



**United States Institute of Peace**

**U.S. Sanctions Policy in Sub-Saharan Africa**

**Testimony before the  
Senate Foreign Relations Subcommittee on Africa and  
Global Health Policy**

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Chairman Flake, Ranking Member Markey, and members of the Subcommittee, thank you for holding this hearing. It is an honor to appear before you today to present my views on U.S. sanctions policy in Sub-Saharan Africa. The views I express today are my own and not those of the U.S. Institute of Peace (USIP).

Africa has been far and away the target of more sanctions from the UN, the European Union (EU), and the U.S. than any other continent. Most of these sanctions and related restrictions are aimed at resolving conflicts, and in recent years these have been overwhelmingly civil wars. Only two sanctions regimes in Africa have been aimed at inter-state war, between Ethiopia and Eritrea and between Eritrea and Somalia. While aimed at threats to international peace and security, sanctions have increasingly targeted individuals for gross human rights violations and in a few cases for leading unconstitutional usurpations of power, recognizing that these factors impinge directly on the intensity and duration of conflicts. These targeted restrictions have also largely replaced the use of broad based economic sanctions that have had a negative impact on the populations of affected countries. Both kinds of sanctions have nevertheless been used in Africa and are worthy of evaluation as to their effectiveness.

I was asked to address four questions in my testimony.

Before doing so, let me state my general view of sanctions:

1. They are a tool, not a policy. Without a larger strategic framework and set of supporting activities, they are not likely to achieve their objectives.
2. Sanctions work best when they are supported by the international community. Individual country sanctions, by the U.S. for example, can be effective where the U.S. has particular advantages, but by and large targeted regimes or individuals will find ways around them if they are not more widely enforced.
3. Sanctions have worked best when aimed at a specific outcome, such as a peace agreement, or ending one country's support for war in a neighboring country as with Rwanda's support for rebels in the Democratic Republic of Congo (DRC). But sanctions, especially by themselves, have least effect if the objective is to pressure dictatorial regimes to give up power, or in their eyes, to commit political suicide. Only in combination with engagement, and organized and effective domestic democratic pressure can sanctions help lead to transitions to democracy.

Let me now turn to the questions put to me for this hearing.

**First**, what is the recent track record of sanctions in Africa? Have they proven a useful tool in achieving our policy objectives? Have they had unintended consequences?

There has been a wide array of sanctions applied in Africa in recent years, to include arms embargoes, targeted sanctions on individuals, restricting trade of commodities that support

combatants, and travel restrictions. There are several instances where, together with other steps and activities, these have been effective. In Angola, Sierra Leone, Liberia, and Cote d'Ivoire, restrictions on the trade in diamonds and other commodities weakened rebel or anti-democratic forces, and facilitated either their defeat or their agreement to peace. But without supporting actions, sanctions alone would not have been sufficient. In Sierra Leone, Liberia, and Cote d'Ivoire, international troops were necessary to finally defeat the targeted elements. A similar combination of targeted sanctions and international peacekeepers has reduced and contained the conflict in the Central African Republic (CAR), but it is too soon to know if peace will be secured there.

At the same time, sanctions have not produced the depth of political transition needed in Sudan, nor the end of autocracy in Zimbabwe. While most sanctions on Sudan are directed specifically to the conflict in Darfur and more recently that in Southern Kordofan and Blue Nile, it is generally recognized that without a political transformation in Sudan, these conflicts are unlikely to be resolved. Yet sanctions, however they have impacted the economy and isolated the regime, have not led the regime to undertake fundamental reform. Some, like the organization ENOUGH, have proposed more sanctions, especially better targeted and enforced financial sanctions to move the regime. But there is little international support that would complement such U.S. action. And U.S. sanctions alone will not convince a regime to undertake what it still sees as losing power. A much more sophisticated policy, that includes both the existing sanctions and the clear prospect of how sanctions would be lifted, engagement with the regime and opposition elements, and support for civil society, will be necessary to affect such transformation.

**Second**, what is the relationship between international and U.S. sanctions in Africa? Is one more effective than the other, or must they be combined to achieve success?

As I indicated earlier, sanctions which have widespread international support prevent targeted states or individuals from evading sanctions or finding alternative sources of support to lessen their effect. Politically, moreover, a multilateral regime ties any individual sanctions to a broader strategy with valuable partners aimed at addressing the conflict or other matter at which sanctions are aimed. Finally, different states and institutions have particular sources of leverage and influence that can be brought to bear on the targets of the sanctions.

U.S. comparative advantage in applying sanctions derives from our major role in banking and other financial institutions. Asset freezes, sanctions against doing business with targeted individuals or companies, and restricting investment in sanctioned regimes all are instruments which the U.S. wields with particular effect. Moreover, the U.S. has recently made more use of secondary sanctions, i.e., sanctioning or threatening to sanction institutions in other countries for doing business with those the U.S. has sanctioned. The U.S. also plays a major role in shaping UN Security Council (UNSC) sanctions. The U.S. has held the "pen" in such cases more than any other UNSC member.

It is significant, however, that most UN sanctions in Africa have proceeded from recommendations, and prior action, by the African Union (AU) or a sub-regional body like the Economic Community Of West African States (ECOWAS). Of 43 African targeted sanctions packages, regional African organizations are involved in 41, or 95 per cent. In the initiation of UN Security Council sanctions packages, seven of the first fourteen African were preceded by regional sanctions.

African engagement reduces the likelihood of the sanctions being evaded by the targeted individuals. It also ties sanctions into other efforts in the region to overcome the conflict. Moreover, when Russia and China recently became more aggressive in opposing sanctions, a unified African recommendation for them is virtually essential to obtain UNSC approval. When African organizations or regional powers are divided, as they are currently over South Sudan, it is not possible to get Russian and Chinese support for sanctions.

The other side of this relationship is when sanctions lose their appeal, especially when they go on for long periods of time without effect or when African countries do not agree with the objective. African countries are less likely to enforce the sanctions regime. We see this in growing African unhappiness with the indictments of the International Criminal Court (ICC) and thus more African countries willing to invite Sudan President Omar el Bashir to visit. Sudan's foreign policy switch from close relations with Iran to providing troops to help Saudi Arabia in Yemen has led to more Arab financial support for Sudan despite heavy U.S. sanctions designed to inhibit such financing. South Africa which has the most outside influence on the situation in Zimbabwe, has never gone along with Western sanctions on the country, which are focused on internal political practices and human rights. South Africa is more concerned about the danger of economic or political collapse in Zimbabwe, which would heavily impact South Africa. More broadly, President Mugabe recently served as the elected Chairman of the African Union. U.S. and EU sanctions are thus of questionable effect.

EU sanctions are nevertheless quite significant in Africa overall. While working hand in hand with the UN, but also often preceding UN action, EU sanctions have been focused on promoting human rights and support for democracy, whereas UN sanctions are directed to issues of peace and security. By 2013, the EU had applied 22 sanctions regimes against 19 African states, utilizing the Common Foreign and Security Policy adopted in 1992, and more important in Africa, the benefits under the Cotonou Agreement which governs trade and economic assistance. EU sanctions often work in concert with African Union sanctions in cases of unconstitutional seizures of power. The suspension of EU aid has been particularly effective in this regard. The EU has an advantage over the U.S. in the use of aid as a lever. U.S. aid to Africa has become increasingly dominated by HIV/AIDS and emergency humanitarian aid, neither of which lends itself to being cut off for political or even security objectives.

**Third**, are certain types of sanctions (i.e., arms embargoes vs. financial asset freezes) more effective than others in Africa? In what political contexts are they most effective?

Sadly, arms embargoes do not have a good track record. The literature suggests that without strong enforcement, especially by neighboring countries and countries with active arms exporters, they fail to reduce the level or intensity of conflict. And such enforcement is rare. That is one reason the U.S. and others have been hesitant to enact an arms embargo on South Sudan. Not only are the neighboring countries in the Intergovernmental Authority on Development (IGAD), which is also the institution directing the peace process in South Sudan, divided over this issue, individuals in some of those countries are actively involved in selling arms to one or the other of the contending parties.

As Guy Lamb, author of an Institute for Security Studies paper on enforcement of arms embargoes in Africa, pointed out some years ago:

*In the majority of case studies ...it was states bordering countries targeted by the sanctions regimes, along with some arms-producing states in Europe and Asia that were largely responsible for embargo contraventions. In many of the cases, when the panels of experts sought to investigate allegations of arms embargo infringements, their efforts were frustrated by the governments concerned. Numerous reports by panels of experts bemoaned the lack of co-operation and even deliberate obstruction to conceal information, by state authorities and commercial enterprises that had been implicated in embargo-busting activities.<sup>1</sup>*

Moreover, some such embargoes are practically unenforceable. The embargo on arms reaching rebel groups in Darfur, not an embargo on arms entering Sudan, is one glaring example.

Since the mid-1990s, targeted economic sanctions have become the preferred form of sanctions. That is because broad sanctions on a country that affect imports of vital products, restrictions on investment and trade, and other broad economic sanctions, have had a disproportionate impact on the population, less on the regime or rebels. Nevertheless, looking back on the sanctions placed on cocoa exports from Cote d'Ivoire, diamond exports from Liberia and Sierra Leone, and general economic sanctions on Sudan in the final stages of the Comprehensive Peace Agreement, one can argue that they had significant positive effect on the outcome in those cases. However, their effectiveness wears off as regimes learn to accommodate to them, evade them, or simply allow their people to suffer or migrate. Sudan is a case in point. Zimbabwe is another.

Targeted sanctions, particularly financial ones and travel bans, have become steadily more sophisticated and effective, especially when enforced by the U.S. and its specialists in the Office of Foreign Assets Control (OFAC) of the US Department of the Treasury and other parts of the U.S. government. They are aimed more at individuals than regimes or countries at large. Thus their impact is often to isolate individuals guilty of gross human rights violations, and in some cases achieve accountability as with those individuals sent to the ICC from the DRC. But because they are aimed at individuals, their effect on regimes may be limited. It depends on the roles

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<sup>1</sup> Guy Lamb, "Beyond 'shadow-Boxing' and 'lip Service,'" 2007, 12, <http://www.issafrica.org/uploads/Paper135.pdf>.

those individuals play in their governments or organizations, the degree to which they are easily replaceable, and the extent that they have either assets abroad that are affected or any desire to travel. Beyond the specific individuals targeted, such sanctions may also act as a warning to others in the regime, especially top leaders who the international community are hesitant to target lest it complicate the peace process, but who still remain vulnerable. This is the aim in South Sudan.

The record of wider effects are nevertheless mixed. Reports from the CAR suggest the threat of more targeted sanctions had some impact. But in Sudan, indictment by the ICC of several top officials for their part in the genocide in Darfur, have not prevented them from continuing in government positions at senior levels. The same is true of some of those targeted in South Sudan. While not a scientific conclusion, when one looks at the thousands of names on various UN, U.S. and other targeted sanctions lists, one can wonder if the overall impact on the actions of regimes and armed institutions has been proportionally very great.

That leads to the question of political contexts. Right now, the U.S., and other countries and institutions are wrestling with whether to impose additional targeted sanctions on individuals in the DRC. The immediate justification is these individual's roles in human rights violations. But the longer term aim is to pressure President Kabila to abide by the constitutional limit on his presidency and to step down in December of this year rather than thrust his country into what could be widespread instability and chaos. Human rights violations are a rightful cause in-and-of themselves, but the broader message of such sanctions would be that the regime must stop using repression to maintain the president in power.

But targeted sanctions will have little impact on the ultimate objective without a broadly based, unified international diplomatic effort to convince the regime to abide by the constitutional limit. Such a concerted effort is not yet in place. The African Union has yet to weigh in on this matter, divided over how to address concrete instances of regime "extensions." It stumbled over this issue in Burundi. Countries surrounding the DRC also have competing interests in the mineral rich country with its many ethnic rivalries and frequent uprisings abetted from abroad. African countries fought on both sides in the previous two "African World Wars" in the DRC. Without consensus within the African Union, it will be hard to exert the political pressure that uniquely resides within Africa through its former presidents and other political leaders to influence President Kabila to change what appears to be his present course. Without such consensus, other sanctions would not be enforceable.

The answer to the current crisis in the DRC is to raise it to a high level of international concern and debate, within the African Union and the UN. The threat to instability and renewed civil war should be analyzed jointly by the UN, the AU, and the institutions of neighboring countries. DRC officials should be held to account for how they plan to address the crisis and demonstrate that they have a realistic path to an election and stability. As consensus is developed on both the threat and the means for engaging and pressuring the regime, agreement can be reached on the role of sanctions as one tool in that undertaking. Should the fragile peace process in South Sudan fail, a similar process should be undertaken.

**Four**, are we now over-or under-using sanctions in Africa?

It is easy to reach for the sanctions box when conflict erupts, or terrible human rights violations occur. Sanctions make us feel we are doing something. Sanctions, especially targeted financial and other economic sanctions, allow concerned nations to withhold direct participation in, and even indirect support to, what is happening. But sanctions are a tool, they are not a policy. Without a policy, without a strategy for dealing with what in most cases is a complex political and social situation, they are of limited impact.

Sanctions, moreover, are most effective if aimed at a fairly specific objective, i.e., a cease-fire, humanitarian access, or participation in a peace process. The more sanctions are linked to long-term processes of transformation, which could drag on for years, they are less likely to have an effect and support for them will wane. Further, the more sanctions aim at or demand processes that threaten the political survival of those in power, the less they will be effective. That may not be very satisfactory, but true nevertheless. Rulers will resist the latter at almost any cost, including those to their people. On the other hand, more specific demands such as cease-fires or peace negotiations may serve the survival interest of the regime. Sudan agreed to allow South Sudan the right of self-determination and ultimately independence, because it saw continuation of the civil war depleting its resources, preventing it from coming out of economic and political isolation, and even allowing for a stronger internal base for the regime. As President Bashir commented after the separation: without the troublesome south, Sudan could now be a unified Islamic country. This proved not to be true, but he believed it at the time.

Nevertheless, longer term political transformations are often the desired outcome in many countries. Underlying problems of marginalization, repression, and other grievances are very likely to recur in violence after a piece-meal peace agreement. But for political transformations to occur, a different strategy is needed than that which ended the conflict. It may include sanctions, but carefully layered ones that can be removed as steps toward transformation are taken. A transformation strategy must also include engagement with leaders, opposition figures, civil society, neighboring countries, and regional experts. It should encourage the belief that transformation need not be a zero sum game, as it has not been in many other transforming countries such as South Korea, Indonesia, and Brazil. Political transformation requires the development of truly democratic political parties to govern in a transformed polity: democratic and inclusive as Nelson Mandela demonstrated in South Africa. These are the strategies necessary for countries like Sudan, Eritrea, Ethiopia, and others where democratic transformation is essential, but a delicate process.

Let me conclude with an emphasis on building indigenous democratic political parties and institutions as an essential part of transformation strategies. I remember in 1995 when a delegation of Nigerian activists came to see Nelson Mandela, then president of South Africa, to appeal for his support for international oil sanctions against the regime of Sana Abacha. They pointed out that sanctions had helped bring about the end of apartheid in South Africa. Mandela replied, "Yes, sanctions were helpful. But they would not have been sufficient if there

were not a strong indigenous democratic movement in South Africa. Until you have that in Nigeria, sanctions will not help.” Fortunately, today there is a strong democratic movement in Nigeria and a remarkable electoral process just took place. Let us hope we find the right combination of instruments to help that process emerge in other countries whose people yearn for it.

*The views expressed in this testimony are those of the author and not the U.S. Institute of Peace.*