in Sun City (South Africa) in April 2003. But this led to little real change on the ground. The first of their reports followed their “unofficial mandate [received] by France to be heavily critical of Rwanda and Uganda.” 272 However, the

268 S/PRST/2000/20
270 It speaks of the uncoordinated and clumsy Congo policy of the Western powers that they were not aware of the threat to their own interests by opening the Pandora’s Box of natural resource exploitation. As they realized that plenty of their own companies had kept Mobutu in power and fuelled the ensuing wars, they exerted intense pressure on the panel to delete their companies’ names from the list of compromised entities. (Cf. S/2003/1027 for a summary of affected governments’ reactions.) They only partly succeeded.
272 Grignon 2006: 86
Sanctions in the Democratic Republic of the Congo

The report was too obviously politically motivated, backfired and was entirely dismissed by the Rwandan and Ugandan government. Yet, their assertion to be in the DRC only for political reasons was shattered. Economic agendas were now on the table. The elements of the report more critical of US involvement via its embassy in Kigali which “had been extremely active at the beginning of the war in helping to establish joint ventures to exploit coltan” had to be omitted not to embarrass the US government. In its second report, the panel sought to counter its partisan image by detailing the involvement of Congolese government officials in the profitable natural resource business. The third report pulled the strings of the first two together. Its recommendations were harsh. It proposed to impose financial sanctions on twenty-nine companies, four of them registered in Belgium, one in South Africa and Zimbabwe and the rest in the DRC, Rwanda and Uganda. Furthermore, it recommended imposing financial and travel sanctions against fifty-four individuals, some directly connected to the companies above but more importantly, government officials of the DRC, Rwanda, Uganda and Zimbabwe. Apart from this, it lists eighty-five multinational companies acting in violation of the OECD Guidelines for Multinational Companies. These Guidelines “are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide voluntary principles and standards for responsible business conduct in a variety of areas including […] human rights, environment, [and] combating bribery […].” Once again, the naming and shaming approach was used to create incentives to refrain from fuelling conflict for business.

273 Coltan is predominantly mined in the Kivus. Apart from the DRC it can be found in Australia, Brazil, Canada., China and some other African countries. There are no figures available on the possible coltan reserves in DRC. Coltan is an essential component of condensers used in cell phones and laptops (Cf. Martineau, Patrick (2003), La Route Commerciale Congolaise: Une Enquête, Montréal, available online: http://www.unites.uqam.ca/grama/, [30/11/2007],14)

274 Grignon 2006: 87

275 See the OECD website : www.oecd.org/dae/investment/guidelines

276 This approach was highly successful. Without soliciting them, the panel received reactions from 119 of the 157 parties named and shamed in the report. (Cf S/2003/1027, Para 13). Thomas Scheen, Africa correspondent of the German daily FAZ, details: “Häufig laufen die Geschäfte wesentlich subtiler ab, wie das Beispiel von „Eagle Wings Resources International“ zeigt, an dem die amerikanische Trinitech International Inc. aus Ohio beteiligt ist. Die im Coltangeschäft tätige Eagle Wings hat Niederlassungen in Burundi, Ruanda und in Kongo. Der für die Region zuständige Manager ist Alfred Rwigema, der Schwager des ruandischen Präsidenten Paul Kagame, der wiederum die Rebellen gruppe RCD-Goma kontrolliert. Nach Erkenntnissen der Vereinten Nationen verkaufte „Eagle Wings“ nicht nur Coltan an eine kasachische sowie eine chinesische Metallschmelze, sondern auch an das deutsche Unternehmen H.C. Starck GmbH&Co KG in Goslar, einem Tochterunternehmen der Bayer AG. Starck widersprach dem zwar mit dem Hinweis, kein Coltan aus Ostkongo zu beziehen. Das war formal sogar richtig, weil das an Starck verkaufte Coltan offiziell aus Mozambik stammte. Nur: Mozambik verfügt nicht über Coltan-Vorkommen. Eine Expertengruppe der Vereinten Nationen, der der organisierten Plünderung kongolesischer Bodenschätze nachgegangen war, erhielt Dokumente, die beweisen, dass eine Firma namens Mo-
In July 2003 the Security Council launched the second step of the regime with the traditionally first step of a smart sanctions regime: the arms embargo. It contained an unusual provision. In contrast to the Angolan arms embargo not only “all sale or supply of arms and related matériel and military assistance” was rendered illegal but the

> “direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related matériel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo.”

“Any assistance related […] to military activities” consequently comprised all trade with illegally exploited natural resources, as revenues generated from that trade were mostly used for equipping militias which then undertook military activities. The agenda of the panel of experts had skillfully been built into a seemingly regular arms embargo. This was an arms embargo with wider economic underpinnings. This was in fact a mixture of the idea of commodity sanctions, to prevent income-generation for rebels through resource sales, and of an arms embargo.

Another important aspect of the arms embargo was the design of its selectivity with a territorial and a political component. On the one hand the embargo only applied to the Kivus and Ituri and explicitly exempted the government armed forces in paragraph 20. On the other, it contained an unambiguous statement that all groups that had not signed the Global and All-inclusive agreement were regarded as illegitimate and had to be coerced into compliance. Like in the Angolan case, the commitment of the international community to stick to one group and prop it up until some degree of stability is reached became visible as Kabila was the head of the transitional government. Nevertheless, there were many parties particularly at the local level that had not signed the agreement, as they were not even part of the negotiation process. The local component of the

---

277 See the Angola arms embargo resolution S/RES/864 in Chapter 3.4.1
278 Emphasis added, KK. S/RES/1493, Para 20
279 The Global and All-inclusive agreement was signed in Pretoria on 17 December 2002 which was the basis for the Sun City result half a year later.
conflict was completely neglected. Thus, the conflict setting was still by far too complex to render focussed pressure on specific actors possible. The selectivity of the embargo did not overcome this obstacle.

The gradual (or painstakingly slow) approach of the Security Council led, as the third step, to the establishment of a Sanctions Committee and the usual panel of experts tasked to monitor arms embargo violations in April 2004. An innovation bearing witness of the rather spontaneous trial-and-error approach of the Security Council towards sanctions was the provision that MONUC had the right to seize and destroy arms without further notice if it had identified them as being in breach of the arms embargo. With a presence of, then, 10,800 troops acting under Chapter VII and authorized to use “all necessary means” – i.e. equipped with a robust mandate – it dawned on Security Council strategists that closer integration of sanctions enforcement and peacekeeping missions might increase their respective impact.

However, the last step of the sanctions regime was not put in place yet. This happened another year later in April 2005 when some of the core recommendations of the 2002 final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth were acted upon. With Security Council Resolution 1596 individuals still involved in the supply of arms and their financing were put under travel and financial sanctions. In addition, the arms embargo was expanded to the entire Congolese territory with the Congolese Armed Forces - the Forces Armées de la République Démocratique du Congo (FARDC) - and national police exempted. This aimed at preventing members of the transitional government from stockpiling arms in preparation of unwelcome election results. In order to facilitate the monitoring task of the panel of experts, all neighbouring countries, especially those next to the Kivus and Ituri, were urged to keep a register of all airplanes originating from DRC and using their airports and on all flights going to the DRC. In addition, these states should ensure that all airplanes operating in the region are properly registered in line with the Convention on International Civil Aviation from 1946. With these provisions, the Security Council aimed at making life harder for clandestine cross-border operations. For example, as to be expected, famous arms broker Victor Bout (see Chapter 5.3.2) had been busy doing business in the DRC.

---
280 S/RES/1533 (2004), Para 10
281 S/RES/1533 (2004), Para 4
282 The previous arms embargo did not extend to rebel movements which had signed the Global and All-Inclusive Agreement. Jean-Pierre Bemba, the head of the MLC, had signed the Agreement but was reportedly rearming unimpeded by the embargo. This loophole was to be closed with the new resolution.
283 S/RES/1596 (2005) Paras 6-7
284 S/2002/1146, Para 107
Seven months later, in November 2005, the list of individuals comprising fifteen individuals and one organization was ready. Contrary to the propositions of the former panel of experts no government officials or non-Congolese were on the list. In accordance with the strategy of the international community to stick to Kabila, only leaders of various rebel groups in the Kivus and Ituri and a few important businessmen were targeted. So close to the elections, the UN could not afford to jeopardize the preparations and delegitimize Joseph Kabila, the preferred candidate. For the same reason it was unsurprising that nothing happened after the publication of the list. From the perspective of Congolese politics, this was no time to openly affront powerful figures. With the help of the legitimacy gained through elections this might have be a possibility.

As we speak, the list of individuals targeted by the smart sanctions regime has grown to twenty-four entries including some Uganda-based companies. This constitutes a broadening of the regime’s scope and a clear message to the Ugandan government to do more to end the conflict. Another innovative provision has appeared in Security Council Resolution 1698 of July 2006: For the first time, recruiting or using children in armed conflict has been sanctioned. Under-age soldiers are ubiquitous in the DRC conflicts. The scale of sexual violence against boys and girls and their forced recruitment has placed this issue high on the human rights agenda. Thus, the general human rights agenda behind sanctions against rebels in failed states is narrowed down to this specific media-sensitive topic in the attempt to gain some sort of negotiation leverage against the perpetrators. The rationale is: If enough momentum against the use of child soldiers can be built many of the endemic small-scale conflicts will not be fought any longer, for want of a sufficient number of soldiers.

Commodity sanctions which have been debated since the establishment of the first panel in the year 2000 and have been partly hidden in the arms embargo resolution, have never materialized in contrast to the Angolan case. After the sanctions experience in Iraq, the Security Council is more aware of the human rights paradox and tries its best to prevent human suffering in the pursuit of human rights objectives. As confirmed by the humanitarian assessment mission undertaken by the UN OCHA in November 2007, depriving the local population in the Kivus and in Ituri of one of the only sources of income that is left to them – working as diggers in the various mines – could have devastating humanitarian consequences.

285 Joseph Kabila, however, made use of the momentum created through the naming and shaming of the worst offenders. For example, he sacked some of the individuals involved in the alleged First Quantum deal such as Mwenze Kongolo and Augustin Katumba Mwanke. It is revelatory that both of them have “subsequently returned to elite political circles” (Grignon 2006: 88). For the DRC government, sanctions compliance is above all a public diplomacy tool to muster international credibility.

286 First and foremost, of course, moral revulsion drives this attempt to protect children in armed conflict.
The preceding pages sought to present the complexity of the conflict in the DRC and the sanctions regime that is intended to help disentangle it. We will now try to shed light on the question if they have had any impact in this daunting scenario.

6.3.2 The Impact

The constant of the Angolan civil war has been an intense power struggle of two well organized and rather cohesive armed political parties originating in the fight for independence from colonial rule. In the Democratic Republic of Congo, colonial legacies certainly exist, but the conflict originates in diverse interests from the political and economic realm that have not been organized by any cohesive parties yet and can thus find no stable representation. Because of this diversity of agendas and actors, sanctions impact can only be seen in light of its contribution to ordering political behaviour in a way that is more conducive to the establishment of a monopoly on violence. This means impacting on the permissive political and economic structures fuelling the conflict and targeting the agents of conflict in a way that discourages them from sustaining it. As in the Angola case-study, we will analyse the political support and supply structures and the shift of the military balance in favour of the Kabila government in order to assess smart sanctions impact.

6.3.2.1 Political Support Structures

In the DRC political support for the various rebel groups comes from neighbouring countries and local constituencies. As Zimbabwe supported the central government and Burundi played only a minor role, we will focus on the role of Rwanda and Uganda. Both countries have used excessive divide and rule tactics: Uganda in Ituri and northern North Kivu and Rwanda in southern North Kivu and South Kivu. As we know both countries were allies during the AFDL campaign but got into a row over the RCD leadership in 1999. Uganda then intensified its proxy policy and helped found (apart from the MLC) three RCD factions: The RCD-K under Wamba di Wamba, the RCD-National under Roger Lumbala and the RCD-ML under Mbuse Nyamwisi. In addition, Uganda was involved in training and arming at least six rebel groups in Ituri, most prominently the now stern antagonists UPC an FNI (See Illustration 4 below). Of course, Rwanda also participated and generally cooperated with those that had ended their allegiance to Uganda.

---

287 See humanitarian assessment report S/2006/759
288 Nest 2006: 27
289 Illustration 4 serves to show the constant shifts and realignments of local rebel groups and their foreign and national sponsors. Although this illustration is from 2003 it is still useful to get an idea of the extent of divide-and-rule tactics and the intractability of the conflict constellation. RCD-N, RCD-G, RCD-ML (splinter groups of the former RCD) are shown as national rebel movements whereas all the others are called regional. Given that the
Illustration 4: Divide-and-Rule in Ituri

The publication of the seven reports of the panel of experts clearly contributed to exposing these practices. As a result of intense pressure following the reports both Uganda and Rwanda swiftly withdrew their national armies from Congolese territory.\(^\text{290}\)

It goes without saying, however, that with such a network of proxies in place, political support to these groups would hardly decrease. The withdrawal was so quick because both governments had nothing to lose. They kept their economic agents and political bargaining chips in the area. Repeated reports on sanctions busting by both Ugandan and Rwandan nationals in the following seven panel reports until 2007\(^\text{291}\) might have played a role in the establishment of the Tripartite plus Commission in 2004.\(^\text{292}\)

RCD’s power hardly extends to the entire territory this is a questionable terminology. They should rather be denominated ‘regional’ rebel movements.

\(^{290}\) Grignon 2006: 88


\(^{292}\) “The Tripartite plus Commission was created in 2004 on U.S. initiative. It comprises representatives from Uganda, Rwanda and Congo and aims to strengthen regional cooperation with a view to re-establishing stability in the Great Lakes region. Burundi joined at the Kigali Summit, on 24-25 August 2005.” (International Crisis Group (2007),
commission regularly convenes high-level government meetings and may slowly build trust between the three plus countries. This is not a probability but a possibility.

South Kivu enjoys relative calm at the moment. This means sporadic and local violence. North Kivu, however, is in shambles again. Laurent Nkunda, a Banyarwanda and former RCD-Goma\(^\text{293}\) general under smart sanctions, has resumed fighting. He claims to defend the Tutsi minorities that have always been discriminated against and has founded the Congrès National pour la Défense du Peuple (CNDP). His troops loot villages, forcibly recruit child soldiers and commit sexual violence. Currently, several hundred thousand Kivutians are internally displaced again. Unfortunately, government troops of the Forces Armées de la République Démocratique du Congo (FARDC), of the FDLR, Mai-Mai militias or new groups like the ‘Rastas’ act the same. It is unclear to what extent the Rwandan government is actively involved in Nkunda’s campaign. Thomas Turner argues it might be possible that exile Congolese Tutsi in Rwanda who constitute a wealthy trading community there might support him.\(^\text{294}\) According to Turner, the Rwandan government is dependent on this constituency and it is understandable, consequently, that the Rwandan government does nothing to prevent that support. Despite media attention focussed on Nkunda, it is impossible to determine which actor can claim more legitimacy for its actions. The Congolese government, thus Joseph Kabila and his entourage, has repeatedly promised to disarm the FDLR which has ex-FAR and Interahamwe militia within its ranks. Although their numbers have decreased to several thousand and they do not constitute a security threat to the Rwandan government any longer they now prey on the local Banyarwanda and Banyamulenge population.\(^\text{295}\)

Many of the leaders of the various rebel groups in eastern Congo have been placed on the list of individuals designating the targets of financial and travel sanctions. FNI, FRPI, FAPC, UPC, FDLR, RCD-ML, RCD-G are more or less equally represented on it. Two of them have been sent to the ICC, three others have been arrested by the government and two reside in exile in Germany.\(^\text{296}\) The remaining individuals continue their businesses more or less unabated.\(^\text{297}\)

---


\(^\text{293}\) A Rwanda-backed splinter group of the former RCD

\(^\text{294}\) Turner 2007: 4

\(^\text{295}\) Cf Turner 2007: 2


\(^\text{297}\) “The most notorious of these have been officers and wealthy businessmen and they either dig their own grave (one was recently murdered by another sanctions buster) or are elected to office (another was recently the governor of North Kivu)”, Private email exchange with former member of panel of experts.
In addition, five companies and one organization involved in assisting these armed groups have been targeted. One might think that this may be the right approach because the local, inner-Congolese level of the conflict seems to have become decisive. It has but the regional perspective is equally important. As a result, this strategy is rather weak and runs counter all recommendations made by various panel reports. High-level Congolese, Rwandese and Ugandan army and government officials are still complicit in the operations of all these groups. The only indication from their side of cutting off support to formerly allied groups would be forceful action against them. This has, by now, not happened. More forceful action against foreign backers would thus make sense.

But as the example of Angola has shown us, decisive developments take years and might only be visible in retrospect. The joint declaration of the Rwandan and Congolese governments from the 9th of November, 2007 to finally do as they promised to cut off Nkunda’s supplies and recruitment bases in Rwanda and to disarm the FDLR, long-standing Kabila allies, might thus be an historical event. We should not be too hopeful, however. Interstate dynamics play an important role in the conflict. The International Conflict Premium Mechanism is clearly at play. However, all local militias such as the various Mai-Mai ‘self-defence’ groups which have also developed their own agendas and the newly emerged ‘Rastas’, reportedly a very small group engaging in pure banditry against the local population, are not covered by these negotiations. Neither are these “microconflicts” dealt with by the sanctions regime nor could they. This would be asking too much. Unfortunately, these lie at the heart of the problem. As demonstrated by our analysis of the history of ethnic rivalries in the Kivus, the vicious circle of violence will only be stopped, if security is granted, citizenships laws and land rights clarified.

Governments engaged in the DRC wars had to endure a high degree of public exposure and diplomatic pressure because of the sanctions regime, in particular because of the panel reports. As a result of this, their set of incentives might have slightly changed. They might indeed have altered their approach and have somewhat reduced their active political support to the rebel groups. A large share of political support for violent opposition against the central government in Kinshasa and the neighbouring countries originates, however, in delicate local conflict dynamics. Sanctions cannot claim to have had any substantial impact on their resolution.

300 S/2002/1146, Para 12
6.3.2.2 Supply Structures

The Democratic Republic of Congo shares its 9000 km border with eight countries. Most of these neighbours are either “experiencing ongoing conflicts or are in a relatively recent post-conflict transitional phase. Their own weak border controls allow for readily available weapons to flow into the Democratic Republic of the Congo, where they are recycled.” In addition to land borders, Lake Albert and Lake Edward, Lake Kivu and Lake Tanganyika separate the DRC from Uganda, Rwanda, Burundi and Tanzania in the east. This geography is not exactly conducive to effective sanctions regimes. In addition, border controls are virtually inexistent and there are a vast number of airstrips across the country, especially in areas of resource abundance without customs personnel. This is smuggling and unimpeded trading paradise. What complicates the matter further is the informal economy that rules in the country. The breakdown of the formal economy in the 1970s has led to economic usances highly resistant to any kind of oversight or accountability. It is hard to determine the origins, transport routes and owners of all kinds of goods in the DRC.

The arms embargo against the east first and against the entire country later did not come surprisingly. As a consequence “shortly before the imposition of the arms embargo, there was a noticeable upsurge in supplies to armed groups in the border areas of the eastern part of the Democratic Republic of the Congo. Those supplies supplemented the existing stock of arms, including residual weapons that remained after the withdrawal of Rwandan and Ugandan troops.” After long years of war and conflict in which ever mushrooming rebel groups have been armed and trained by their supporters, the country is awash in arms. Neither the arms embargo, nor financial or travel sanctions have changed anything in this regard. The little travel rebel leaders have to undertake is to Ugandan or Rwandan border towns or their capitals. As these countries are complicit in these activities nothing prevents their travel. Apart from cross-border cooperation and trade local Congolese officials also contribute to sanctions busting. The second panel of experts provided ample evidence that “some weapons are hidden by armed groups and outlaws, others are allegedly held by officials in position of authority.” Given the instability of the situation in the DRC it seems highly reasonable to be ready for all kinds of developments and shifts of allegiance. Obviously, the monopoly on violence is still more than absent.

Government collaboration does not only take place in the direct provision of arms. Generating the necessary funds is also a common venture to the benefit of all. In Ituri, the panel shows there is a “partnership between local representatives of government

301 Cf. S/2004/551, Para. 26, They are: The Republic of Congo, the Central African Republic, the Sudan, Uganda, Burundi, Tanzania, Zambia, Angola
302 S/2004/551, Para 106
303 S/2004/551, Para 22
304 S/2006/53, Para 40
agencies and Ituri armed group leaders, under which they share extorted taxations and border duties.”\(^\text{305}\) Unless heavy fighting is involved, control over border posts, trading routes and taxation seem to shift quite easily. The informal economy is adaptive:

“\textit{Ituri-based businessmen have all acknowledged to the Group [of experts, KK] that the traditional trading network with businesses located in Uganda and points beyond has not been interrupted by the violence and banditry of the Ituri armed group leaders and their militias. In fact, the only perceptible change is that instead of the legitimate authorities of the Democratic Republic of the Congo, Commandant Jérôme [of the FAPC, KK] has been collecting import and export taxes as part of his quasigovernmental authority [...]}.”\(^\text{306}\)

The government army FARDC, as illustrated above, not only commit serious human rights abuses they also act as sanctions busters, as the most recent of the panel reports of July 2007 proves: ”Interviews with FDLR members confirm a continued, low-level acquisition of ammunition from individual FARDC soldiers.”\(^\text{307}\) The soldiers should not be criticised too harshly for their behaviour. They often go unpaid and have to fend for themselves. Their reasons to collaborate in looting and sale of ammunition are obvious.

All these episodes show that the sanctions regime has not had a significant impact yet. This might change considerably when Ugandan and Rwandan complicity ends, as was the case in Angola. UNITA started suffering from the sanctions regime once the neighbouring countries stopped supporting the movement.

Smart sanctions against gold traders and gold trading companies dealing with gold from Ituri have, however, been the first slight success story of sanctions in the DRC. On the one hand, “gold refineries based in Switzerland and the United Arab Emirates announced early in June that they will no longer refine gold originating from the Democratic Republic of the Congo or Uganda”\(^\text{308}\) – certainly an effect of the public exposure gold from Ituri received. On the other, Kambale Kisoni, the main gold trader of Ituri who had been placed on the sanctions list, has been pushed out of the market along with four other companies implied in this business.\(^\text{309}\) This measure “has halted most gold-buying activities in Ituri and North Kivu. No alternative buyers have yet emerged and, as a result of the trading interruptions, gold was offered for sale on the local markets at a discount of as much as 15 to 20 per cent.”\(^\text{310}\) Kisoni has only been

\(^{305}\) S/2005/436, Para 77
\(^{306}\) S/2005/436, Para 76
\(^{307}\) S/2007/423, Para 59
\(^{308}\) S/2005/436, Para 84
\(^{309}\) On 5 July 2007 he died. According to a former member of the first panel, he was killed by a competitor (Private email exchange)
\(^{310}\) S/2007/423 Para 137
placed on the revised smart sanctions list of the 27th of March, 2007 (see Appendix B). He had not been on previous versions. This might point at the potential which well targeted sanctions could have even in the DRC context. It is more likely, however, that at the time of writing of the panel report nobody had filled that gap yet. Now, after eight months, it is highly probable that the gold trade in Ituri and North Kivu is back to normal. The opportunities are just too plentiful and the obstacles too rare.

The fundamental problem of the sanctions regime lies in the interconnectedness of legal and illegal activities in a situation of state absence and the specifics of the complex Congo case: “The tightly intermingled economic interests of illegal armed groups with those of legitimate businesses and of local populations do not allow a clear demarcation to be made between embargo violators and legitimate actors. All supply chains from areas controlled by armed groups are compromised.”311 This means, large parts of eastern Congo are contributors to rebel supply. Even smart sanctions seem to be too blunt an instrument to solve this problem.

6.3.2.3 Military Balance

Security sector reform is high on the agenda in the DRC. Through this reform, heavily promoted and financed by the international community, the central government intends to integrate former combatants into the regular armed forces, train them and build a reliable police force. Next to these efforts, the Kabila government, MONUC, the Worldbank and UNDP have engaged in different DDR (disarmament, demobilization and reintegration) or DDRRR (disarmament, demobilization, reintegration and resettlement or repatriation) programs aiming at building the base for reaching this aim. As illustrated above, the FARDC is no well-trained or disciplined force yet and behaves just as badly as some rebel groups. The case of Nkunda drags on partly because the FARDC cannot afford to attack him as they would probably lose the battle. His troops have a cause to fight – to protect the purportedly threatened Tutsi minority. The FARDC is just badly equipped, baldly trained and without a clear objective. It is, however, remarkable in this respect that the arms embargo has been modified with Resolution 1771 in August 2007 because of pressure by the Congolese government.312 The Kivus and Ituri are now no longer official ‘weapons-free zones’ (in fact they are awash in arms, as shown above). With the consent of the government arms can now be shipped to the area. This appears like a conscious attempt at tackling the chaos in the region. Possibly, after some time, something similar to a monopoly on violence might be established although military means will not be sufficient. The root causes of the conflicts have to be tackled.

311 S/2007/423 Para 37
312 With a letter to the President of the Security Council in July 2007 (S/2007/443) the Permanent Representative of the DRC to the UN asked for these modifications.
An encouraging sign is the apparent decline of the FDLR (including ex-FAR and Interahamwe). According to a recent report by Hans Romkema, the FDLR currently faces serious internal weaknesses, is unable to launch operations against the Rwandan government for lack of funds and equipment. The leadership is aware of this and is striving to provide their militia with “military and political goals and perspectives, otherwise many of the troops will decide to return to civilian life, either in the DRC or in Rwanda”\(^\text{313}\)

If these developments indicate a shift in military balance in favour of the DRC government, the country might head in a more stable direction. It should be clear from the paragraphs above that this is not more than speculation. Anything can happen.

### 6.4 Summary

The smart sanctions regime imposed by the UN Security Council, by now, has had a very limited impact. Through the two panels of experts it generated knowledge of the conflict situation which is an asset given the rarity of substantial information in many African conflicts. On the long run the exposure both DRC government officials and Ugandans and Rwandans had to endure might contribute to their recalculating the benefits of their economic predation.

Until now most of the mechanisms illustrated in Chapter 2.2 still remain relevant. Natural resources remain a driving factor in prolonging the conflict. Analysing the motivation-based hypotheses developed in 2.2.3 we come to the following results. Rwanda and Uganda still meddle in the conflict because there are large profits to make (International Conflict Premium). The panel reports might have been a first step in creating pressure but both Uganda and Rwanda know they have little to lose by not adhering to the sanctions regime.

Domestic actors are still heavily involved in illicit trade activities. Through their alliance with local militias they might in fact only be able to undertake these activities during conflict, secured by the use of force. Given the functioning of the eastern Congolese economy as shown in the late Mobutu years, it seems, however that informality is the decisive factor in this economy. As in all conflicts, some sectors of the informal economy win and some lose out. This shows a partial validity of the Domestic Conflict Premium Mechanism.

With regard to the hypotheses on the influence of smart sanctions on the feasibility-based mechanisms in the Congo, we state that conflict has clearly remained feasible as neither the influx of arms has been prevented nor the opportunities to generate funds been curbed. The Feasibility Mechanism thus remains viable. Organizational structures

\(^{313}\) Romkema 2007: 44
in eastern DRC are, as shown, highly fragmented. Illustrated by the difficulty to create a real Global and All-inclusive agreement which even local conflict actors would sign the fragmentation of the various actors remains a decisive factor in the prolongation of the conflict. Smart sanctions have not had an impact on this.
7 Conclusion

In conflict settings like Angola and the Congo “waiting for war exhaustion may be akin to waiting for Godot.” Letting war burn itself out proves more easily said than done. Abundance of neighbours with political and economic interests, foreign (Western) backers, global and unregulated arms and resource markets belie Luttwak’s implicit conception of war as an internal and insulated state affair. There simply is no non-interference. The choice is thus what kind of intervention should be undertaken to end conflict and build the state.

The multilateral UN intervention of smart sanctions is one option with limited but possibly crucial impact. Classic sanctions thinking has it that a state or a multilateral organization coerces a functioning state into more acceptable behaviour by severing ties or embargoing it. Current smart sanctions strategy, however, takes into account the network character of contemporary conflict in failed states. It tries to influence the network sustaining non-state actors for want of clear-cut pressure points that would exist with a consolidated government in possession of trade treaties, memberships in international organizations and international reputation. Further to drying out the support and supply networks it aims to overcome the human rights paradox by only targeting the perpetrators of the sanctioned activity and sparing the wider population.

As we have seen, this approach takes time. Both the Angola and Congo sanctions regimes have lasted several years before more serious enforcement efforts were made and an impact started to be felt. In this dissertation we have argued for an understanding of smart sanctions strategy as a process that highlights the potential of the awareness-raising instrument of panels of experts established by the Sanctions Committees of the Security Council. Essentially, the panels’ strength lies in advocacy campaigning similar to investigative NGO work with the comparative advantage of informal working methods although being a UN body but high legitimacy, credibility and public exposure thanks to being a UN body. These panels of experts create a wealth of knowledge about conflict settings mostly unknown and impenetrable from the outside. This combination of intelligence gathering and campaigning both at the public level and at the level of corridor-diplomacy is the backbone of smart sanctions strategy.

Building up on this, arms embargos, financial, travel and commodity sanctions can begin to have an impact – as an ensemble. As shown in the Angola case, the consecutive increase of smart sanctions components finally led to a decisive impact. It had become less feasible for UNITA to sustain its rebellion. An arms embargo, financial, travel or commodity sanctions alone would hardly have had any impact.

Synthesizing the findings of our case-studies, several conditions of smart sanctions impact on the end of conflict and the establishment of a monopoly on violence come to the fore. Unless the rebel movements lose their political support either from Western backers or immediate neighbours, conflict will not subside. This is where the two-pronged panel of experts approach comes in. It shames supporters publicly and tries to convince them in negotiations around the Security Council to stop this support. The surprising effect on African countries results from the status the UN enjoys as the only one where they have equal voting powers (except in the Council) and more influence than in any other multilateral organization. Given the importance of development aid for some African state budgets, some of them simply cannot afford to become international pariahs because of sanctions busting. Our two case-studies are instructive in this regard.

In Angola, UNITA’s political support structure virtually ceased to exist after 1997. On the one hand, coups deposed the most valued supporters in DRC and Congo-Brazzaville. On the other, overt and clandestine support from Cote D’Ivoire, Togo, Burkina Faso and possibly Zambia was effectively reduced as a result of the naming and shaming suffered by the panel. In the DRC, however, despite Uganda and Rwanda being exposed as driving forces of the Congo wars since the first panel report in 2001 this did not result in a substantial change of behaviour. They still heavily support rebel groups in eastern Congo. Both countries were able to exploit the anglophone-francophone competition in Sub-Saharan Africa. They knew that they would not have to fear serious consequences thanks to the US and the UK’s support for Musevini’s and Kagame’s regime. France and Belgium have traditionally been on the opposite side. Besides, the Rwandan government is an especially delicate case which has a ‘genocide bonus’ (both as being victims and as having been betrayed by the international community) and enjoys more freedom of action than comparable authoritarian regimes on the continent. In Angola, by contrast, the Security Council position was unambiguous in its will to end the UNITA rebellion. This shows us, that unanimity and decidedness among the Security Council is an essential prerequisite to effectively curtail political support structures through smart sanctions.

Damaging the supply of goods needed to sustain rebel movements is an even more complicated undertaking. Both UNITA and the variety of rebel groups in the DRC have skilfully used the opportunities the global arms and commodity markets offered. Providing information on market operations and strategies through the panel of experts can contribute to sanctions having an effect on this supply. UNITA had to face rising transactions costs as it became much harder to conduct business. Overseas offices were more closely monitored, a wealth of UNITA members and their families were prevented from travelling unless they had several passports and traditional bank transactions were restricted. It was not a sign of strength that Savimbi had to deposit large amounts of cash with President Eyadéma of Togo and Bédié of Cote d’Ivoire to circumvent the financial sanctions. The ensuing row between Savimbi and his former backers about

315 The presidents of Uganda and Rwanda
some of the money having been stolen is revelatory.\textsuperscript{316} Even arms and petroleum started to be lacking because former backers were not as willing as before to step in.

The smart sanctions regimes and their panels of experts have played an essential role in exposing the role of the arms supply side and the commodity demand side of global markets. They have thus contributed to another contraction of conflict supply. The laxity of eastern European arms regulation has been shamed\textsuperscript{317} and steps have been taken to increase oversight. It has also been shown that most small-arms circulate from one African conflict to the other. Arms supply is abundant. Ammunition, however, is crucial and harder to acquire. Leading Western producers pretend only to export to countries obeying basic human rights, but it is known that transshipment of arms is the norm. Ammunition delivered to Saudi-Arabia, for example, may easily end up in Sudan.

The analysis of exemplary operations and businesses run by Victor Bout or South African arms brokers have certainly increased know-how of the wealth of opportunities illicit arms brokers enjoy and will render these more difficult in the future. On the Western front, European and North American businesses have been shown to be partly complicit in conflict trade particularly by the first Congo panel. Corporate Social Responsibility initiatives such as the Kimberley Process have since mushroomed and the OECD Guidelines for Multinational Companies have become a more frequent point of reference. Subcontracting to cover the origins of one’s coltan or diamond supplies has become harder. It was easier to fool the public before.

We should, however, not be too euphoric. It is even impossible for the German administration to exert proper oversight over its most important businesses like Siemens.\textsuperscript{318} So it is plainly unrealistic to expect a decisive reduction in conflict trade from voluntary mechanisms in regulatory voids such as Sub-Saharan Africa. Besides, rebel movements are able market actors. When the coltan market price sky-rocketed in 1999-2000 the RCD in eastern DRC quickly shifted its exploitation activities from gold in Ituri to coltan in the Kivus.\textsuperscript{319}

The availability of supplies depends very much on the possibility to generate revenues. Our two case-studies illustrate well the importance of resource geography in this regard. The ground-breaking terminologies developed by Le Billon\textsuperscript{320} of point/diffuse and proximate/distant resources can be readily applied to our two cases although much less clear-cut than he proposes. The constant availability of distant (this means far from the central government’s control) diffuse (spread-out resources like

\textsuperscript{316} S/2000/203, Para.121
\textsuperscript{318} See the current scandal about the use of systematic bribery by Siemens in Nigeria
\textsuperscript{319} Cooper 2002: 944 and S/2001/357, Para 130.
\textsuperscript{320} Le Billon 2001: 573
diamond areas, agricultural land and forestry) and point resources (e.g. a coltan or copper mine) in eastern DRC continuously encourages warlordism in the Kivus and Ituri and secession attempts in Katanga. In Angola, the oil reserves in Cabinda (distant and point) and near Luanda (proximate and point) have led to secession attempts by FLEC and to attempted coup d’états by UNITA. In addition, UNITA has engaged in warlordism thanks to its use of distant diffuse diamond resources in the Angolan highlands.

The decisive difference to Le Billon’s attempted categorization is that in both Angola and the DRC most groups have engaged in both coup d’états and warlordism whereas secession was a less prominent feature. Most movements do not seem to be content with mere resource wealth. Capturing state power is still the ultimate price. The idea of the state is far from being abandoned. A consolidated monopoly on violence is the ultimate objective even of rebel movements who could be satisfied by controlling only a part of the territory.

Allowing the military balance to shift in favour of the central government is the last and most important component of smart sanctions impact. By weakening the rebels they are designed to permit the government to win. Both Angola and the DRC are clear examples of how the Security Council has left the path of sacrosanct sovereignty of states in contexts of failed states where the ability to fulfil this sovereignty is damaged. Creating a formal legitimating basis for this partiality through more or less free and fair elections is the first step of this strategy.

In Angola, the MPLA was elected in UN promoted elections in 1992. In the following ten years every step the international community took favoured the consolidation of the government’s power. The obvious lack of cooperation by UNITA facilitated this approach while the MPLA pretended to do all in its might to pacify the country by crushing the rebels with overwhelming military power. It is ample proof of the UN’s strategy of peacemaking by giving the MPLA a free rein and the support of smart sanctions against UNITA that MONUA left the country in 1999 during the decisive phase of the battle leading to MPLA victory in 2002. The UN not even tried to position a considerable number of neutral blue helmets between the belligerents, a strategy previously preferred to deter “threats to international peace and security”. Chapter VII of the Charter in guise of smart sanctions is now used to let one side win decisively.

The international community pursues the same strategy in the DRC through its determination to stick to the Kabila government but the conflict setting there is still too complex. Not only is cooperation between some rebels and the government itself rife – a rarity between MPLA and UNITA – but the will of the Kabila government to pacify the country and to use the legitimacy bestowed upon it in the 2006 elections is still in question. It is not so easy to properly pick its camp in this conflict. That the DRC government is now trying to get the sanctions lifted because its own reputation is
continuously damaged by the investigations and revelations of the panel of experts does not point in a conclusive direction.

When comparing the impact of the smart sanctions regime on the military balance in Angola and the DRC we need to be aware, however, that the sanctions regime in the DRC is much less strict and has no comprehensive quality whatsoever. Only a few individuals are on the target lists and commodity sanctions have not been imposed for humanitarian reasons. Although the information provided by the panels may have decreased the ease of coltan, gold, diamond and copper sales through illicit channels, they have not been made illegal. This is one of the possible reasons why it is still quite easy for rebels in eastern DRC to create havoc. An end of the conflict is not in sight. MONUC is not able to openly fight alongside a questionable government and as long as the FARDC is so badly paid, badly equipped and badly trained there will be no decisive victory against the various rebels who are still supported by neighbouring countries and wealthy elites inside DRC.

The humanitarian assessment mission undertaken by the UN OCHA at the end of 2006 prevented the imposition of commodity sanctions in eastern DRC. The humanitarian situation of the people would have further deteriorated. The human rights paradox is very much in the forefront today, an important feature of smart sanctions design. This limits sanctions impact – with a good reason. In a situation like the DRC where targeting is difficult because the interdependence between local populations, military actors and business is so high they do not have much of an effect. Organizational structures are too fragmented. The Angola smart sanctions regime had a crucial impact because UNITA first grew isolated and then militarily weak. The fighting in eastern DRC is still intractable. This is exacerbated by the social basis of militarized everyday life. To satisfy some of the demands of the local population such as land rights, citizenship and ultimately security would dry out the local recruiting ground for continued conflict. In fact, if the DRC government wants to consolidate its monopoly on violence it needs to combine legal, economic and military measures: Provide rights, livelihoods and security. Smart sanctions have not substantially pushed the government into this direction. It could not yet. The government is still too weak and questionable and the rebels still enjoy too much support. The Democratic Republic of Congo will stay a failed state for some time to come.
Appendix

A  MAPS
B Excerpt from DRC Smart Sanctions List of Individuals

LIST OF INDIVIDUALS AND ENTITIES SUBJECT TO THE MEASURES IMPOSED BY PARAGRAPHS 13 AND 15 OF SECURITY COUNCIL RESOLUTION 1596 (2005)

On 1 November 2005, the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo approved the following list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of resolution 1596 (2005).

Paragraphs 13 and 15 read as follows:

"The Security Council …

13. Decides that, during the period of enforcement of the measures referred to in paragraph 1 above, all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

…

15. Decides that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 above, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

The list is reproduced in full below.

The Committee will continue to update the list on a regular basis.

<table>
<thead>
<tr>
<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>ALIAS</th>
<th>DATE OF BIRTH/ PLACE OF BIRTH</th>
<th>PASSPORT/ IDENTIFYING INFORMATION</th>
<th>DESIGNATION/ JUSTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>BWAMBALE</td>
<td>Frank Kakolele</td>
<td>Frank Kakorec Frank Kolorec Bwambale</td>
<td></td>
<td></td>
<td>Former RCD-ML leader, exercising influence over policies and maintaining command and control over the activities of RCD-ML forces one of the armed groups and militias referred to in paragraph 26 of Res. 1493 (2003),</td>
</tr>
<tr>
<td>LAST NAME</td>
<td>FIRST NAME</td>
<td>ALIAS</td>
<td>DATE OF BIRTH/ PLACE OF BIRTH</td>
<td>PASSPORT/ IDENTIFYING INFORMATION</td>
<td>DESIGNATION/ JUSTIFICATION</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>----------------</td>
<td>-----------------------------</td>
<td>-----------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>KAKWAVU BUKANEDE</td>
<td>Jéréme</td>
<td>Jéréme Kakuva</td>
<td></td>
<td>Congolese</td>
<td>Former President of UCDF/APC, FAPC’s control of illegal border posts between Uganda and the DRC - a key transit route for arms flows. As President of the FAPC, he exercises influence over policies and maintains command and control over the activities of FAPC forces, which have been involved in arms trafficking and, consequently, in violations of the arms embargo. Given the rank of General in the FARDC in December 2003.</td>
</tr>
<tr>
<td>KAMBALE</td>
<td>Kizosi</td>
<td>Dr. Kizosi</td>
<td>24 May 1961, Mubende, DRC</td>
<td>Congolese</td>
<td>Kizosi participated in militia financing through gold trading (buying from the FNI and selling to Uganda Commercial Import (UCI Ltd) and smuggling across the DRC/Uganda border. Kizosi’s support of an illegal armed group (FNI) through a personal commercial relationship with NJABU (an individual already subject to sanctions under resolution 1299 (2005)) is in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).</td>
</tr>
<tr>
<td></td>
<td>Kisabi</td>
<td>Kiduabi, Kishabi</td>
<td></td>
<td>Passport Number: C032172</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kisgni</td>
<td></td>
<td>Gold trader, owner of Bunambo Airlines and Congecom Trading House in Bunambo. Decayed on 5 July 2007 in Bunambo, DRC.</td>
<td></td>
</tr>
</tbody>
</table>
C  Photos

Natural Resource Trade near Walikale (North Kivu, DRC)

Source: Manuel Bessler, UN OCHA, Private Photo
Bibliography


Baldwin, David (1985), Economic Statecraft, Princeton


Ballentine, Karen / Sherman, Jake (2003), The Political Economy of Armed Conflict: Beyond Greed and Grievance, Boulder

Ballentine, Karen / Nitzschke, Heiko (2005), Profiting from Peace: Manging the Resource Dimensions of Civil War, Boulder


Bannon, Ian / Collier, Paul (2003), Natural Resources and Violent Conflict: Options and Actions, World Bank, Washington D.C.


Berdal, Mats / Malone, David M. (Eds.) (2000), Greed and Grievance: Economic Agendas in Civil Wars, Boulder

Beisheim, Marianne / Gunnar Folke-Schuppert (2007), Staatszerfall und Governance, Baden-Baden
Biersteker, Thomas / Eckert, Sue (2006), Stengthening Targeted Sanctions through Fair and Clear Procedures, Providence

Birmingham, David (2006), Empire in Africa – Angola and its Neighbors, Athens


Braeckman, Colette (2003), Les Nouveaux Prédateurs – Politique des Puissances en Afrique Centrale, Paris

Bridgland, Fred (1986), Jonas Savimbi – A Key to Africa, Edinburgh


Brzoska, Michael (2001), Smart Sanctions – The Next Steps, Bonn

Brzoska, Michael (2003), From Dumb to Smart: Recent Reforms of UN Sanctions, in: Global Governance, 9, 519-535


Chabal, Patrick / Daloz, Jean-Pascal (1999), Africa Works: Disorder as Political Instrument, Oxford

Chabal, Patrick / Engel, Ulg / Gentili, Anna Maria (2005), Is Violence Inevitable in Africa – Theories of Conflict and Approaches to Conflict Prevention, Leiden

Chesterman, Simon / Ignatieff, Michael / Thakur, Ramesh (Eds.) (2005), Making States Work: State Failure and the Crisis of Governance, Tokyo

Cilliers, Jakkie / Dietrich, Christian (2000), Angola’s War Economy: The Role of Oil and Diamonds, Pretoria

Cilliers, Jakkie (2000), Resource Wars – A New Type of Insurgency, in: Angola’s War Economy: The Role of Oil and Diamonds, Pretoria, 1-19


Collier, Paul (2007), The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done about It, Oxford

Collier, Paul et al. (2003), Breaking the Conflict Trap: Civil War and Development Policy, World Bank, Washington D.C.


Cortright, David / Lopez, George (1995), Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World, Boulder

Cortright, David / Lopez, George (1999), Are Sanctions Just? The Problematic Case of Iraq, in: Journal of International Affairs, 52 (2), New York, 735-755
Cortright, David / Lopez, George (2000), The Sanctions Decade, Boulder


Cortright, David / Lopez, George (2002a), Smart Sanctions - Targeting Economic Statecraft, Lanham


Cortright, David / Lopez George (2002b), Sanctions and the Search for Security, Boulder


Debiel, Tobias (2003), UN-Friedensoperationen in Afrika: Weltinnenpolitik und die Realität von Bürgerkriegen, Bonn


Dzinesa, Gwinyayi Albert (2004), A Comparative Perspective of UN Peacekeeping in Angola and Namibia, International Peacekeeping, 11 (4), 644 -663

Escoval, Alfredo Pinto (2005), Staatszerfall im Südlichen Afrika: Das Beispiel Angola, Berlin


**Engel, Ulf / Mehler, Andreas (Ed.) (1998),** Gewaltsame Konflikte und ihre Prävention und Afrika: Hintergründe, Analysen und Strategien für die Entwicklungspolitische Praxis, Hamburg


**Fearon, James / Laitin, David (2003),** Ethnicity, Insurgency, and Civil War, American Political Science Review, 97 (1), 75-90


Guimaraes, Fernando Andresen (2001), The Origins of the Angolan Civil War: Forwign Intervention and Domestic Political Conflict, Basingstoke


Herbst, Jeffrey (2000), States and Power in Africa: Comparative Lessons in Authority and Control, Princeton

Hodges, Tony (2001), Angola from Afro-Stalinism to Petro-Capitalism, Oxford


Hufbauer, Gary / Oegg, Barbara (2003), The European Union as emerging Sender of Economic Sanctions, in: Aussenwirtschaft, 58 (4), 547-571


Humphreys, Macartan (2005), Natural Resources, Conflict and Conflict Resolution: Uncovering the mechanisms in: Journal of Conflict Resolution, 49 (4), 508-537


Jean, Francois / Rufin, Jean-Christophe (Ed.) (1996), Economie des Guerres Civiles, Paris

Kalflèche, Jean Marc (1992), Jonas Savimbi : Une Autre Voie pour L’Afrique, Paris


Kinsella, David (2006), The Black Market in Small Arms: Examining a Social Network', Contemporary Security Policy, 27 (1), 100-117


Le Billon, Philippe (2001), The Political Ecology of War: Natural Resources and Armed Conflicts, in: Political Geography 10(5), 561-584


Lorinser, Barbara (1996), Bindende Resolutionen des Sicherheitsrates, Baden-Baden

Luttwak, Edward (1999), Give War a Chance, in: Foreign Affairs, 78 (4), 36-44


Malone, David (Ed.) (2005), The UN Security Council: From the Cold War to the 21st Century, Boulder


Mamdani, Mahmood (2001), When Victims become Killers: Colonialism, Nativism and the Genocide in Rwanda, Princeton


Martineau, Patrick (2003), La Route Commerciale Congolais: Une Enquête, Montréal, available online : http://www.unites.uqam.ca/grama/, [30/11/2007]


Merom, Gil (1990), Democracy, Dependency, and Stabilization: The Shaking of Allende’s Regime, in: Political Science Quarterly, 105 (1), 75-95

Migdal, Joel / SchlichteKlaus (2006), Rethinking the State, in: Schlichte, Klaus (2006), The Dynamics of States. Processes of State Formation outside the OECD, Aldershot


Münkler, Herfried (2002), Die Neuen Kriege, Reinbek

Nest, Michael (2006), The Democratic Republic of Congo: Economic Dimensions of War and Peace, Boulder,


Pearce, Jenny (2005), Policy Failure and Petroleum Predation: The Economics of Civil War Debate Viewed “From the War-Zone”, in: Government and Opposition, 40 (2), 152-180


Bibliography


Pureza, José et al. (2007), Do States Fail or Are They Pushed: Lessons Learned From Three Former Portuguese Colonies, Coimbra, available online: http://www.ces.uc.pt/nucleos/nep/publicacoes_working_papers.php, [30/11/2007]


Reyntjens, Filip (2007), Briefing: The Democratic republic of the Congo:Political Transition and Beyond, in: African Affairs, 196 (423), 307-317


Romkema, Hans (2007), Opportunities and Constraints for the Disarmament & Repatriation of Foreign Armed Groups in the Democratic Republic of Congo: The cases of the FDLR, FNL and ADF/NALU, Consultant’s report to the Multi-Country Demobilization and Reintegration Program (MDPR)

Ron, James (2005), Paradigm in Distress: Primary Commodities and Civil War, in: Journal of Conflict Resolution, 49 (4), 443-450

Ross, Michael (2004), What Do We Know About Natural Resources and Civil War?, in Journal of Peace Research, 41 (3), 337-356


Rotberg, Robert (Ed.) (2003), State Failure and State Weakness in a Time of Terror, Washington D.C.


Rudolf, Peter (2006), Sanktionen in der internationalen Politik – Zum Stand der Forschung, SWP-Berlin, Berlin


Schaller, Christian (2003), Internationales Sanktionsmanagement im Rahmen von Artikel 41 UN-Charta, Baden-Baden


Schlichte, Klaus (2005), Der Staat in der Weltgesellschaft, Frankfurt

Schlichte, Klaus (2005), Gibt es Überhaupt „Staatszerfall“? Anmerkungen zu einer Ausufernden Debatte, in: Berliner Debatte Initial, 16 (4), 74-84


Schlichte, Klaus (Ed.) (2006), The Dynamics of States: Processes of State Formation Outside the OECD, Aldershot


Selby, Jan (2005), Oil and Water: The Contrasting Anatomies of Resource Conflicts, in: Government and Opposition, 40 (2), 200-224


Tegera, Aloys (2007), RD Congo: Liens de Facade et Lieux de Fractures, in: Regards Croisés 18, Pole Institute, Goma,


Tilly, Charles (1985), War Making and State Making as Organized Crime, in: Evans, Peter / Rueschemeyer, Dietrich / Skocpol, Theda (Eds.) (1985), Bringing the State Back In Rueschemeyer, and Theda Skocpol, Cambridge

Tilly, Charles (1990), Coercion, Capital, and European States, AD 990-1990, Cambridge

Thürer, Daniel (1999), The ‘Failed State’ and International Law, in: International Review of the Red Cross, No. 836, 739f

Torstensen, Arne / Bull, Beate (2002), Are Smart Sanctions Feasible?, in: World Politics, 54 (3), 373-403


Tull, Denis (2003), A Reconfiguration of Political Order: The State of the State in North Kivu (DR Congo), in: African Affairs, 102 (408), 429-446

Tull, Denis (2005), The Reconfiguration of Political Order in Africa: A Case-Study of North Kivu (DR Congo), Hamburg


Vines, Alex (2005), Combating Light Weapons Proliferation in West Africa, in: International Affairs, 81 (2), 341-360


Vlassenroot, Koen / Raeymaekers, Timothy (2005), The Formation of Centres of Power, Profit and Protection – Conflict and Social Transformation in Eastern DR Congo, Occasional Paper, University of Copenhagen


Wallensteen, Peter / Staibano, Carina (2005), International Sanctions: Between Words and Wars in the Global System, New York


Werthes, Sascha (2003), Probleme und Perspektiven von Sanktionen als Politisches Instrument der Vereinten Nationen, Münster

Willame, Jean-Claude (1997), Banyarwanda y Banyamulenge: Violences Ethniques et Gestion de l’Identité au Kivu, Brussels


Zanotti, Laura (2006), Taming Chaos: a Foucauldian View of UN Peackeeping, Democracy and Normalization, in International Peacekeeping, 13 (2), 150-167

United Nations Resolutions and Documents

THE ANGOLA AND DRC SANCTIONS REGIMES

<table>
<thead>
<tr>
<th>Security Council Resolutions</th>
<th>Sanctions Committee Reports / Panel of Experts Reports / Monitoring Mechanism Reports / Press Releases (e.g. List of Individuals)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Angola</strong></td>
<td><strong>DRC</strong></td>
</tr>
<tr>
<td></td>
<td>S/2002/243</td>
</tr>
<tr>
<td></td>
<td>S/2002/ 486</td>
</tr>
<tr>
<td></td>
<td>S/2002/ 1119</td>
</tr>
<tr>
<td></td>
<td>S/2002/1339</td>
</tr>
<tr>
<td></td>
<td>S/2002/1413</td>
</tr>
<tr>
<td></td>
<td>SC/6479</td>
</tr>
<tr>
<td></td>
<td>SC/7162</td>
</tr>
<tr>
<td></td>
<td>S/2001/49</td>
</tr>
<tr>
<td></td>
<td>S/2001/357</td>
</tr>
<tr>
<td></td>
<td>S/2001/1072</td>
</tr>
<tr>
<td></td>
<td>S/2002/565</td>
</tr>
<tr>
<td></td>
<td>S/2002/1146</td>
</tr>
<tr>
<td></td>
<td>S/2002/1146/Add.1</td>
</tr>
<tr>
<td></td>
<td>SC/2002/1146/Add.1</td>
</tr>
<tr>
<td></td>
<td>S/2003/1027</td>
</tr>
<tr>
<td></td>
<td>S/2004/551</td>
</tr>
<tr>
<td></td>
<td>S/2005/30</td>
</tr>
<tr>
<td></td>
<td>S/2005/436</td>
</tr>
<tr>
<td></td>
<td>S/2006/53</td>
</tr>
<tr>
<td></td>
<td>S/2006/525</td>
</tr>
<tr>
<td></td>
<td>S/2007/20</td>
</tr>
<tr>
<td></td>
<td>S/2007/423</td>
</tr>
<tr>
<td></td>
<td>S/PRST/2000/20</td>
</tr>
<tr>
<td></td>
<td>SG/SM/7338</td>
</tr>
</tbody>
</table>

Treaties

Charter of the United Nations
Statute of the International Court of Justice
Vienna Convention on the Law of Treaties
Newspaper Articles


Internet News Sources

www.kongo-kinshasa.de

www.irinnews.org

Interviews

Jim Freedman, Former Member of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth, Independent Consultant

Stefan Delfs, Former Head of Africa Division at the Permanent Mission of Germany to the United Nations, New York

Denis Tull, Congo Specialist, Stiftung Wissenschaft und Politik, Berlin
Erklärung


__________________________  ________________________
Ort, Datum                  Unterschrift