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Enforcing Sanctions
A Growth Industry

Adam B. Siegel

TWENTY-FOUR HOURS A DAY, day after day, U.S. Navy ships patrol the seas enforcing sanctions against Saddam Hussein's Iraq and against the remains of Yugoslavia. With each passing month, more Navy ships and personnel are added to the rolls of those who have spent their deployments interrogating merchant vessels to determine whether their cargoes comply with UN sanctions. International economic sanctions seem to be a growing element of efforts to contain or punish aggressive actions by pariah nations, and the Navy is likely to see many more of these patrols in coming years.

While the United States had only limited experience with such non-wartime interdiction operations prior to August 1990—and none under UN sanction—there have been many previous cases involving other navies from which to draw insights.¹ Three lessons seem central: first, that ships on patrol may need to use force to enforce sanctions; second, that these ships might need force to protect themselves; and third, that to enforce sanctions successfully, restrictions must apply to all means of entry into the affected nations.

The patrols presently enforcing sanctions against Iraq and Yugoslavia started with observation periods. From the Spanish Civil War to the Persian Gulf in 1990, other patrol operations have also followed this seemingly non-provocative approach.

In the spring of 1937, four European nations undertook an operation amidst the Spanish Civil War that is similar to today's eight-navy Adriatic patrol. These four states (Great Britain, France, Germany, and Italy) instituted a neutrality patrol to help enforce an embargo of arms shipments to either side. The Non-Intervention Committee (NIC), the group of European countries that had agreed on the embargo, had no emblem; thus, the ships flew the pennant of the

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North Sea Fisheries Commission.² The patrol forces had orders to report any merchant ship of an NIC nation that either entered the embargo zone without an NIC observer aboard or that refused to allow itself to be searched.

To be blunt, the neutrality patrol was a farce. Several months into the operation, an NIC report noted that “the naval patrol had been extensively evaded and . . . had not produced results justifying its costs.”³ It did not help matters in the least that two of the patrolling nations, Germany and Italy, were perhaps the worst violators of the non-intervention agreement as they funneled support to Franco.

We should not exaggerate the parallels between the Spanish Civil War and 1993. No one suggests today that any of the nations contributing ships to the patrols are also either contributing weapons to the violence in Yugoslavia or helping Saddam Hussein. Further, the dramatic differences in the world situation contribute to a far different environment—the world today is not caught up in a dramatic confrontation like that between fascism and communism in the 1930s. Despite these differences, important parallels do exist. In 1937, the patrolling ships could only report violators; they had no right to use force to stop questionable ships. Likewise, for months the Adriatic patrol could only report violators of the UN sanctions; only in mid-November 1991, amid general frustration over inability to end the conflict in Bosnia, did the UN vote to allow ships to use force to stop sanction violators. Past operations faced similar decision points. Off Mozambique in the 1960s and in the Middle East in August 1990, merchant vessels ignored patrol ships until the UN voted to authorize the use of force at sea to enforce the respective embargoes. In both cases, doing so led to an immediate improvement in the effectiveness of interdiction.

In the mid-1960s, the Royal Navy patrolled off the Mozambique coast to enforce UN sanctions against Rhodesia.⁴ The initial Security Council resolution did not authorize violent means to enforce the sanctions; thus, for six months RN ships could do little but watch tankers enter port. In April 1966, after a particularly egregious case when a Greek tanker on charter to a South African company reached Beira, Mozambique, despite interception by HMS *Plymouth*, the United Kingdom requested that the Security Council authorize the use of force to prevent oil from reaching Rhodesia via Beira. The Council did so, and the oil flow into Beira ended. Royal Navy ships stopped twenty-eight ships over the next two years. The Beira Patrol continued into the 1970s as part of the UN sanctions against Rhodesia. Again, in August 1990, trade with Iraq continued by sea despite UN-imposed sanctions and interception by the U.S. and other navies because the UN had not granted authorization to use force to stop ships that violated the sanctions. On 25 August the UN Security Council granted this authorization, and the navies gathered in the theater soon cut off Iraq, for all practical purposes, from seaborne commerce.

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The record seems clear. Embargo patrols are ineffective without the right to use force, if necessary, to stop ships.

Military units on patrol, however, need authorization to use force not only to cut off proscribed trade but also to protect themselves. Operating amidst someone else's war can prove dangerous. From its first days, the Spanish Civil War involved naval operations, and more than once foreign warships found themselves caught up in them. Little more than a month after that war began, an unidentified aircraft attacked the U.S. Navy destroyer *Kane*.⁵ The *Kane* was not alone in receiving such attention. In May 1937 Republican aircraft bombed

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two neutrality patrol ships (one Italian and one German) in port at anchor and killed thirty-seven sailors.⁶ Bombs were not the only threat. That same month, the Royal Navy destroyer *Hunter* struck a mine off Almeira while on NIC patrol.⁷ Many other ships had close calls. The Spanish Civil War was not unique in such dangers: four U.S. Navy warships—the *Panay*, *Liberty*, *Stark*, and *Roberts*—have been sunk or damaged over the last fifty-five years while operating as neutrals in the middle of a war.⁸

From its inception, the ships on the present Adriatic patrols have faced such risks. For instance, the U.S. Navy cruiser *Biddle* had to warn off Yugoslavian aircraft at least four times in late July 1992. Of course, war threatens not only ships at sea; other naval units, such as patrol aircraft, can encounter serious threats.⁹ In short, military units assigned to sanction enforcement do not operate in a benign environment. Just as the affected country will mount political and propagandistic opposition to sanctions, it will entertain the notion of military interference with efforts at sanction enforcement. In addition, in a conflict like that in the former Yugoslavia, combatants might not prove willing or able to identify a flag before shooting at it. Thus ships, like other military units involved in sanction patrols, should always stand ready to use force to defend themselves.

Examination of attempts at sanction enforcement clearly shows that naval patrols alone cannot cut off international commercial links (except for that rare case of an island nation without an airstrip) and so fully enforce sanctions. Neighboring nations must either comply with the sanctions or be subjected to them if restrictions are to have major effect. Reflecting this fact, in 1937 the NIC had land patrols along the Spanish borders with France and Portugal just as it had patrols at sea.¹⁰ On the other hand, despite the success of the Beira Patrol, Portuguese and South African noncompliance with sanctions against Rhodesia doomed them to relative ineffectiveness.¹¹ Since 1990, Jordanian seaborne commerce has suffered from interdiction and inspection due to that nation's ultimate unwillingness (or inability) to enforce sanctions strictly against

Iraq. As of March 1993, sanctions against Yugoslavia had created difficulties for the average Serbian but had not seriously hindered continued aggression because several other Balkan nations had enforced sanctions lackadaisically at best. Without the cooperation of neighboring nations, enforced or otherwise, effectiveness will remain limited.

The world has found that making sanctions stick is not an easy business; in fact, it is uncertain how effective such economic measures can ever be in imposing policy changes upon resisting regimes.¹² Nevertheless, sanctions are often resorted to as an initial step in responding to some occurrence, such as the Iraqi invasion of Kuwait or Serbian aggression in Bosnia, that is internationally perceived to be a problem. This response mechanism is a reality in international society. Further, just as we can expect economic sanctions to be applied to offenders against international standards, we can expect sanction-busters to seek ways to profit from the situation. Military operations to interdict these profiteers will follow. Thus, the U.S. Navy cannot expect the Adriatic patrols to be the last operation meant to help enforce international economic sanctions.¹³

History suggests three simple thoughts on enforcement. To make sanctions effective, get neighboring nations involved. To make sanction patrols effective, give the ships the right to use force if merchant ships try to break the embargo. And to keep patrolling ships safe, give them the right and have them ready to shoot to defend themselves—because operating in the middle of somebody else's war is a risky business.

Notes

1. U.S. naval forces have conducted interdiction operations—both unilaterally and multilaterally—as part of wartime operations. During the Korean War, for example, eight navies operated with the USN to enforce a blockade of North Korea. See, for example, Malcolm Cagle and Frank A. Manson, *The Sea War in Korea* (Annapolis, Md.: 1957) and J.R. Pellan, Office of the Chief of Naval Operations, *Efficiency of the UN Sea Blockade of the Korean Peninsula*, Operations Evaluation Group no. 447, (LO)697-51, 8 May 1951 (available through the Center for Naval Analyses). During the Vietnam War, the Navy was the lead force in "Market Time" operations designed to cut off the flow of arms into South Vietnam. In peacetime, Navy forces have occasionally conducted interdiction operations, typically to cut off some form of arms flow. The Cuban missile crisis "quarantine" is the most prominent example.

2. *The Times* (London), 2 March 1937.

3. *Documents on German Foreign Policy, 1918-1945*, Series D, v. III, editor's note, pp. 436-37.

4. On the Beira Patrol, see Adam B. Siegel, "Naval Forces in Support of International Sanctions: The Beira Patrol," *Naval War College Review*, Autumn 1992, pp. 102-104; F.E.C. Gregory, "The Beira Patrol," *RUSI*, December 1969, pp. 75-77; and James Cable, *Gunboat Diplomacy, 1919-1979*, 2nd ed. (New York: St. Martin's Press, 1981), pp. 123-29.

5. The *Kane* was in the Mediterranean as part of the U.S. Navy effort to evacuate Americans from the Civil War. The attack occurred on 30 August 1936. The *Kane's* log recorded the incident in part as follows: "At 1610 [4:10 P.M.] unidentified, tri-motored, low black winged monoplane approached ship from stern and dropped 2 bombs which exploded 1000 yards astern. Went to general quarters, and maneuvered on various courses at various speeds to avoid bombs. At 1625 plane returned and dropped 1 bomb, distance of miss 150 yards. At 1626 opened fire on plane with anti-aircraft gun, fired 2 rounds. At 1631 plane circled back toward ship, resumed fire on plane with anti-aircraft gun. At 1632 plane dropped 3 bombs which exploded 200 yards abeam to starboard. At 1634 ceased firing. . . . no casualties and apparently no casualties inflicted on plane. At 1645 plane retreated in north easterly direction and disappeared from sight." (Entry for 30 August 1936, Log <https://digital-commons.usnwc.edu/nwc-review/vol46/iss4/13>)

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Book U.S.S. *Kane*, Jan. 1, 36-Dec. 31, 36, LLL-16, US Department of the Navy, Log Books, U.S. Naval Vessels, Record Group 24, National Archives, Washington, D.C.)

6. Soviet-made and manned SB-2 bombers carried out both attacks: on 26 May 1937, they hit the Italian cruiser *Balearas* in Palma (six killed, three wounded); on the 31st, the German pocket battleship *Deutschland* at Ibiza (thirty-one killed and seventy-five wounded). For the best discussion of these attacks, see Willard C. Frank, "Misperception and Incidents at Sea: The *Deutschland* and *Leipzig* Crises, 1937," *Naval War College Review*, Spring 1990, pp. 31–46.

7. For a discussion of the mining and the efforts to save the *Hunter*, see Kenneth Edwards, *The Grey Diplomats* (London: Rich & Cowan, Ltd., 1938), pp. 275–79.

8. See, for example: Joseph F. Bouchard, "Accidents and Crises: *Panay*, *Liberty*, and *Stark*," *Naval War College Review*, Autumn 1988, pp. 87–102.

9. For example, machine-gun fire threatened the four U.S. Marine Corps helicopters conducting search and rescue missions after missiles shot down an Italian relief plane en route to Sarajevo on 3 September 1992. In the initial weeks of those flights, three French airlift aircraft returned from Sarajevo airport with bullet holes in them, and mortar rounds narrowly missed a U.S. Air Force C-130 cargo plane.

10. The land patrols also could not use force. Their effectiveness depended principally on the French and Portuguese attitudes toward sanctions. See J. Bowyer Bell, "The Non-Intervention Committee & the Spanish Civil War," unpublished Ph.D. dissertation, Duke University, Durham, N.C.: 1958, pp. 152–56.

11. See, for example, Johan Galtung, "On the Effects of International Economic Sanctions, with Examples from the Case of Rhodesia," *World Politics*, April 1967, pp. 378–416.

12. See, for example, Gary C. Hufbauer, Jeffrey J. Schott, and Kimberly A. Elliott, *Economic Sanctions Reconsidered: History and Current Policy*, 2nd ed. (Washington, D.C.: Institute for International Economics, 1990).

13. As this issue goes to press, the world community is seriously discussing the impositions of similar sanctions against Haiti, specifically to cut off oil imports.

Ψ

You can only be compassionate on the battlefield if you are operating from a position of strength.

General Walter E. Boomer, USMC
Newport, R.I., 17 June 1993

I shall do nothing in malice. What I deal with is too vast for malicious dealing.

Abraham Lincoln
28 July 1862