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The UN, regional sanctions and Africa

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Abstract

Sanctions are frequently applied by the UN Security Council (UNSC) as well as regional organizations. While the objectives sought often vary, a frequent commonality is that they target African states. Indeed, Africa is the most frequently targeted continent by the UNSC and regional organisations including the African Union, Economic Community of West African States and the European Union. However, little attention has been paid to the confluence of this sanctions activity by these different organizations. This article seeks to address this gap in the research. While the UNSC continues to focus on sanctioning to end hostilities, the regional organizations have assigned themselves unconstitutional changes to government as the principal reason to sanction African states. Drawing on data from the Targeted Sanctions Consortium (TSC), this article suggests that: 1) regional organisations are leading UNSC activity more often than is appreciated in the literature; 2) the UNSC has of late been expanding its sanctioning activity to consider issues of democracy and good governance; 3) the UNSC uses sanctions to endorse the activity of African regional organizations to deal with crises on the continent; and 4) UNSC and regional sanctions are intimately tied to crisis management in Africa.

Africa is the continent most targeted by sanctions. During the Cold War, when the United Nations Security Council (UNSC) was all but paralysed, the only sanctions regimes that the UN imposed were directed at countries located on the African continent: Southern Rhodesia and South Africa, penalized for their apartheid regimes. In the post-Cold War era, Africa has continued to register the highest frequency of sanctions, applied not only by the UN but by other organizations as well. Africa's own regional bodies, such as the African Union (AU) and the Economic Community of West African States (ECOWAS), are active in wielding sanctions against their members;¹ and about half of the sanctions imposed by the EU are levied against African targets.² Africa, then, represents the point of confluence of the sanctions practice not only of the UN, but of at least three diverse regional organizations, and consequently registers the highest frequency of sanctions worldwide.

While the decisions by members of the various organizations are motivated by a desire to remedy instability in this troubled continent, the four organizations administering them base their respective sanctions activities on very different legal foundations. The UN Charter confers upon the UNSC ‘primary responsibility’ for the maintenance of international peace and security,³ and endows it with the power to impose mandatory measures, including or excluding military force.⁴ The Charter also foresees a role for regional organizations, which are expected to manage security crises in their respective regions using all means except for military force.⁵ This explicitly

security-related sanctions practice is complemented by measures motivated by other objectives. In recent years, some regional organizations have given themselves a mandate to promote democracy. African organizations, including the AU and ECOWAS, have embraced provisions that mandate sanctions in response to unconstitutional power transfers within member states. Finally, the EU has acquired a role in championing democracy beyond its borders which it does through two primary channels. First, it enacts foreign policy sanctions; second, it has inserted conditionality clauses in its agreements with third countries permitting the suspension of those agreements in cases of grave and persistent breaches of human rights, the rule of law or democratic principles.⁶ As a result, the sanctions practice of regional organizations combines activity in conflict management, as envisaged in the UN Charter, and the additional role of supporting democracy.⁷

How has this apparent allocation of tasks between the global and the regional level played out in practice? This article examines the relationship between sanctions mandated by the UNSC and sanctions adopted by regional organizations against African targets.⁸ We proceed inductively in an attempt to map the interactions between the two sets of sanctions. Exploring this interplay is of particular interest in the case of Africa because regional organizations, on the one hand, are expected to deal with security crises in accordance with the UN Charter, and on the other hand, have acquired a role in the promotion of democratic rule. How do these practices interact, if at all? We explore the interfaces between (a) the objectives of conflict resolution and democracy promotion; (b) the global and the regional level; and (c) an exogenous body (the EU) and two indigenous regional organizations (the AU and ECOWAS) sharing similar objectives.

We examine these questions by looking at the evidence collected by the UN Targeted Sanctions Consortium (TSC),⁹ the result of a joint effort undertaken by a network of sanctions scholars and professionals. Data from the TSC cover UN targeted sanctions applied between 1991 and 2013. The data are particularly suitable for our purposes because they cover the concurrent presence of sanctions measures by regional organizations alongside UN measures.¹⁰ TSC data are complemented here by data on sanctions of regional organizations independently compiled by the authors.

We begin by outlining the mandate of the UNSC and situating its African sanctions in the broader framework of the global organization's peace and security role, using the TSC data to identify the features that inform Africa's profile as a target of global sanctions. We then turn in the second section to look at the sanctions practice of regional organizations. In the third section we discuss and interpret the patterns identified, laying out their policy implications. The article concludes with some final reflections on African sanctions as a nexus of global and regional governance.

UN sanctions in Africa: a profile

Most UNSC sanctions are imposed in Africa: 43 (68 per cent) of the 63 UNSC sanctions ‘episodes’ studied by the TSC were applied against African states.¹¹ Only 20 episodes (32 per cent) of UN sanctions during the period covered by the TSC dealt with non-African states or with terrorist groups. The latter were spread around the world: they involved only one European state (the former Yugoslavia), one Caribbean state (Haiti) and one Asian state (the Democratic People's Republic of Korea, DPRK); the remaining episodes concerned Middle Eastern countries—Iran, Iraq, Lebanon—and individuals and entities connected to Al-Qaeda and the Taliban.

The 43 sanctions episodes in Africa related to 13 different target states.¹² Several characteristics set the African episodes apart from the rest of UN sanctions practice. Conspicuously, they tend to be the subject of UN sanctions for multiple episodes, which equates to many years under sanctions: the cases of Liberia, Angola, Sierra Leone, the Democratic Republic of Congo (DRC) and Côte d'Ivoire each encompass at least four or five separate episodes, each episode representing modifications in the objectives of sanctions and/or the nature of the measures employed. In contrast, outside Africa only Iran and the Al-Qaeda/Taliban sanctions feature as many as four episodes. Judging from the number of episodes, then, attention to African targets by the UNSC tends to be sustained.

In terms of the specific targets, eleven of the 43 African episodes, or 26 per cent, targeted rebel factions. This is in stark contrast to non-African sanctions, in which only three episodes out of 20 (15 per cent) were directed against rebel groups. The second most frequent target of UNSC sanctions against African states is the entire government and associated entities, representing nine of 43 episodes (21 per cent). A further six episodes target only the top government leadership, for example cabinet ministers. This means that in roughly 35 per cent of the African sanctions episodes, either the whole government, or a portion of it, is targeted. Coincidentally, this is the same percentage of episodes of non-African sanctions in which the government was targeted. In only two episodes outside Africa, however, did UN sanctions target all of the parties to a conflict, while this was the case in seven episodes in Africa.

Who are the initiators of sanctions regimes at the UNSC? Resolutions can admit multiple ‘pens’; in only five of the African episodes was a non-permanent member the primary drafter of the sanctions resolution.¹³ Resolutions applying sanctions against Africa were drafted by Portugal, a former colonial power; by Latin American states—Chile and Honduras; and by fellow African countries—Botswana, Egypt and Guinea-Bissau. Given the colonial record of the United Kingdom and France in Africa, and their status as permanent members of the Security Council, it is not surprising that they too appear as the primary instigators of sanctions. In twelve of the 43 African episodes, the sanctions resolutions were drafted by France; these concerned predominantly francophone states—Rwanda, the Central African Republic (CAR), the DRC and Côte d'Ivoire—but also Libya 2.¹⁴ In seven episodes, resolutions were tabled by the UK: these involved sanctions against Sierra Leone, Somalia and Libya 1.

The United States was involved in the drafting of 15 of the sanctions episodes: all but those against Côte d'Ivoire, DRC, Libya 2, Rwanda, Sudan 1 and Guinea-Bissau. Indeed, Washington often holds the primary 'pen' of UNSC resolutions: resolutions giving rise to 31 of all sanctions episodes (49 per cent) were drafted by the United States. It was also one of the primary authors, alongside France and the UK, of the sanctions resolutions against Libya 1 and the CAR. Moscow is less involved: Russia was one of the drafters in just three cases: for sanctions against Angola, Ethiopia/Eritrea and Libya 2. China did not participate in drafting any of the UNSC sanctions episodes save the latest against the DPRK—and even then, the United States was the primary pen of the measures applied.

What are the objectives of UNSC sanctions in Africa?

The UNSC's authority to apply sanctions stems from Chapter VII of the UN Charter, according to which 'a threat to the peace, breach of the peace or act of aggression'¹⁵ may serve as a trigger for coercive measures, including sanctions and the use of force. While other situations may also constitute grounds for the application of mandatory sanctions, the crisis must be perceived to be sufficiently significant for the imposition of sanctions to garner the support of at least nine members of the Security Council without attracting the veto of any of the five permanent members.

Our data confirm that UN sanctions in Africa are typically motivated by peace and security concerns, as anticipated by the Charter's mandate. If we look at the 16 cases of sanctions applied by the UNSC against African states, eleven (69 per cent) addressed a civil war of some kind: in Angola, Côte d'Ivoire, DRC, Liberia, Libya 2, Rwanda, Sierra Leone, Somalia, Sudan (Darfur), CAR and South Sudan. Two sanctions regimes were applied in response to interstate conflicts (between Ethiopia and Eritrea, and between Eritrea and Somalia), two concerned state sponsors of terrorism (Libya 1 and Sudan 1) and one of the more recent episodes, against Guinea-Bissau, is the only one to address, exclusively, an unconstitutional change in government.

Table 1. UN targeted sanctions in Africa

State targeted	Dates UN sanctions applied	UN sanctions' primary objective
Angola	1993–2002	Cease hostilities
Central African Republic	2013 (ongoing)	Cease hostilities/democracy support
Côte d'Ivoire	2004 (ongoing)	Cease hostilities/democracy support
Democratic Republic of Congo	2004 ongoing	Cease hostilities
Ethiopia/Eritrea	1999–2001	Cease hostilities
Guinea-Bissau	2012 (ongoing)	Democracy support
Liberia	2003 (ongoing)	Cease hostilities/democracy support
Libya 1	1992–2003	Counterterrorism
Libya 2	2011 (ongoing)	R2P
Rwanda	1994–2008	Cease hostilities
Sierra Leone	1997–2010	Cease hostilities
Somalia	1992 (ongoing)	Cease hostilities
Somalia/Eritrea	2009 (ongoing)	Cease hostilities
South Sudana	2015 (ongoing)	Cease hostilities
Sudan 1	1996–2001	Counterterrorism
Sudan 2 (Darfur)	2005 (ongoing)	Cease hostilities
<i>Total</i>	<i>16</i>	

^a South Sudan is the only case not included in the TSC.

The UNSC's strong focus on conflict management in Africa contrasts with the application of sanctions in pursuit of more diverse goals elsewhere. The TSC data classify episodes by their primary objective, while acknowledging that additional objectives might also be in play. This allows us to explore how primary objectives differ between measures applied against targets located in Africa and those applied to targets outside Africa. If one looks at the primary objective outlined by the UNSC for the imposition of sanctions, there is a stark contrast between the two groups of cases. Of the African sanctions, the vast majority, 32 of 43 episodes (74 per cent), list armed conflict/cessation of hostilities as the primary objective. In five of the episodes (Libya 1 and Sudan 1), counterterrorism was the primary objective. In three episodes, corresponding to the cases of Sierra Leone, Côte d'Ivoire and Guinea-Bissau, the chief aim was to support democracy. A single episode in Libya 2 pursued the objective of shielding civilian populations from armed violence under the 'Responsibility to Protect' doctrine. And finally, Liberia features one episode focusing on good governance as the primary objective of the UNSC sanctions.¹⁶ In contrast, in only five out of 20 episodes (25 per cent) of UNSC sanctions against non-African

targets was the primary objective ending armed conflict (FRY 1 and 2, Iraq 1 and 2, and Taliban). The primary objective in other cases outside Africa was non-proliferation (in seven of the episodes against Iran and North Korea), counterterrorism (four episodes all dealing with Al-Qaeda and the Taliban) or (one episode in Lebanon) support for an international criminal process.

The sanctions activity of regional organizations in Africa

While the primary responsibility for the maintenance of international peace and security rests with the UNSC, regional and subregional organizations are also expected to play a role. Chapter VIII of the UN Charter states that member states should ‘make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council’.¹⁷ These provisions suggest that the relationship between the UN and regional organizations was intended to be governed by the principle of complementarity, whereby the UNSC would intervene only in those matters which regional arrangements proved unable to resolve. Chapter VIII further stipulates that the ‘UNSC shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority’.¹⁸

Beyond this mandate laid down by the UN Charter, regional organizations have given themselves a role in championing democracy. For African regional organizations, the trigger to apply sanctions is usually an unconstitutional change of government. Through the adoption of charters, constitutions and protocols that call for sanctions mainly in the form of suspension of membership, the African regional organizations have espoused a common goal of promoting good governance and democracy by responding to *coups d'état* in the hope of deterring future occurrences. Thus, rather than tackling many different types of conflict via the application of sanctions, as the UNSC does, the AU and ECOWAS have focused on responding to unconstitutional changes of government. The EU, an external organization representing a region intimately linked to Africa, has adopted a similar role.

The African Union

The AU's precursor, the Organization of African Unity (OAU), was founded in 1963 as a pan-African arrangement against the background of decolonization and anti-apartheid struggle.¹⁹ In 2001, the AU replaced the OAU in order to accelerate the process of integration in the continent. Like the UN, the AU has a body dedicated to the ‘prevention, management and resolution of crises and conflicts’, the Peace and Security Council (PSC). Currently, the AU—representing all but one of 54 African states (the sole exception being Morocco)—supports two of the largest peacekeeping missions in the world: the African mission in DRC and the UN–AU hybrid mission in Darfur. One of the principles of the AU is to ‘promote democratic principles and institutions, popular participation and good governance’.²⁰ Although the 2000 Lomé Declaration for an OAU Response to

Unconstitutional Changes of Government is often cited as a justification for sanctions, the authorization to apply these measures is enshrined in the AU Constitutive Act, whose Article 30 is the main trigger for such action.²¹ It stipulates that: ‘Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.’ Also, Article 23, entitled ‘Imposition of sanctions’, reads: ‘Any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.’ Since 2001 the AU has applied 15 sanctions regimes against twelve states, as shown in table 2.

Table 2. AU versus UN targeted sanctions

State targeted	Dates of unconstitutional change of government	AU sanctions	UN sanctions also applied, and when
Central African Republic	2003	Yes	None
Central African Republic	2013	Yes	2013 (ongoing)
Comoros	2007	Yes	None
Côte d'Ivoire	2010	Yes	2004 (ongoing)
Egypt	2011	Yes	None
Guinea-Bissau	2008–09	Yes	None
Guinea-Bissau	2012	Yes	2012 (ongoing)
Guinea-Conakry	2008	Yes	None
Libya 2	None	Yes	2011 (ongoing)
Madagascar	2009	Yes	None
Mali	2012	Yes	None
Mauritania	2005	Yes	None
Mauritania	2008	Yes	None
Niger	2010	Yes	None
Togo	2005	Yes	None
<i>Total</i>		15	4

The Economic Community of West African States

ECOWAS was founded in 1975 in an attempt to improve and foster economic cooperation among the 15 member states. In 1991, it adopted a Declaration of Political Principles ‘to encourage and promote in each [of] our countries political pluralism’.²² This marked the start of a growing focus on the governance of member states.²³

In 2001, ECOWAS adopted a protocol that prescribed how elections should be organized and monitored. Importantly, it was agreed that sanctions would be applied in the event of an ‘abrupt end to democracy’ or ‘massive violation of human rights in a Member State’.²⁴ The ECOWAS Protocol on Democracy and Good Governance stipulated consequences, including the suspension of the errant member state from all ECOWAS decision-making bodies.²⁵ Lesser sanctions are also contemplated, such as the refusal to support candidates presented by the member state for elective posts in international organizations and the refusal to organize ECOWAS meetings in the member state concerned. Over the years, ECOWAS has established a well-deserved reputation for reacting to conflicts before the UNSC:²⁶ in August 1990, for example, well before former UN Secretary General Boutros Boutros-Ghali penned his *Agenda for peace* in 1992, ECOWAS had already launched an intervention in Monrovia.²⁷ Since 1990, ECOWAS has applied a total of eight sanctions regimes against seven of its members, all of them for unconstitutional changes to government; thus, nearly half of its members have been subject to sanctions. Beyond suspending membership of countries at fault, ECOWAS has sometimes enacted more far-reaching sanctions, exemplified in its petroleum and arms embargo against Sierra Leone in 1997.²⁸ By contrast, provisions for intervention in the event of massive human rights abuses have yet to be invoked.

Table 3. ECOWAS versus UN targeted sanctions

State targeted	Dates UN sanctions applied	Dates of unconstitutional change of government	ECOWAS sanctions
Côte d'Ivoire	2004 (ongoing)	2010	Yes
Guinea-Bissau	None	2008–09	Yes
Guinea-Bissau	2012 (ongoing)	2012	Yes
Guinea-Conakry	None	2008	Yes
Mali	None	2012	Yes
Niger	None	2010	Yes
Sierra Leone	1997–2010	1997	Yes
Togo	None	2005	Yes
<i>Total</i>	<i>3</i>		<i>8</i>

The European Union

The EU differs from most regional organizations in that it has given itself a mandate to impose sanctions against states outside its boundaries. Originating in the decade that followed the Second World War as an integration project by six states persuaded that economic unification would prevent future wars, it gradually acquired a foreign policy role.²⁹ After the end of the Cold War, this role was institutionalized in the form of the Common Foreign and Security Policy (CFSP), launched in 1992. The CFSP's principles and objectives are set out in the constitutive treaty of the Union, which has been revised on several occasions: according to their present formulation in Article 21 of the 2009 Lisbon Treaty, they include commitments to 'safeguard the EU's values, fundamental interests, security, independence and integrity'; 'consolidate and support democracy, the rule of law, human rights and the principles of international law'; and 'preserve peace, prevent conflicts and strengthen international security'.³⁰ The same article defines EU values as 'democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law'. Thus the protection of democracy appears twice in the article that outlines the self-mandated mission of the EU in international relations. In its first document on sanctions policy, the EU announced that it would impose sanctions 'to uphold respect for human rights, democracy, the rule of law and good governance'.³¹ This said, EU sanctions practice is not confined to measures adopted under the CFSP.³² In the mid-1990s, the EU also introduced a conditionality clause in its relations with third countries which allowed for suspension of cooperation agreements in response to grave violations of rule of law, human rights and democratic standards. In practice, the justifications adduced by the EU for the imposition of sanctions almost invariably invoke democracy along with human rights and good governance. Indeed, the sort of human rights violations to which the EU responds with sanctions, such as breaches of the freedom of association, the freedom of speech and the freedom of demonstration, are intimately intertwined with the democratic process.³³ The salience of democracy in EU sanctions decisions may be attributable to a desire to enhance the legitimacy of the measures by presenting the wrongdoing as contravening universally agreed norms rather than typically western standards.

The EU treaty features a clause that allows for the temporary suspension of membership rights when a member violates the organization's values (summarized above).³⁴ However, this clause has never been activated.³⁵ The key difference between the sanctions practice of the EU and that of African regional organizations—that it levies sanctions against outside states rather than its own members—is a matter of policy choice, not the absence of the relevant provisions.

The EU has applied 22 sanctions regimes against 19 African states in the period under study, as shown in table 4. These include both sanctions levied under the CFSP and suspensions from the benefits associated with the

Cotonou Agreement, which governs the EU's relations with African, Caribbean and Pacific (ACP) countries. While most sanctions regimes fall into the latter category,³⁶ some countries have been subject to both suspension from the Cotonou Agreement and CFSP sanctions; these include Zimbabwe, Guinea-Conakry and the Comoros.

Table 4. EU versus UN targeted sanctions

State targeted	Dates UN sanctions applied	Dates of unconstitutional change of government	EU sanctions
Central African Republic	None	2003	Yes
Central African Republic	2013 (ongoing)	2013	Yes
Comoros	None	1999	Yes
Comoros	None	2007	Yes
Côte d'Ivoire	2004 (ongoing)	2010	Yes
Democratic Republic of Congo	2004 (ongoing)	n/a	Yes
Ethiopia/Eritrea	1999–2001	n/a	Yes
Gambia	None	1994	Yes
Guinea-Bissau	2012 (ongoing)	2012	Yes
Guinea-Conakry	None	2002	Yes
Guinea-Conakry	None	2008	Yes
Liberia	2003 (ongoing)	n/a	Yes
Libya 1	1992–2003	n/a	Yes
Madagascar	None	2009	Yes
Mali	None	2012	Yes
Mauritania	None	2005	Yes
Mauritania	None	2008	Yes
Niger	None	2010	Yes
Rwanda	None	2012	Yes
Sudan 2 (Darfur)	2005 (ongoing)	n/a	Yes
Togo	None	2005	Yes
Zimbabwe	None	n/a	Yes
<i>Total</i>	8		22

The global–regional sanctions interface in Africa

The key role of regional arrangements in ensuring the full implementation of UN sanctions has been acknowledged in the scholarly literature.³⁷ What is often missed by observers is how often regional organizations prompt the UNSC to use its sanctioning tool. UN sanctions frequently endorse regional sanctions or other regional responses, such as peacekeeping missions, often at the instigation of these organizations.³⁸ As Cortright, Gerber and Lopez suggest, when regional organizations take the lead in enacting sanctions, they aim to enlist the substantial resources and political clout of the UN to develop effective monitoring and enforcement mechanisms.³⁹ Some authors have pointed to this practice as reflecting the growing centrality of regional arrangements in global security governance. According to Bellamy and Williams, ‘regional arrangements influenc[e] which issues get debated in the Council [and] how they are framed’, thereby acting as ‘gatekeepers’ guiding discussion of the crisis in question.⁴⁰

Of the 43 African episodes of sanctions covered in the TSC dataset, regional organizations are involved in 41, that is, 95 per cent.⁴¹ In only a few episodes is no corresponding regional measure of some kind in place, whether peacekeeping, mediation or sanctions. If we look at the initiation of UNSC sanctions episodes, we observe that seven of the 14 first UNSC African episodes, representing half of the cases, were preceded by regional sanctions.⁴² Outside Africa, the figure is slightly less: four of the nine first non-African UNSC episodes, or 44 per cent of the cases, were preceded by regional sanctions.⁴³ Countries outside Africa are more likely to be targeted instead with sanctions by an individual country, such as the United States, acting outside any regional arrangement. Indeed, seven of the first nine episodes of non-African sanctions were preceded by sanctions wielded unilaterally by an individual country.⁴⁴ In contrast, only Libya 1 and 2 and Sudan 2 were subjected to unilateral sanctions prior to the UNSC measures, representing less than 7 per cent of the African cases.⁴⁵ In 24 of the 43 African episodes, or 56 per cent, the UNSC is specifically signalling support to regional efforts or a neighbouring state.⁴⁶ In most of these cases, the endorsement of regional sanctions by the UNSC acknowledges the efforts undertaken by the AU and/or ECOWAS to deal with the crisis at hand. In contrast, measures by regional arrangements outside Africa have been expressly mentioned in the text of UNSC resolutions in only three sanctions episodes (the former Yugoslavia 1 and 2, and Haiti), representing just 15 per cent of the total.⁴⁷ It would seem, therefore, that the UNSC wishes to encourage African regional arrangements by means of the endorsement embodied in a sanctions resolution.

Overall, a prior regional sanctions regime was in place for 29 of the 43 African UN sanctions episodes. In 16 of the UNSC episodes, TSC data indicate some involvement by ECOWAS.⁴⁸ The AU was directly involved in 37 of the episodes, representing 86 per cent of the African cases.⁴⁹ The EU is involved in 31 (49 per cent) of all the UNSC sanctions episodes.⁵⁰ The only African UN sanctions which lack a regional precedent are those applied

against Angola, Rwanda, Liberia and Somalia—with the important qualification that ECOMOG and AMISOM, the first all-African peacekeeping missions, were already deployed in Liberia and Somalia respectively before UNSC action, so that even in these cases there was regional involvement ahead of UNSC measures. The cases of Côte d'Ivoire, Guinea-Bissau and, very recently, the CAR are examples of the UNSC enacting measures in response to an unconstitutional change of government in direct support of regional efforts.

The division of labour between the UN and regional organizations: changing patterns?

Our enquiry shows that UN sanctions practice in Africa is overwhelmingly preoccupied with the continent's core problem: the incidence of violent conflict. The vast majority of sanctions episodes in Africa address situations of armed conflict, especially internal but also interstate. The fact that a majority of sanctions regimes address civil wars, rather than interstate conflicts as originally foreseen in the Charter, reflects how the UNSC has expanded its mandate.⁵¹ Among the several reasons for this expansion is the perceived need to address the principal source of insecurity on the continent. A further consideration is that civil wars have manifold regional ramifications and typically involve more than one country so that a conflict may become internationalized even in the absence of interstate war. This focus on conflict management is characteristic of Africa; UN sanctions regimes elsewhere aim at a greater diversity of goals. The fact that African targets register the highest number of episodes is a further indication of the sustained concern for the continent, given that every new episode entails a modification of the goals pursued and/or sanctions employed, and consequently reflects an effort to fine-tune the measures in place.

UNSC sanctions in Africa are usually applied to one specific party to a conflict. Over one-fifth (21 per cent) of all sanctions in the continent were directed against rebel factions, and 35 per cent against the 'entire' government; seldom are 'all parties to the conflict' targeted, as is usually the case for non-African sanctions. This suggests the UNSC is making judgements about who are the peace spoilers. Regional sanctions tend to be similarly partial, the targets usually being the perpetrators of a coup or another type of unconstitutional change of government.

The role of regional organizations in African sanctions is prominent, with some form of regional initiative recorded in almost every episode of UN sanctions in the continent. Regional arrangements have clearly embraced fully their function as conflict managers. As the Constitutive Act of the AU stipulates, 'the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent'; it includes under this heading chiefly violent conflicts, but also terrorism, and even the pursuit of weapons of mass destruction in the case of South Africa during the Cold War. However, what is most remarkable about these regional arrangements is that their sanctions preceded UN sanctions in no fewer than half of the cases. This is significant on two counts. First, it differs from UN practice in other regions: while UN sanctions elsewhere are routinely preceded by other actors' sanctions regimes, these are mostly imposed by individual states acting unilaterally, rather than by regional

arrangements. This circumstance can be partly explained by the close relationship between the EU and Africa in the security domain.⁵² Second, this finding indicates that, by imposing sanctions, regional organizations are attracting the attention of the UNSC (especially the US, France and UK), which then follows up with its own measures. Indeed, the wielding of regional sanctions has often been accompanied by explicit calls for UN action, as in the cases of Sierra Leone, Libya 2 and Côte d'Ivoire.⁵³ This suggests that regional organizations active in Africa are fulfilling the role that Chapter VIII of the UN Charter envisaged for them: that of attempting to solve security crises within their own regions by their own means. Only when their actions have proved insufficient do they make a strong case for UN involvement, and indeed their measures often give way to UNSC sanctions regimes. In following up on their measures, the UN supports regional organizations in their action.

An interesting fact revealed by our data is that Washington often plays a key role in facilitating the adoption of regionally sponsored sanctions by the UNSC. Despite its lack of colonial history in Africa and the fact that it chairs none of the UNSC sanctions committees, the United States is the main 'pen' on many of the resolutions wielding UNSC sanctions in Africa. While media sources complain that the UNSC, and especially Washington, is not sufficiently active in Africa because of the continent's relative geopolitical unimportance, the record suggests otherwise. The role played by the United States in framing UNSC sanctions in Africa is in reality comparable to the attention paid by European states to their former colonies. The remarkable amount of attention the United States has paid to African regional arrangements can be interpreted as proof of US support for these organizations and recognition of their contribution to regional security. However, Washington's behaviour can also be read as the path of least resistance: since regional actions are unlikely to have any significant impact on North American interests, their efforts can be acknowledged at minimal cost.

One of our most interesting findings on the 'division of labour' between regional arrangements and the UN concerns the practice of applying sanctions in support of democracy—an area in which regional arrangements have been exceptionally active. This pattern results from the felicitous affinity between the mandates of regional organizations in Africa and of the EU, which share similar objectives in terms of imposing sanctions to support democratic rule: both African bodies and the EU aim to reverse instances of unconstitutional power transfer, which most frequently take the form of *coups d'état* or refusal to recognize election results. Traditionally, the promotion of democracy and human rights has been the chief goal of EU sanctions in sub-Saharan Africa.⁵⁴ This is now increasingly true of African regional organizations as well. As may be seen from tables 2–4, there is a considerable measure of overlap between sanctions imposed by the EU and those levied by the African arrangements.

However, this presumed division of labour, under which the UN and regional organizations work together to deal with violent conflicts while only regional organizations are active in democracy support in Africa, is far from clear-cut. While the UN has acquired a number of democracy-supporting roles, manifested in the regular dispatch of electoral advisers and election monitoring missions, the UNSC does not normally apply sanctions in response

to unconstitutional changes of government. It has condemned such changes of government or refused to accept electoral results in 16 episodes, but normally stops short of taking action. As tables 2–4 show, plenty of instances of unconstitutional changes of government that have led to sanctions by regional organizations over the past 20 years conspicuously failed to elicit any response from the UNSC. The Comoros, Egypt, Gambia, Guinea-Bissau, Guinea-Conakry, Madagascar, Mali, Mauritania, Niger, Togo and Zimbabwe are all cases in point.

That said, the recent UNSC sanctions package against Guinea-Bissau was intended to restore and consolidate democratic governance. The President of the Security Council, US Ambassador Susan Rice, declared that ‘the recurrence of illegal interference of the military in politics contributes to the persistence of instability and a culture of impunity, and hampers efforts towards consolidation of the rule of law ... and entrenchment of a democratic culture’.⁵⁵ This development is puzzling on several accounts. First, the UN Charter does not explicitly confer on the organization a responsibility to protect democratic rule; on the contrary, the coercive powers given to the UNSC refer specifically to the objective of ‘maintaining international peace and security’. Second, beyond the letter of the UN Charter, the promotion of democracy by the global organization is rendered unlikely by the lack of a universal agreement on the desirability of democratic rule over other forms of governance. Indeed, non-democratic states are represented on the UNSC, including among its permanent members.

As well as constituting the primary objective of the Guinea-Bissau episode, the consolidation of democratic rule features as a secondary objective in two other UN sanctions episodes, namely Sierra Leone in 1997 and Côte d'Ivoire in 2010. The UNSC has established a practice of citing references to the democracy instruments of regional organizations in its resolutions. In Sierra Leone, the UN applied an arms embargo and petroleum ban and a travel ban against the coup leaders, citing the measures adopted by ECOWAS and entrusting the regional organization with the implementation of the UN sanctions regime. The unanimously adopted resolution applying sanctions against the CAR bars a cadre from running for office ‘in accordance with the African Charter on Democracy, Elections and Governance, the Libreville Agreements, the relevant ECCAS⁵⁶ decisions and the Constitutional Charter for the Transition’.⁵⁷ What is more, the UNSC has also turned its attention to ‘good governance’ in numerous post-conflict situations (e.g. in Angola, Liberia, Sierra Leone and Côte d'Ivoire) by applying sanctions on exploitation of natural resources in order to encourage better national management strategies, thereby showing its willingness to seek secure and sustainable peace beyond the termination of hostilities.

What has prompted the UNSC to enact sanctions to support democracy and good governance, notwithstanding the absence of a mandate to do so? Its imposition of sanctions on West African targets in response to interruptions of the democratic process recognizes the linkage between lack of democracy and the likelihood of eruption or recurrence of violent conflict. In other words, the UNSC appears to be making a particularly extensive interpretation of its mandate in order to address insecurity more effectively. Traditionally, the UNSC has been most creative in its application of sanctions in Africa; thus it is unsurprising that it continues innovating in its

most habitual ‘theatre’—and particularly in highly volatile countries where it has often had a previous presence on the ground. The new UN interest in supporting constitutional order, albeit still at an early stage, appears to acknowledge the transfer of power through unconstitutional means as a source of instability. Events in Sierra Leone epitomized how quickly a *coup d'état* can be followed by a descent into violence, in this case eventually leading to one of the cruellest African civil wars of its time. The fact that the UNSC seems to be adopting a practice of applying sanctions against the perpetrators of coups (even if *only after* regional arrangements have consolidated their role in rejecting unconstitutional transfers of power) points to a division of roles between the regional organization as precursor and the UNSC as a driver of innovation. The role of the UNSC appears to consist of providing a UN stamp for a practice first established by the regional arrangements, namely, the need to address the connection between an undemocratic change of government and the outbreak of conflict.

Conclusions

This article set out to map Africa's profile as the continent most frequently on the receiving end of UNSC sanctions, and to explore the interfaces between regional and UN sanctions and their mandates of conflict resolution and democracy promotion. The mapping exercise reveals that sanctions in Africa are characterized by features that set them apart from the rest of sanctions practice. UN sanctions against African targets tend to be protracted and subject to repeated revisions over their lifetime. Whereas non-African sanctions pursue a variety of goals, African UN sanctions are levied in support of the UNSC's primary objective of addressing conflict, mostly in the form of civil war. They tend to favour one party over another—sometimes the government, sometimes rebel forces. Interestingly, the UNSC's involvement in regional efforts to solve African conflicts is often prompted by Washington, followed closely by Paris in second place and London in third.

The analysis finds close links between the regional and global levels. Half of the sanctions regimes initiated by the UNSC superseded regional sanctions, and in most of these cases the UNSC explicitly acknowledged the prior efforts of regional organizations to solve the crisis. Thus, regional organizations emerge as ‘pioneers’ of subsequent UNSC sanctions, to a larger extent than has been acknowledged in the literature so far. This suggests that the ‘division of labour’ in terms of crisis management is working as foreseen by the UN Charter in a considerable number of cases. The connection between regional and UN sanctions is also observable in terms of the objectives pursued. The analysis detects a high level of activity on the part of regional organizations not only in conflict resolution, but also in support of democratic rule. Here, however, the division of labour is not always as clear-cut as expected. Interestingly, the fact that some recent UN regimes have incorporated the goal of supporting democratic processes suggests that regional organizations are not only successful in stimulating action by the UNSC, but might even be in the process of ‘uploading’ to the UN level a novel goal: namely, the recognition of the relevance to security of consolidating democratic rule. Although it may be too early to tell, the

adoption of what seems to be a new aim in UNSC sanctions activity can be interpreted as an acknowledgement that conflict management in Africa is ultimately, and inextricably, connected with democratic consolidation.

1. Andrea Charron, 'Sanctions and Africa: United Nations and regional responses', in Jane Boulden, ed., *Responding to conflict in Africa: the United Nations and regional organizations*, 2nd edn (New York: Palgrave Macmillan, 2013), pp. 77–98; Mikael Eriksson, *Supporting democracy in Africa: African Union's use of targeted sanctions to deal with unconstitutional changes of government* (Stockholm: Swedish Defence Research Agency, 2010).
2. Clara Portela, *European Union sanctions and foreign policy* (London: Routledge, 2010), p. 175; Andris Zimelis, 'Conditionality and the ACP partnership', *Australian Journal of Political Science* 46: 3, 2011, p. 397.
3. Art. 24 (1) of the UN Charter.
4. Arts 42 and 41 of the UN Charter, respectively.
5. Art. 52 of the UN Charter.
6. Lorand Bartels, *Human rights conditionality in the EU's international agreements* (Oxford: Oxford University Press, 2005); Elena Fierro, *The EU's human rights conditionality in practice* (The Hague: Nijhoff, 2001).
7. Eriksson, *Supporting democracy in Africa*.
8. For a general discussion of the various roles of sanctions, especially those of the UN, see also Michael Brzoska, 'International sanctions before and beyond UN sanctions', *International Affairs* 91: 6, Nov. 2015, pp. 1339–49; and Mikael Eriksson and Peter Wallensteen, 'Targeting sanctions and ending armed conflicts: first steps towards a new research agenda', *International Affairs* 91: 6, Nov. 2015, pp. 1387–98.
9. See 'UN Targeted Sanctions' at <http://graduateinstitute.ch/un-sanctions>, accessed 28 Sept. 2015. Footnotes below cite relevant variable numbers from the TSC database, as indicated in the project overview.
10. The TSC database has been generated through an in-depth exploration of UN sanctions practice since the end of the Cold War. A distinctive feature is its subdivision of sanctions cases into units called 'episodes' to acknowledge shifts in objectives pursued. It also includes variables dealing with foreign policy instruments related to UN sanctions.
11. We define Africa as comprising countries both south and north of the Sahara, thus totalling 54 states.
12. The TSC has not yet added the latest UN sanctions against Yemen (2014) and South Sudan (2015) to its database. However, we include South Sudan in our figures for the sake of completeness.
13. Often there is more than one primary drafter. The TSC database (Variable 34) lists a primary 'pen' of the draft resolutions and then additional 'pens' (V34a, V34b).
14. Numerals 1 and 2 are used to differentiate between two different cases when a country has been subject to more than one UN regime in the period studied. Here, Libya 2 refers to the sanctions regime imposed during the 2011 crisis.

15. Art. 39 of the UN Charter.
16. Specifically, the UNSC kept sanctions in place to encourage Liberia to create a forestry development authority and diamond certification programme.
17. Art. 52 of the UN Charter.
18. Art. 53 of the UN Charter.
19. Elin Hellquist, 'Regional organizations and sanctions against members: explaining the different trajectories of the African Union, the League of Arab States, and the Association of Southeast Asian Nations', 'The transformative power of Europe' working paper no. 59 (Berlin: Kolleg-Forschergruppe [KFG], 2014).
20. Art. 3g of the AU Constitutive Act.
21. Konstantinos Magliveras, 'The sanctioning system of the AU: part success, part failure?', paper presented at expert roundtable on 'The African Union: the first ten years', Institute of Security Studies, Addis Ababa, Ethiopia, 11–13 Oct. 2011, p. 4.
22. ECOWAS, 'Declaration of Political Principles', A/DCL.1/7/91, para. 6 (4–6 July 1991), <http://www.ohchr.org/EN/Issues/RuleOfLaw/CompilationDemocracy/Pages/ECOWASDec.aspx>, accessed 6 Oct. 2015.
23. Charron, 'Sanctions and Africa', pp. 88–9.
24. ECOWAS, Protocol A/SP1/12/01 on 'Democracy and Good Governance', supplementary to the protocol relating to the mechanism for conflict prevention, management, resolution, peacekeeping and security (Dakar, Dec. 2001).
25. Art. 45 of Protocol A/SP1/12/01 on 'Democracy and Good Governance'.
26. Kai Striebinger, 'When pigs fly: ECOWAS and the protection of constitutional order in the event of *coup d'état*', in Tanja Börzel, Lukas Goltermann, Mathis Lohaus and Kai Striebinger, eds, *Roads to regionalism* (Farnham: Ashgate, 2012).
27. The authors thank Jane Boulden for bringing this point to our attention.
28. Alex Vines and Tom Cargill, 'The impact of UN sanctions and their panels of experts: Sierra Leone and Liberia', *International Journal* 65: 41, Winter 2009, pp. 45–68.
29. The six founding states were Belgium, France, West Germany, Luxembourg, the Netherlands and Italy. Membership gradually enlarged to a total of 28 member states by 2015.
30. Art. 21 of the Treaty on European Union, 2009.
31. Council of the European Union, 'Basic principles on the use of restrictive measures (sanctions)', Doc. 10198/1/04, Brussels, 7 June 2004.
32. Portela, *European Union sanctions*, pp. 59–77.
33. Clara Portela, 'European Union sanctions as a foreign policy tool: do they work?', in Sven Gareis, Gunther Hauser and Franz Kernic, eds, *Europe as a global actor* (Leverkusen: Budrich, 2012).

34. Art. 7 of the Treaty on European Union, 2009. See Dimitry Kochenov and Laurent Pech, 'Upholding the rule of law in the EU', Robert Schuman Centre for Advanced Studies Research Paper 24/15 (San Domenico di Fiesole: RSCAS, 2015).
35. Contrary to popular belief, the clause was not activated after a right-wing leadership took office in Austria in 2000. See Michael Merlingen, Cas Mudde and Ulrich Sedelmeier, 'The right and the righteous? European norms, domestic politics and the sanctions against Austria', *Journal of Common Market Studies* 39: 1, Jan. 2001, pp. 59–77.
36. Fierro, *The EU's human rights conditionality*; Portela, *European Union sanctions*.
37. David Cortright, Linda Gerber and George Lopez, 'Implementing targeted sanctions', in Peter Wallensteen and Carina Staibano, eds, *International sanctions: between words and wars in the global system* (London: Cass, 2005).
38. Andrea Charron and Clara Portela, 'The relationship between UN targeted sanctions and regional sanctions regimes', in Thomas J. Biersteker, Sue E. Eckert and Marcos Tourinho, eds, *Targeted sanctions: the impacts and effectiveness of UN action* (Cambridge: Cambridge University Press, forthcoming 2016); Brzoska, 'International sanctions before and beyond UN sanctions'.
39. Cortright et al., 'Implementing targeted sanctions', p. 156.
40. Alex J. Bellamy and Paul D. Williams, 'The politics of protection? Côte d'Ivoire, Libya and the Responsibility to Protect', *International Affairs* 87: 4, July 2011, pp. 825–50.
41. V5 = regional organization involvement.
42. V27 = autonomous sanctions imposed by regional organizations (such as EU or AU) with similar objectives prior to UN sanction imposition.
43. V27.
44. V26 = autonomous sanctions imposed by single countries with similar objectives prior to UN sanction imposition.
45. V26.
46. V88 = signals being sent to regional organizations or neighbouring states; often the AU or ECOWAS is already on the ground and looking for a signal that its goals are internationally acknowledged and supported.
47. V99 = norm signalled: authority of regional arrangements.
48. V168 = regional actor: ECOWAS.
49. V169 = regional actor: AU. The AU has also applied sanctions against Comoros, Guinea, Madagascar, Mauritania, Niger and Togo for unconstitutional changes to government, but in these cases the UNSC did not follow suit.
50. V171 = regional actor: EU. The EU also imposed sanctions on Zimbabwe for its refusal to allow electoral observers into the country, but in this case neither African organizations nor the UNSC has yet followed suit.

51. Carina Staibano, 'Trends in UN sanctions', in Wallensteen and Staibano, eds, *International sanctions*.
52. Daniela Sicurelli, *The European Union's Africa policies* (Farnham: Ashgate, 2010).
53. Andreas Mehler, 'From "Protecting civilians" to "for the sake of democracy" (and back again): justifying intervention in Côte d'Ivoire', *African Security* 5: 3–4, pp. 199–216; Bellamy and Williams, 'The politics of protection?'; Vines and Cargill, 'The impact of UN sanctions?'; Cortright et al., 'Implementing targeted sanctions'.
54. Clara Portela, 'Where and why does the EU impose sanctions?', *Politique Européenne* 17:3, 2005, pp. 83–111.
55. UN Security Council, S/PV.6755, 21 April 2012, p. 2.
56. Economic Community of Central African States.
57. The Head of Transition, the Prime Minister, the President of the National Transition Council (NTC), the ministers and members of the NTC bureau. See UNSC Resolution 2127, 5 Dec. 2013.