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Supplement

Meeting in Vancouver on Korea



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Perplexing Aim of the Vancouver Meeting A Matter of Public Conscience



There is speculation about what the meeting to be co-sponsored by Canada and the United States of a so-called Vancouver Group on Korea seeks to achieve. The purported aim of the meeting as explained by Global Affairs Canada in December, is to "demonstrate solidarity in opposition to North Korea's dangerous and illegal actions and to work together to strengthen diplomatic efforts toward a secure, prosperous and denuclearized Korean peninsula. To this end, foreign ministers will discuss ways to increase the effectiveness of the global sanctions regime in support of a rules-based international order."

During a visit to Ottawa in December, U.S. Secretary of State Rex Tillerson explained the purpose of the meeting and the establishment of the "Vancouver Group" as being: "to advance the pressure campaign against North Korea, and send a unified message from the international community: 'We will not accept you as a nuclear weapons nation.'"

The CBC described the Vancouver Meeting as being part of "an aggressive diplomatic campaign designed to force the rogue regime to the negotiation table and avoid devastating military action."

A January 3 commentary by Canadian lawyer Christopher Black and former McMaster University professor Graeme MacQueen, published in the *Toronto Star*, essentially pointed out the unethical nature of the sanctions saying: "The UN Security Council is already putting such extreme pressure on North Korea that its existence as an industrialized country is threatened and its people may face starvation. What state could survive a 90 per cent cut in its oil supply?" Foreign Minister Chrystia Freeland "stresses the diplomatic nature" of the meeting, while Rex Tillerson, U.S. Secretary of State, sees it as "a means to increase pressure on North Korea," Black and MacQueen write. They advocate that there should be "serious work toward a permanent peace treaty that will replace the ceasefire agreement of 1953." The U.S. must be a signatory to that treaty, they stress.

A former Canadian diplomat and Fellow of the Canadian Global Affairs Institute, James Trottier, on January 7 writes in the *Ottawa Citizen* that "the premise of the conference -- to force North Korea to the negotiating table and persuade it to denuclearize -- is fatally flawed." He notes that despite the sanctions imposed on the Democratic People's Republic of Korea (DPRK), their economy grew by 3.9 per cent in 2016, according to the Bank of Korea in the Republic of Korea (ROK). He predicts that the meeting "can be expected to reaffirm sanctions and policies that have not worked, rather than discuss new approaches."

On January 9, following successful inter-Korean talks, John Ibbitson wrote in the *Globe and*

Mail: "Next week's ministerial meeting in Vancouver on North Korea is turning into a curious affair. Several countries with vital interests in the peninsula are not participating. The agenda of the meeting is unclear. And recent events have overtaken whatever that agenda might be."

Ibbitson quotes Brian Job, director of the Centre of International Relations at the Liu Institute at the University of British Columbia, saying that while Canada is providing the meeting rooms and coffee, "the initiative for the Vancouver meeting is from Mr. Tillerson. ... He is clearly attempting to delay, forestall, whatever word you wish to use, efforts by more hawkish elements in the White House who continue to argue for the prospect of a military attack."

Ibbitson continues: "The final communiqué [of the Vancouver Meeting] may have been superseded even before it is written. North Korean Leader Kim Jong-un has begun a dialogue with the South Korean government that will see the North take part in next month's Winter Olympics in Pyeongchang. A variety of talks aimed at defusing tensions and improving relations are also under way, and the hotline between the two capitals has been restored."



"[A] day devoted to looking, one more time, at how North Korea might be diverted from its nuclear course and how war might be averted, with foreign ministers or their representatives from many countries in attendance, is hardly a waste of time," he added.

On January 11, Bruce Campion-Smith writing in the *Toronto Star* reported: "The goal of the gathering is to find ways to further squeeze North Korea of the money and resources it needs for its weapons development, which continues to advance despite already punitive sanctions and near-worldwide condemnation." Campion-Smith quoted Brian Hook, director of policy planning for Secretary of State Rex Tillerson, saying on January 11: "We continue to explore all options to enhance maritime security and the ability to interdict maritime traffic, those transporting goods to and from (North Korea) that support the nuclear missile program." Hook added, "We will be discussing with our partners and allies the kinds of steps that we can take on maritime interdiction."

Then, without waiting for the meeting, on January 12, Canada joined the United States along with 15 other countries to sign a U.S. State Department statement pledging that they are "postured" to begin interdicting ships coming from or going to the DPRK (see news item below). The DPRK already indicated in December that enforcement of such a measure would be an act of war to which it would be forced to respond.

Keeping in mind that there is nothing moderate, diplomatic or peaceful about a naval blockade, which is an act of war whether or not "third countries" permit their ships to be boarded, the question arises whether this initiative, taken outside the UN and on the eve of the Vancouver Meeting, is the "diplomatic solution" Canada claims is an alternative to pushing the nuclear button. If the meeting is to gather those, including Tillerson, who claim to be seeking a "rules-based international order" and a diplomatic solution, why are they all signing on to an all out blockade on the eve of the Vancouver Meeting?

According to the discourse, anything that pulls the nuclear option off the table is welcome. However, the pledge to engage a naval blockade raises even more questions about what the Vancouver Meeting is supposed to accomplish. Will it serve to persuade others to sign on to give this act of war the appearance of an international consensus? Is it to draw "lines of demarcation" as to which countries are for peace and which are not, according to the United States which has declared itself the "indispensable nation"? The so-called Vancouver Group, comprised of a very small number of countries out of those that make up the world, seeks to establish legitimacy. Without legitimacy how can it or its members render judgement as to who stands for peace and who stands for war? Will it be on the basis of who supports the blockade?

Adopting the posture of a naval blockade against the DPRK confirms that the sanctions constitute an act of war. What has it got to do with a "rules-based international order"? And since the pledge to enforce a blockade has already been signed before the Vancouver Meeting even gets underway, what is left to discuss at the meeting?

The entire exercise is so self-serving it cannot possibly provide legitimacy to anything. Even if some women peacemakers are permitted to have a say at the table or in a side meeting, the convenors of the meeting have shown that their meeting does not intend to serve the cause of peace. On the contrary, to force or cajole others to join or cooperate with the blockade will only serve to ratchet up tensions.

TML Weekly calls on Canadians to deliberate on the issue of the sanctions being imposed on the DPRK and draw warranted conclusions. For Canadians to reach their own conclusions about the role of sanctions against the DPRK is very important given what happened to Iraq and the long history of damages caused to Cuba, amongst others, as a result of the U.S. blockade. In the case of the sanctions regime against the DPRK, it concerns the fate of the Korean people and the Korean Peninsula. It also concerns the cause of peace and what role Canada will play in relation to the dangerous war preparations in which it is participating, with and under the dictate of the U.S. Both countries have a long history of committing crimes against the Korean people. Public conscience must prevail!



The Need to End the Cold War Narrative on Nuclear Weapons

A view is presented that there are going to be "two sides" in the meeting between the foreign ministers in Vancouver on January 16: one side -- Canada -- is going to be moderate, while the other -- the United States -- will be extremist. Another interpretation is that Canada and U.S. Secretary of State Rex Tillerson actually share a common purpose and the aim of the meeting is to send a message to U.S. President Donald Trump to pull back from the nuclear brink.

When Trump made his boorish comment about the size of his nuclear button and declared a need to increase the U.S. nuclear arsenal tenfold, it caused a serious crisis within the ranks of Cold War warriors in the U.S. It is reported that Tillerson, said to represent a faction within the U.S. ruling class that cannot countenance talk about increasing the nuclear arsenal and pushing the nuclear button, even threatened to resign as Secretary of State.

The furore which ensued could be a factor which obliged President Trump to phone the President of the Republic of Korea (ROK) to postpone the military exercises the U.S. had convened with the armed forces of the ROK and Japan during the 2018 Olympic Winter Games. The public conscience of the world's people could not remain quiet should such exercises be held during the

Winter Olympics. Certainly, thus far Rex Tillerson has not resigned.

All of it reveals the splits within the U.S. ruling circles over control of the political power and how these splits are reflected in the Anglo-American imperialist camp. At the present time, they can be seen in the "debate" on how to force the DPRK to submit to U.S. dictate. This is not a peaceful debate in a conference room. Far from it, as this U.S. Defense Department move to have the participants sign a pledge to launch a naval blockade shows, it is being fought out with actions by each side to attempt to take control of the situation. It is also important to note that the entire "debate" is a carry over from the Cold War narrative about nuclear weapons.

The world was held hostage to nuclear blackmail since the U.S. dropped atomic bombs on the Japanese cities of Hiroshima and Nagasaki on August 6 and 9, 1945. The Soviet Union responded by building a nuclear deterrent to the U.S. using them ever again. Since that time, having given itself the role of world gendarme, the U.S. has argued for the need to arm itself to the teeth to guarantee peace and, on several occasions, the use of nuclear arms was considered. Others in the ruling circles considered this to be "unthinkable" and said everything had to be done to achieve American aims through other means.

The matter came to a head at the time of the Korean War and continued to dominate global affairs throughout the 1960s, 1970s and 1980s after the Soviet Union also embarked on an arms race with the U.S. During the 1960s, including with the Cuban Missile Crisis, as well as the 1970s and 1980s, the entire world was held hostage by their nuclear blackmail. The big powers with seats on the Security Council of the United Nations established a monopoly on nuclear weapons. While the U.S. and others proceeded to help allies such as Israel and Apartheid South Africa, Pakistan and India to acquire nuclear weapons, a period of "détente" was declared, centered in part on the need for the two superpowers to reduce their nuclear arsenals. Since the end of the bipolar division of the world and the Cold War, the U.S. and its allies have declared on the basis of self-serving definitions that those who refuse to submit to U.S. dictate, such as Iran and the DPRK, are enemies of freedom, democracy and human rights and are not entitled to pursue nuclear programs or have nuclear weapons as deterrents for self-defence.

All of it reveals the inability of the United States and other big powers to sort out problems on a new historical basis, consistent with the needs of the time. The Cold War narrative reduces to utter irrationality both those who declare that first use of nuclear weapons is an option and those who want to strengthen sanctions that are themselves genocidal and an act of war, in the name of the latter being a peaceful alternative.

There is a need to abandon the Cold War narrative and this can be done when the people take over the debate by putting their own preoccupations and concerns at the center of deliberations on what is to be done.

A *TML Weekly Supplement* will be published to inform readers about the arguments the U.S. has used to justify its possession of nuclear weapons and the horror created by the suggestion that they could be used again.



Right of DPRK to Independence and Self-Defence



Protest in Seoul, Korea, December 4, 2017 against Vigilant Ace war exercises.

The U.S. claims its actions, including sanctions, are to force the Democratic People's Republic of Korea (DPRK) to "denuclearize." In October 2017, Joseph Yun, the U.S. State Department's top official on the DPRK, told an audience at the Council on Foreign Relations that if the DPRK halted its nuclear and missile tests for 60 days, the United States would resume direct talks with Pyongyang, something the DPRK had called for. The DPRK's previous test had been September 15, 2017 and it conducted no tests in the 60 days that followed, but instead of the U.S. opening talks with the DPRK on November 15, 2017, it ramped up military exercises and sanctions and on November 20, 2017 it re-added the DPRK to its list of "state sponsors of terrorism." Clearly then, diplomatic talks to resolve the nuclear question are not the aim of the U.S.

In early November 2017, the U.S. "sent three aircraft carriers -- the USS *Ronald Reagan*, *Theodore Roosevelt* and *Nimitz* -- and their multi-ship strike groups as well as B-1 bombers to the area to participate in four days of exercises with South Korea and Japan. From December 4 to 8, the air forces of South Korea and the United States held another exercise, *Vigilant Ace*, with six F-22 Raptor stealth fighters and F-35 aircraft. About 12,000 U.S. personnel were to participate with South Korean troops while 230 aircraft were to be flown at eight U.S. and South Korean military installations," a statement released by the U.S. Seventh Air Force said. The U.S. Marine Corps and Navy troops were also to participate.



For its part, the DPRK then continued its program to boost its national defence, which it says is its right and responsibility in light of the imminent dangers it faces. The DPRK tested its Hwasong-15 intercontinental ballistic missile on November 29 as part of this program.

The issue of the DPRK's rights to independence and self-defence -- or that of any country -- is a matter of principle, and any principles worthy of the name cannot be compromised. There is no shortage of examples from recent history of countries that were unable to block U.S.-led foreign intervention, and the millions of lives lost as a result of the brutal invasions, war, occupation and

subsequent chaos, violence and anarchy. Iraq, Afghanistan and Libya are just a few. The U.S. refusal to accede to the historic verdict of World War II that crimes against the peace are the most serious violation of international law and to sort out its disputes with other countries using peaceful diplomatic means has led to the present crisis. The U.S. refuses to accept the repeated entreaties from the DPRK to sign a peace treaty, which is what is required at this time.

In addition to regular war exercises, the U.S. has 35,000 troops on Korean soil and what is called the Army of the Republic of Korea (ROK) is under U.S. command. The U.S. maintains several military bases there for which it has the ROK pay and continues the state of war with the DPRK because its aim to take over the entire peninsula has not changed. It has 40,000 more troops in Japan, where the Seventh Fleet of the U.S. Navy is also stationed, with its 20,000 forces operating more than 50 warships, and 12 nuclear-powered submarines, as well as the nuclear-powered USS *Ronald Reagan* aircraft supercarrier.

This makes the U.S. the aggressor on the Korean Peninsula, not the DPRK. For Canada to adopt the outlook that the DPRK poses the danger on the Korean Peninsula is a matter of deep concern.



Demonstration in Seoul, December 4, 2017.



News

Leader of DPRK Calls for Inter-Korean Talks in New Year Speech

On January 1, the leader of the Democratic People's Republic of Korea (DPRK) Kim Jong Un delivered a New Year address in which he clearly expressed the desire of the DPRK to engage in talks with the Republic of Korea (ROK) to resolve the current tensions on the Korean Peninsula on the basis of the principle "By Our Nation Itself." An excerpt from the address is quoted below.



Leader of the DPRK Kim Jong Un makes his New Year address, January 1, 2018. (KCNA)

The prevailing situation demands now that the north and the south improve relations between themselves and take decisive measures for achieving a breakthrough for independent reunification without being preoccupied by the past. No one can appear honourable before the nation if he or she ignores the urgent demands of the times.

This year is significant both for the north and the south as in the north the people will greet the 70th anniversary of the founding of their Republic as a great, auspicious event and in the south the Winter Olympic Games will take place. In order to not only celebrate these great national events in a splendid manner but also to demonstrate the dignity and spirit of the nation at home and abroad, we should improve the inter-Korean relations and glorify this meaningful year as one noteworthy in the history of the nation.

First of all, we should work together to ease the acute military tension between the north and the south and create a peaceful environment on the Korean Peninsula.

As long as this unstable situation, which is neither war nor peace, persists, the north and the south cannot ensure the success of the scheduled events, nor can they sit face to face to have a sincere discussion over the issue of improving bilateral relations, nor will they advance straight ahead towards the goal of national reunification.

The north and the south should desist from doing anything that might aggravate the situation, and they should make concerted efforts to defuse military tension and create a peaceful environment.

The south Korean authorities should respond positively to our sincere efforts for a detente, instead of exacerbating the situation by joining the United States in its reckless moves for a north-targeted nuclear war that threatens the destiny of the entire nation as well as peace and stability on this land. They should discontinue all the nuclear war drills they stage with outside forces, as these drills will engulf this land in flames and lead to bloodshed on our sacred territory. They should also refrain from bringing in nuclear armaments and aggressive forces from the United States.

Even though the United States is wielding the nuclear stick and going wild for another war, it will not dare to invade us because we currently have a powerful nuclear deterrent. And when the north and the south are determined, they can surely prevent the outbreak of war and ease tension

on the Korean Peninsula.

A climate favourable for national reconciliation and reunification should be established.

The improvement of inter-Korean relations is a pressing matter of concern not only to the authorities but to all other Koreans, and it is a crucial task to be carried out through a concerted effort by the entire nation. The north and the south should promote bilateral contact, travel, cooperation and exchange on a broad scale to remove mutual misunderstanding and distrust, and fulfil their responsibility and role as the motive force of national reunification.

We will open our doors to anyone from south Korea, including the ruling party and opposition parties, organizations and individual personages of all backgrounds, for dialogue, contact and travel, if they sincerely wish national concord and unity.

A definite end should be put to the acts that might offend the other party and incite discord and hostility between fellow countrymen. The south Korean authorities should not try, as the previous conservative "regime" did, to block contact and travel by people of different social strata and suppress the atmosphere for reunification through alliance with the north, under absurd pretexts and by invoking legal and institutional mechanisms. Instead, they should direct efforts to creating conditions and an environment conducive to national harmony and unity.

To improve inter-Korean relations as soon as possible, the authorities of the north and the south should raise the banner of national independence higher than ever before, and fulfil their responsibility and the role they have assumed for the times and the nation.

Inter-Korean relations are, for all intents and purposes, an internal matter of our nation, which the north and the south should resolve on their own responsibility. Therefore, they should take a steadfast stand and view that they will resolve all the issues arising in bilateral relations on the principle of By Our Nation Itself.

The south Korean authorities need to know that they will gain nothing by touring foreign countries to solicit their help on the issue of inter-Korean relations, and that such behaviour will give outside forces, who pursue dishonest objectives, an excuse for their interference and further complicate matters. Now is not the time for the north and the south to turn their backs on each other and merely express their respective standpoints. It is time that they sit face to face with a view to holding sincere discussions over the issue of improving inter-Korean relations by our nation itself and seek a way out in a bold manner.

As for the Winter Olympic Games to be held soon in south Korea, it will serve as a good occasion for demonstrating our nation's prestige and we earnestly wish the Olympic Games success. From this point of view we are willing to dispatch our delegation and adopt other necessary measures; with regard to this matter, the authorities of the north and the south may meet soon. Since we are compatriots of the same blood as south Koreans, it is natural for us to share their pleasure over this auspicious event and help them.

(English translation edited slightly for grammar and clarity by TML.)

Outcomes of Inter-Korean Talks



Unification Minister Cho Myung Gyun, head of the south Korean delegation (left) and Ri Son Gwon, head of the DPRK delegation, at the Inter-Korean Talks at Panmunjom in the Demilitarized Zone, January 9, 2018.

High-level inter-Korean talks were held January 9 in Panmunjom at the "House of Peace" where the 1953 Armistice pausing the Korean War was signed.

Representing the Democratic People's Republic of Korea (DPRK) was a delegation led by Ri Son Gwon, chairman of the Committee for the Peaceful Reunification of the Country, while the delegation from the Republic of Korea (ROK) was led by Minister of Unification Jo Myung Gyun. During the talks, the two delegations discussed contributions to successfully holding the 23rd Winter Olympics in south Korea and improving inter-Korean relations.

Joint Press Release from Inter-Korean Talks

The delegations from the north and south sides issued the following joint press release after the January 9 inter-Korean talks.

At the talks both sides had sincere discussions on the participation of a delegation of the north side in the 23rd Winter Olympics and Paralympics and the improvement of the inter-Korean relations in conformity with the desire and expectations of all Koreans and agreed as follows:

The north and the south agreed to proactively cooperate in ensuring that the 23rd Winter Olympics and Paralympics in the south side area will be successfully held, providing an occasion for enhancing the prestige of the nation.

In this regard the north side agreed to send a delegation of the National Olympic Committee, a sports team, a cheering squad, an art troupe, a Taekwon-do demonstration group and a press corps, along with a high-level delegation to the Olympics, and the south side agreed to provide the accommodations they will need.

Both sides agreed to open working-level talks with regard to the north's dispatch of an advance

party for a field tour beforehand and participation in the Winter Olympics, and agreed to discuss a schedule by way of document exchange.

The north and the south agreed to make concerted efforts to ease the military tension, create a peaceful environment on the Korean Peninsula and promote national reconciliation and unity.

They shared the viewpoint that the present military tension should be eased and agreed to hold talks between the military authorities to this end.

They agreed to promote national reconciliation and unity by invigorating contacts and travels, and exchange and cooperation in various fields.

The north and the south agreed to respect the north-south declarations [on reunification] and solve all problems arising in inter-Korean relations through dialogue and negotiations on the principle of By Our Nation Itself.

To this end, both sides agreed to hold talks in every field, along with high-level talks between the north and the south aimed at improving inter-Korean relations.

North Korea said it will attend the Winter Olympics in the South next month, and both sides agreed to resolve problems through dialogue and revive military consultations to avoid accidental conflict.

Military Communications Fully Restored



A south Korean military officer communicates with his counterpart in the DPRK via the inter-Korean military hotline in Panmunjom, that was restored January 3, 2018.

On January 3, the DPRK unilaterally reconnected the military hotline between itself and the ROK at Panmunjom to facilitate the holding of talks between the two governments.

On January 9, the second military hotline located near the West Sea was reactivated as a result of agreements reached at the talks in Panmunjom. This second hotline was previously used in part to confirm the identity and guarantee the safety of Korean from north and south moving across the border at the Kaesong Industrial Complex in south Korea while the DPRK was taking part in projects there.

The two channels for direct dialogue between governments and military authorities of the two

Koreas were severed in February 2016.

President of ROK Holds New Year Press Conference

On January 10, President of the ROK Moon Jae-in held his first press conference of the New Year where he made the following remarks.

The lives of the people need to be stabilized through the settlement of peace on the Korean Peninsula. There should never be another war on the Korean Peninsula. The ultimate goal of our diplomacy and national defence is to prevent a war from recurring on the Peninsula. I do not

want the immediate unification of the Korean Peninsula. My goal is to resolve the North Korean nuclear issue and solidify peace while I am in office.

The people who set the country right serve as a stepping stone or a milestone in diplomacy and national security. They are the source of power that will bring peace to the Korean Peninsula. Last year, relying on that power, I was able to consistently proclaim the principles of peace on the Korean Peninsula to the four major powers involved in issues related to the Peninsula and the rest of the international community. As a middle power standing tall in the international community, the Korean government was able to announce the New Northern Policy and the New Southern Policy. I was also able to continue to stress the need for dialogue in inter-Korean relations.



ROK President Moon Jae-in at his January 10, 2018 press conference.

A senior-level dialogue between the two Koreas was held yesterday. An inter-Korean communication that was once severed has been restored. North Korea agreed to participate in the PyeongChang 2018 Olympic and Paralympic Winter Games. U.S. President Donald Trump said he supported the inter-Korean dialogue and the fostering of a peaceful atmosphere through the PyeongChang Olympics. The postponement of the Korea-U.S. joint military drill was also agreed to.

It is only a beginning. We have to successfully host the PyeongChang Olympic and Paralympic Winter Games. We need to strive until the end to make it an Olympics of peace. Furthermore, we have to solve the North Korean nuclear issue peacefully. We have to make it a turning point toward an improvement in inter-Korean relations and peace on the Korean Peninsula.

I will do my best to make this year a new start for peace on the Korean Peninsula. In the process, I will more closely cooperate with related countries, including our ally the United States, China and Japan, and the rest of the international community.

If peace begins in PyeongChang, I will turn it into a stable system that takes root. To solve the North Korean nuclear issue and settle peace, I will pursue more dialogue and cooperative projects.

I stress once again; the denuclearization of the Korean Peninsula is a process toward peace and a goal at the same time. The denuclearization of the Korean Peninsula, which was declared by the two Koreas, is our fundamental position that can never be compromised.

I will light a candle of peace on the Korean Peninsula. I will remove the anxiety and distrust that are deeply embedded in the individual lives of the people. I will take a step forward along with the people in an effort to help create an everyday life that is peaceful and safe, and with no worry over war.



Members of the June 15 Joint Declaration Southern Action Committee at the Seoul Press Centre on January 11, 2018, hold up the Korean Unity Flag bearing messages welcoming the DPRK's participation in the PyeongChang Winter Olympics and the Inter-Korean dialogue.

(Photos: agencies, Hankyoreh. English translations edited slightly for grammar and clarity by TML.)



U.S. Initiates All-Out Naval Blockade of DPRK -- An Act of War

On January 12, seventeen countries, including Canada and the United States, signed a statement indicating that they are "postured" to enforce UN Security Council Resolutions 2375 and 2397 against the Democratic People's Republic of Korea (DPRK). These enforcement measures include interdicting and inspecting ships suspected to be trading with the DPRK in materials prohibited under UN Security Council sanctions, based on "information that provides reasonable grounds."^[1]

The prohibited materials include oil and textiles, showing that in fact the measures being taken conform to a type of selective naval blockade aimed at strangling the DPRK. The group of 17 "enforcers" -- undoubtedly marshalled by the U.S. which introduced Resolutions 2375 and 2397 at the UN -- claim their inspections will be done with the consent of the state under whose flag the targeted vessels are operating.

The countries involved justify their actions based on the Proliferation Security Initiative (PSI) framework that allegedly "prevents the proliferation of weapons of mass destruction" put forward in September 2003 by then-U.S. President George W. Bush six months after the U.S. invaded and occupied Iraq based on the fraud that it was doing so to stop Iraq's development and use of weapons of mass destruction. A total of 105 countries signed the initiative in 2003.

The January 12 "joint statement" says, "As member states of the United Nations and as PSI-endorsing states, it is our responsibility to implement [United Nations Security Council Resolution (UNSCR)] obligations fully."

The statement cites the following seven measures to be taken:

"Inspect proliferation-related shipments on vessels with the consent of the flag State, on the high seas, if we have information that provides reasonable grounds to believe that the cargo of such vessels contains items prohibited under UNSCRs concerning the DPRK.

"If there are reasonable grounds to believe that the cargo on a vessel flagged by one of our countries is prohibited for export to or from the DPRK under relevant UNSCRs, cooperate with inspections pursuant to the commitment above.

"If we, as flag States, do not consent to inspection on the high seas, we will direct the vessel to proceed to an appropriate and convenient port for required inspection.

"Direct our flagged vessels to a port in coordination with the port State when requested; and deflag any of our flagged vessels designated by the 1718 Committee [*UN Sanctions Committee 1718 overseeing the enforcement of Security Council Sanctions regarding the DPRK -- TML Ed Note*].



"Prohibit our nationals, persons subject to our jurisdiction, entities incorporated in our territory or subject to our jurisdiction, and vessels flying our flag, from facilitating or engaging in ship-to-ship transfers to or from DPRK-flagged vessels of any goods or items that are being supplied, sold, or transferred to or from the DPRK.

"Redouble efforts to implement in full the measures in relevant UN Security Council Resolutions with respect to inspecting, detecting, and seizing items the transfer of which is prohibited by those resolutions.

"Seize and dispose of (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer, or export of which is prohibited by relevant UN Security Council Resolutions and consistent with other international obligations."

The statement calls on all UN member states to follow the lead of its 17 signatories stating, "We call on all UN Member States to enforce all elements of applicable UN Security Council Resolutions. Given our concerted efforts to build our capacities and resolve to act to interdict WMD and related materials, we stand united in our determination to prevent the DPRK from acquiring nuclear and ballistic missile-related technologies, and from engaging in prohibited activities that generate revenue for its illicit WMD program. As PSI endorsing States we remain strongly committed to WMD counter-proliferation, including supporting and enforcing UNSCRs 2375, 2397, and all other DPRK-related UN Security Council Resolutions."

Japan Already Carrying Out Maritime Surveillance

There have been a number of reports during the week of January 8 that Japan, one of the PSI "Partners" that signed the joint statement, has been deploying its military ships and aircraft in and over waters around the Korean Peninsula, monitoring the movement of ships, taking photographs and collecting other data on the DPRK's naval trade, which is declared "illicit" as a result of sanctions. This is then sent to the U.S. military showing how the UN Security Council is being

sidestepped by the U.S. as it seeks to enforce that body's sanctions.

Open Discussion of Naval Blockade of DPRK

Reports indicate that the U.S. is preoccupied with completely choking off the DPRK, claiming that "China and Russia" are refusing to cut off shipments of goods as required under the UN sanctions pushed by the U.S.

Sections of the U.S. ruling circles see a naval blockade as an "alternative method" to force the DPRK and its people to submit. Retired U.S. Navy Lieutenant Commander Gregory Neeley states in a December 31 opinion piece in Fox News that "The naval blockade is not a new concept, and historically has enjoyed significant success. From the British Royal Navy blockade of the First French Empire during the Napoleonic war to the 1962 U.S. blockade of Cuba, which effectively ended Soviet attempts to establish missile bases on the Caribbean island, blockades have proven effective. Short of direct military action, a multi-national naval blockade of North Korea is not only palatable; it may be the only alternative."



In discussing how this would work, Neeley outlines what he says are the options on the U.S. table:

- 1) direct military attack;
 - 2) acceptance of DPRK's right to nuclear weapons; and
 - 3) the third and best option -- a naval blockade.
- Without a blockade, "where every ship in the vicinity of North Korea is boarded, searched, and if necessary impounded, it will be impossible to entirely close the oil lifeline spigot."

"Like sanctions," he writes, "blockades are designed to slowly choke the recalcitrant nation to submission. Unlike sanctions, a blockade provides the capability to monitor, intercept and enforce restrictions on what can go in and out of the target nation while providing a powerful

psychological and diplomatic instrument. A naval blockade in the Sea of Japan and the Yellow Sea would prevent North Korea from obtaining essential raw materials and equipment, including refined petroleum and military spare parts. A naval blockade also serves to choke export income, in this case the lucrative coal and iron exports the regime needs to quite literally keep the lights on.

"The United States need not act unilaterally and carry the entire weight of a blockade of North Korea. U.S. allies in the region would support the initiative. Key players in this effort would be Japan and Australia, with support likely from Singapore, South Korea, India, Taiwan and potentially NATO forces.

"The Japanese Maritime Self-Defense Force, boasts the fifth most powerful navy in the world with one of the largest economic exclusion zones to patrol. Their destroyers and frigates are modern and equipped with the Aegis combat system.

"Australia, another island nation in the Pacific, is the only country to have supported the United States in every military conflict since World War One. The [Royal Australian Navy (RAN)] is built

for coastal operations, with shallow water diesel-electric submarines, helicopter landing ships, frigates, and the Armidale class patrol boat, one of the most effective littoral combat platforms in the world. I served with the RAN during the early 2000's blockade of illegal alien vessels. It proved a tremendously effective 'reverse blockade' of the Australian coast."

Note

1. These 17 nations which refer to themselves as "Proliferation Security Initiative (PSI) Partners in Support of United Nations Security Council Resolutions 2375 and 2397 Enforcement" are Canada, the United States, Australia, Argentina, Denmark, France, Germany, Greece, Italy, Japan, south Korea, the Netherlands, New Zealand, Norway, Poland, Singapore and Britain.

(Asian News International)



Women's Peace Delegation Asks to Intervene at Vancouver Meeting

Five organizations are leading a women's peace delegation to Vancouver to "ensure that civil-society perspectives are included in the official talks" of the January 16 Vancouver Meeting. The participating organizations are: Women Cross DMZ, Canadian Voice of Women for Peace, the Nobel Women's Initiative, the United Church of Canada and the Women's International League for Peace and Freedom. The delegation will hold its own activities coinciding with the forum and has also requested to participate in the official proceedings.

They state:

"The objective of the women's peace delegation is to urge the Foreign Ministers to prepare the table for a diplomatic peace process that moves away from war and increased militarization, and towards peace, reconciliation, and genuine security. Through the Vancouver Women's Forum and other actions, the women delegates will remind government leaders of overwhelming global public opinion that favours a peaceful diplomatic resolution as the only option on the table for resolving the Korean crisis. The outcome of the official summit must support the recent breakthroughs in inter-Korean rapprochement, not derail it. [...]"

"At this momentous juncture in Vancouver, the international women's peace delegation will call upon the Foreign Ministers to pursue a comprehensive and lasting resolution to the longstanding conflict. They will share their experience, knowledge, and wisdom garnered from their efforts working towards achieving peace and genuine security on the Korean Peninsula. Drawing upon their collective expertise on militarism, nuclear disarmament, economic sanctions, and the human, social, and ecological costs of the unresolved 65-year Korean War, the delegation will recommend steps that can ensure a lasting peace on the Korean Peninsula.

"While the Foreign Ministers represent most nations of the UN Command that fought and provided humanitarian assistance during the 1950-53 Korean War, the delegates represent a wide range of civil-society organizations and social movements in South Korea, Japan, Guam, Sweden, United States, Canada, and globally."

Representatives of the organizations participating had the following to say:

"Research shows that women's inclusion in peace processes not only yields actual peace agreements, but also more durable ones," said Christine Ahn, International Coordinator of

Women Cross DMZ, a global movement of women mobilizing to end the Korean War. "A peaceful and diplomatic solution to the Korean conflict is the only acceptable path forward. It is possible, but it requires all the best thinking, expertise and perspectives. This must include the women and civil society movements that have been left out of these discussions to date."

"Many of the women in our delegation have been to North Korea; most of the Ministers meeting in Vancouver have not. North Koreans are not invited to attend, so it is essential to include in the talks those who have been on the ground in North Korea, who have seen the cost to ordinary people, and who bring a human element to a very human reality," said Lee Moon Sook, Vice-chairperson of the Reconciliation and Reunification Committee, National Council of Churches in Korea.

"Sanctions are often characterized as a peaceful alternative to military action, but they are in fact incredibly damaging to the people of the country who feel the suffering directly in their daily lives," said Ewa Eriksson Fortier, who was previously Head of Country Delegation in Pyongyang, Democratic People's Republic of Korea for the International Federation of Red Cross and Red Crescent Societies, and has since returned for several country visits.

"Just last November, we welcomed the Canadian government's announcement of Canada's National Action Plan on Women, Peace and Security, a key element in Canada's Feminist International Assistance Policy. This is a crucial test of whether or not that Plan is more than a piece of paper," said Patti Talbot, Chair, Global Partnerships, the United Church of Canada. "We are encouraged by Canada's leadership in co-convening these talks. We now look to our government to make good on their word about our country's feminist foreign policy."



For Your Information

Sanctions Against the DPRK

- Margaret Villamizar -



The sanctions adopted against the Democratic People's Republic of Korea (DPRK) by the United Nations at the instigation of the United States are more than sanctions.[1] They are the basis for a blockade of the DPRK, which has called them "an act of war." [2]

Economic sanctions are commercial and financial penalties applied by one or more countries against a targeted country, group, or individual. Economic sanctions may include various forms of trade barriers, tariffs, and restrictions on financial transactions. An embargo is similar, but usually implies more severe sanctions.

Economic sanctions are not necessarily imposed because of economic circumstances; they can be imposed for a variety of political, military and social reasons. They can be used for achieving domestic and international purposes.

What typifies a "blockade" is that it pursues the isolation, asphyxiation and immobility of the targeted country, for the perverse purpose of suffocating its people and making it cease to affirm its right to be sovereign and independent. The cardinal elements of the concept of "blockade" are to cut off, close, disconnect from the outside to achieve the surrender of the besieged entity by force or through hunger.

Since the 1909 London Naval Conference, it is an accepted principle in international law that a blockade is an act of war. As such, its use is only permissible between belligerents. There is no rule of international law to justify a so-called peaceful blockade, which refers to a practice of the colonial powers of the 19th century and early 20th century. In 1916 the United States government itself warned France: "The United States does not recognize that right of any foreign power to obstruct the exercise of commercial rights of non-interested countries, resorting to blockade when there is no state of war."



And here we get to the crux of the matter. The belligerent countries which fought in Korea in the 1950-53 war under the UN flag did so to achieve the surrender of the DPRK. They were forced to sign an armistice agreement instead when they were not able to take over all of Korea. After signing the Armistice Agreement, the U.S. has not respected its terms, including its ultimate aim of concluding a peace treaty with the DPRK.

The U.S. first initiated economic sanctions against the DPRK in 1950 under the *Trading with the Enemy Act*. In a 1997 review of U.S. extra-territorial sanctions in the University of Pennsylvania Journal of Economic Law, Harry L. Clark wrote that "re-export sanctions against North Korea generally mirrored those of Cuba." (Re-export provisions forbid non-U.S. persons from exporting items of U.S. origin or that contain U.S. content from third countries to sanctioned destinations.) At the time, the U.S. had just tightened its blockade of Cuba with new extraterritorial provisions under the 1996 *Helms-Burton Act*.

The Indictment for Offenses Committed by the U.S. Government Against the People of Korea 1945-2001 prepared for the Korea International War Crimes Tribunal held in New York City on June 23, 2001 stated in reference to the period from July 1953 to 2001: "The U.S. government forced the imposition of severe economic sanctions on Korea, enforced by blockade and the coercion of other nations and states that were calculated to and did in fact impoverish and debilitate the people of northern Korea damaging the people, the economy, depriving them of essential medicines, medical supplies, safe drinking water, food and other necessities, destroying their lives in major part, committing a genocidal crime against humanity.

"The United States government, by imposing sanctions, a blockade, economic coercion on other nations and parties, undermined the health and endurance of the people of northern Korea, used the deprivation of food as a weapon, forcing hunger, malnutrition and starvation that took hundreds of thousands of lives."^[3]



The Indictment provided the following details:

".... Economic interference by the U.S. and a devastating blockade calculated to create conditions to destroy a major part of the northern Korean population, radically reduce available food, medicines, health care and medical capacities causing widespread malnutrition, weakening of the population, increasing susceptibility to diseases, illnesses and epidemics. Chronic food shortages, hunger and periodic famine contribute to a reduced life expectancy of more than six years in the 1990s. Among children under 5 years of age the death rate increased from 27 per 1,000 live births to 48 per 1,000 or 77 per cent, and among infants from 14 to 22.5 per 1,000 live births or 60 per cent. The percentage of the population with safe drinking water has dropped 30 per cent in recent years. Vaccination coverage for diseases like polio and measles fell 40 per cent between 1990 and 1997. Dysentery, iodine deficiency and vitamin deficiency are among many serious health problems for children. Per capita income in the north dropped from \$991 U.S per year in 1991 to \$457 U.S. in 1999. All these figures were reported by A.P on May 15, 2001. Over this period of 48 years, unlawful U.S. policies and actions have caused many hundreds of thousands of deaths in Korea leaving it to be one of the most isolated and impoverished nations, as a result of external forces, on earth. [...]"

In June 2008 the U.S. removed the DPRK from application of the *Trading with the Enemy Act* and from its "state sponsor of terrorism" list. However it left other sanctions in place and continued to add more under the *International Emergency Powers Act* and the *National Emergencies Act* and other legislation. NBC News reported in 2008 that President George W. Bush said the changes made would have little impact on the DPRK's financial and diplomatic isolation and that "it will remain one of the most heavily sanctioned nations in the world."

UN Security Council Sanctions

UN Security Council sanctions against the DPRK were first adopted in 2006 after that country's first nuclear test. They targeted individuals and entities engaged in activities deemed to be directly or indirectly involved with aspects of its nuclear program, said to be prohibited. These sanctions were stepped up numerous times over the years, with those adopted on December 22, 2017 at the behest of the U.S. and passed unanimously by the Security Council, being the most severe.

They include a 90 per cent reduction in the amount of oil that the DPRK can import as compared to 2016, and impose ruthless restrictions on the export of food and agricultural products, machinery, electrical equipment, earth and stone, including magnesite and magnesia, wood and vessels, besides affecting companies, that do business with and in the DPRK, many of them Chinese. Sanctions imposed earlier in 2017 already banned DPRK from exporting coal, iron and iron ore as well as textiles. According to Reuters, coal and other minerals were the DPRK's biggest export in 2016 and textiles its second biggest, with 80 per cent of textile exports going to China. New regulations introduce targeted sanctions against 15 DPRK officials and call for the repatriation of the DPRK's citizens working in other countries within the next 24 months. This will cut off a vital source of income for many families. The sanctions passed in November 2016 also include restrictions on the export of art from the DPRK, in particular the export of statues, for which the Koreans are world-renowned.

All of this is justified by the anti-communist assertion that the regime in the DPRK uses the income it manages to bring into the country through trade and remittances to proliferate nuclear weapons, not to feed its people.

The UN Commission on Human Rights' Sub-Commission on the Promotion and Protection of Human Rights at its 52nd session passed Resolution 1997/35 on August 28, 1997, entitled *Adverse consequences of economic sanctions on the enjoyment of human rights*. The Sub-Commission expressed its concerns about economic sanctions by framing them in the light of the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 1949 and the two Additional Protocols thereto. The Sub-Commission stressed four particular points concerning such measures:

- (i) They should always be limited in time, (fourth preambular paragraph);
- (ii) They most seriously affect the innocent population, especially the most vulnerable (fifth preambular paragraph);
- (iii) They aggravate imbalances in income distribution (sixth preambular paragraph); and
- (iv) They generate illegal and unethical business practices (seventh preambular paragraph).

An impartial reading of the Six-Prong Test to evaluate sanctions contained in *The Bossuyt Report* produced by the UN Economic and Social Council in response to the Sub-Commission's resolution titled: *The Adverse Consequences of Economic Sanctions* (see item below), would lead to the conclusion that the sanctions against the DPRK are not only illegal, but indeed an act of war. They are not imposed for legitimate reasons since the danger to world peace is not posed by the DPRK's nuclear tests, which are self-defence measures, but by the U.S. striving to dominate the Korean Peninsula and its threats of war and refusal to permit the DPRK to develop its own way of life in peace. In other words, they are motivated by a self-serving political agenda and this is a violation of international law. They also violate humanitarian law. Depriving a people of 90 per cent of its oil necessarily affects every aspect of life, of food production, industrialization and the health and safety of the population.

Notes

1. To see the content of the existing UN Security Council sanctions targeting the DPRK which were first established in 2006 and expanded since, [click here](#).
2. Statement of DPRK Foreign Ministry Spokesman, Korean Central News Agency, December 24, 2017.
3. "Report and Final Judgment on U.S. Crimes in Korea 1945-2001," Korea International War Crimes Tribunal, June 23, 2001.

Understanding Sanctions

The following extracts from *The Bossuyt Report: The Adverse Consequences of Economic Sanctions*, UN Economic and Social Council, 2000,^[1] include a summary of sanction basics, limitations on sanctions under international law, the Six-Prong Test, and the case study of sanctions imposed on Iraq.

[...]

B. The Basics

9. Sanctions represent a middle ground in international politics, being more severe than mere verbal condemnation, but less severe than the use of force. In accordance with Article 41 of the Charter of the United Nations, within the United Nations, authority to impose sanctions lies exclusively with the Security Council. Regional organizations are authorized under Article 52 to "achieve pacific settlement of local disputes" without express permission of the Security Council, "provided that ... their activities are consistent with the Purposes and Principles of the United Nations".

10. In practice, sanctions have comprised a wide range of actions, from economic embargoes to restrictions on participation in the Olympic Games. There follows a brief classification of sanctions: economic, travel, military, diplomatic or cultural.

1. Economic sanctions

11. There are two basic kinds of economic sanctions: trade sanctions and financial sanctions.

(a) Trade sanctions

12. Trade sanctions restrict imports and exports to and from the target country. These restrictions can be comprehensive, as in the case of Iraq, or they can be selective, only restricting certain goods often connected with a trade dispute. Comprehensive trade sanctions are the target of the current criticism of sanctions regimes, because of the humanitarian crises that have erupted in countries against which such sanctions have been imposed.

(b) Financial sanctions

13. Financial sanctions address monetary issues. They can include, as has been addressed at the Interlaken Conferences, blocking government assets held abroad, limiting access to financial markets and restricting loans and credits, restricting international transfer payments and restricting the sale and trade of property abroad. The freezing of development aid also falls into this category. Obviously, there is substantial overlap between financial and trade sanctions, especially when applied comprehensively, since with their foreign assets frozen and access to new funds blocked, Governments will be unable to pay for imports, and trade will suffer.

2. Other types of sanctions

(a) Travel sanctions

14. Travel sanctions can include both sanctions against the travel of certain individuals or groups and sanctions against certain kinds of air transport. The first kind is by nature targeted, as lists of people or groups of people are compiled who are not allowed to leave their country. This type of ban has been imposed on Governments, such as against members of the military junta in Sierra Leone in 1998, and also against non-governmental groups, such as the leaders of the National Union for the Total Independence of Angola (UNITA) in 1997. Bans on certain types of air travel include the current ban on taking off or landing of any aircraft owned, leased or operated by or on behalf of the Taliban, established by the Security Council in its resolution 1267 (1999).

(b) Military sanctions

15. Military sanctions may include arms embargoes or the termination of military assistance or training. They are also inherently "targeted", as, domestically, only the armed forces feel their impact. Legal problems may arise, however, when a country's right to self-defence is infringed, as many States subject to arms embargoes have argued.

(c) Diplomatic sanctions

16. Diplomatic sanctions directly target the rulers of a sanctioned State: diplomats and political leaders may have their visas revoked and may be forbidden to participate in international bodies and organizations. The refusal of the United Nations to allow the participation of the apartheid Government of South Africa in its operations is an example of this type of sanction. Other steps towards diplomatic isolation include the withdrawal of diplomatic personnel and international organizations from the target country.

(d) Cultural sanctions

17. Finally, cultural sanctions, while having less of a negative impact than other forms of sanctions, can still have undesired results. The athletes of the target nation may be banned from international sports competitions, folk dancers, musicians and other artists may also be banned and restrictions may be placed on educational and tourist travel.

II. Sanctions and International Law: A Law of Limitation

18. The most important implication of international law, especially human rights and humanitarian law, for sanctions is that the right to impose sanctions is not unlimited. Thus, an examination of the standards of international law relevant to sanctions involves looking for the limitations to sanctions inherent in the general operation of international law.

A. Sanctions and the Charter of the United Nations: Legitimation and Limitation

19. Article 39 of the Charter of the United Nations allows the Security Council to take measures such as sanctions only to "maintain or restore international peace and security" following its determination that there exists a threat to or breach of the peace, or an act of aggression. Thus, sanctions may only be imposed upon a Government, "quasi-Government" or other entity that is capable of being a threat to international peace or security or that is in fact threatening international peace and security. While armed groups within a country may pose a threat to international peace and security, a generally unarmed civilian population is, in all likelihood, unable to pose such a threat. Other States not presenting a threat to, or actually breaching, peace and security must not be affected by sanctions imposed on the violating State.

20. Furthermore, the "threat" may not be determined on the basis of ulterior political motives -- there must be genuine "international concern" behind the sanctions, not the foreign or domestic policy considerations of a single State or group of States.

21. Sanctions may not be imposed to secure any of the other Purposes and Principles of the United Nations as set out in Article 1 of the Charter, unless there is a credible determination of a threat to or a breach of the peace or an act of aggression.

22. In addition to these limitations, other provisions that would limit sanctions are found throughout the Charter.

1. Limitations implied by Article 24

23. Article 24 requires the Security Council to "act in accordance with the Purposes and Principles of the United Nations". Thus, no act of the Security Council is exempt from scrutiny as to whether

or not that act is in conformity with the Purposes and Principles of the United Nations.

2. Limitations implied by Article 1

24. Article 1, paragraph 1, requires that sanctions or other measures undertaken to maintain international peace and security must be "effective" and must be "in conformity with the principles of justice and international law". Sanctions must be evaluated to ensure that they are not unjust or that they do not in any way violate principles of international law stemming from sources "outside" the Charter. Likewise, sanctions must be constantly reviewed to ascertain whether or not they are effective in maintaining peace and security. Ineffective or unjust sanctions or those that violate other norms of international law may not be imposed, or must be lifted if they have been imposed.

25. Article 1, paragraph 2, requires that sanctions or other measures "respect the principle of equal rights and the self-determination of peoples". Sanctions that cause international dissension, that interfere with a State's legal rights, or that unduly affect a people's right to self-determination may not be imposed or must be lifted if imposed.

26. The United Nations purpose of promoting and encouraging respect for human rights set out in article 1, paragraph 3, necessarily limits sanctions. Article 1, paragraph 3, also requires the United Nations to solve issues of a pressing humanitarian nature, not to cause them. Sanctions, therefore, must not result in undue hardships for the people of a country. Sanctions that directly or indirectly cause deaths would be a violation of the right to life. Other human rights could also be violated by sanctions regimes, such as the rights to security of the person, health, education or employment.

27. Article 1, paragraph 4, requires that sanctions or other measures facilitate the harmonization of national or international action. Sanctions imposed on one country but not on another for the same wrongs would violate this requirement of harmonization. Sanctions imposed unequally on two countries for the same wrongs would also violate the harmony provision.

3. Limitations implied by Article 55

28. Article 55 of the Charter reinforces the limitations of article 1, paragraph 3, in its requirement that the United Nations promote:

Higher standards of living and economic and social progress (para. a);

Solutions to international economic, social, health and other problems (para. b); and

Respect for and observance of human rights (para. c).

Sanctions regimes that lower economic standards, create health problems or are detrimental to the observance of human rights would violate Article 55.

[...]

F. Evaluating Sanctions: The Six-prong Test

41. The above-listed limitations to sanctions allow the extrapolation of a six-prong test to evaluate sanctions.

1. Are the sanctions imposed for valid reasons?

42. Sanctions under the United Nations must be imposed only when there is a threat of or actual

breach of international peace and security. Sanctions may not be imposed for invalid political reasons (personal grudges, "East-West" or "North-South" politics, "left-right" politics and the like). Sanctions may not arise from or produce an economic benefit for one State or group of States at the expense of the sanctioned State or other States. Sanctions may not result in undue interference with a State's sovereignty rights under international law.

2. Do the sanctions target the proper parties?

43. Sanctions may not target civilians who are uninvolved with the threat to peace or international security. Sanctions that would result in an abrogation of Geneva Convention rights are void; there can be no effective, presumed or actual waiver of these rights. Sanctions may not target, or result in collateral damage to, "third party" States or peoples.

3. Do the sanctions target the proper goods or objects?

44. Sanctions may not interfere with the free flow of humanitarian goods under the Geneva Conventions and other provisions of humanitarian law. Sanctions may not target goods needed to ensure the basic subsistence of the civilian population (food, drinking water, basic medicines and immunizations), regardless of whether there is an armed conflict. Sanctions may not target essential medical provisions or educational materials of any kind. Even if a target is otherwise legal, the target must still have a reasonable relationship to the threat of or actual breach of peace and international security.

4. Are the sanctions reasonably time-limited?

45. Legal sanctions may become illegal when they have been applied for too long without meaningful results. Sanctions that continue for too long can have a negative effect long after the wrong ceases (the so-called "undue future burden" effect). Sanctions that go on too long may also be viewed as ineffective.

5. Are the sanctions effective?

46. Sanctions must be reasonably capable of achieving a desired result in terms of threat or actual breach of international peace and security. Sanctions that are targeted in ways that would not affect the wrongs may be viewed as ineffective.

6. Are the sanctions free from protest arising from violations of the "principles of humanity and the dictates of the public conscience"?

[...]

IV. Sanctions Case Studies

A. Iraq

59. The sanctions against Iraq are the most comprehensive, total sanctions that have ever been imposed on a country. The situation at present is extremely grave. The transportation, power and communication infrastructures were decimated during the Gulf war, and have not been rebuilt owing to the sanctions. The industrial sector is also in shambles and agricultural production has suffered greatly. But most alarming is the health crisis that has erupted since the imposition of the sanctions.

1. Implementation of sanctions

60. The Security Council imposed multilateral comprehensive economic sanctions in its resolution

661 (1990) of 6 August 1990. Under the sanctions all imports and exports to and from Iraq were banned, exemptions being allowed for supplies intended strictly for medical purposes and, in certain circumstances, foodstuffs. The Security Council imposed marine and air blockades in its resolutions 665 (1990) and 670 (1990).

61. Following the Gulf war, the Security Council, in its resolution 687 (1991) authorized the continuation of sanctions, with the same humanitarian caveats. The Sanctions Committee was authorized to permit imports of petroleum originating from Iraq, in order to enable Iraq to pay for imports of foodstuffs, medicines and essential civilian supplies. In resolution 687 (1991), the Security Council also imposed a comprehensive arms embargo and established a technical commission of experts (UNSCOM) to monitor and destroy the weapons of mass destruction of Iraq.

62. In 1991, the Council adopted resolutions 706 (1991) and 712 (1991), authorizing the sale of up to \$1.6 billion worth of petroleum and petroleum products by Iraq each six months. The resolutions were never implemented and it was not until 1996 that the "oil-for-food programme" came into effect. Resolution 986 (1995) permitted the sale of \$2 billion of Iraqi oil over 180 days, the proceeds from which were to be placed in a United Nations-controlled bank account. Of the revenues from the sale, however, only about half ended up going towards the purchase of humanitarian goods, the majority of the rest going towards reparations and administrative costs. This resolution was implemented with the signing of a memorandum of understanding between the Secretariat and the Government of Iraq on 20 May 1996. The programme went into effect 10 December 1996. Although it was conceived of as a temporary measure, the "oil-for-food" scheme is still in effect, having been extended several times. The amount Iraq is allowed to sell was increased considerably in resolution 1153 (1998), and the cap was dropped altogether in December 1999 in resolution 1284 (1999). More money has also been allowed for the repair of Iraq's greatly damaged oil industry. However, this mitigation of the sanctions is in no way a solution to the crisis; as the United Nations Secretary-General stated in March 2000, "Even if it [the oil-for-food programme] is implemented perfectly, it is possible that our efforts will prove insufficient to satisfy the population's needs".

2. Effects on civilians

63. As has been documented by United Nations agencies, NGOs, humanitarian and human rights organizations, researchers and political leaders, the sanctions upon Iraq have produced a humanitarian disaster comparable to the worst catastrophes of the past decades. There is broad controversy and little hard evidence concerning the exact number of deaths directly attributable to the sanctions; estimates range from half a million to a million and a half, with the majority of the dead being children. It should be emphasized that much of the controversy around the number of deaths is only serving to obfuscate the fact that any deaths at all caused by the sanctions regime indicate grave breaches of humanitarian law and are unacceptable.

64. In 1999, after conducting the first surveys since 1991 of child and maternal mortality in Iraq, UNICEF concluded that in the heavily-populated southern and central parts of the country, children under five are dying at more than twice the rate they were 10 years ago. An expert on the effects of sanctions on civilians states that "the underlying causes of these excess deaths include contaminated water, lack of high quality foods, inadequate breastfeeding, poor weaning practices, and inadequate supplies in the curative health-care system". The lack of food due to sanctions translated into a 32 per cent drop in per capita calorie intake compared to before the Gulf war. According to the Government of Iraq, by 1997, only half of the water treatment capacity of the country was operational.

65. Owing to the lack of medical supplies, it was estimated that, by 1997, 30 per cent of hospital beds were out of use, 75 per cent of all hospital equipment did not work and 25 per cent of Iraq's

1,305 health centres were closed. A recent Security Council-appointed panel summarized the health and sanitation situation as follows:

"In marked contrast to the prevailing situation prior to the events of 1990-1991, the infant mortality rates in Iraq today are among the highest in the world, low infant birth weight affects at least 23 per cent of all births, chronic malnutrition affects every fourth child under five years of age, only 41 per cent of the population have regular access to clean water, 83 per cent of all schools need substantial repairs. The [International Committee of the Red Cross (ICRC)] states that the Iraqi health-care system is today in a decrepit state. UNDP calculates that it would take 7 billion U.S. dollars to rehabilitate the power sector country-wide to its 1990 capacity."

66. Although some note a slow improvement in health and nutrition indicators since 1997, the disaster and deaths continue, and even as recently as March 2000, the Secretary-General expressed particular concern for the plight of Iraqi children.

67. The health crisis in Iraq is intertwined with the general social and economic crises which the sanctions have prompted. Even if the deaths were to cease as the result of humanitarian exemptions (as the Secretary-General and others deem impossible), there would still be massive, systematic violations of Iraqi citizens' other rights attributable to the sanctions. The economic, social and cultural rights of the Iraqi people are being swept aside, as are their rights to development and to education. For example, the purchasing power of an Iraqi salary by the mid-1990s was about 5 per cent of its value prior to 1990 and, as the United Nations Development Programme field office recognized, "the country has experienced a shift from relative affluence to massive poverty". The previous advances in education and literacy have been completely reversed over the past 10 years. As Denis Halliday, former United Nations Assistant Secretary-General and Humanitarian Coordinator in Iraq, declared after his resignation in September 1998, "sanctions have had a serious impact on the Iraqi extended family system. We're seeing an increase in single-parent families, usually mothers struggling alone. There's an increase in divorce. Many families have had to sell their homes, furniture and other possessions to put food on the table, resulting in homelessness. Many young people are resorting to prostitution". In addition, crime has risen and emigration has skyrocketed. Researchers have also shown how sanctions have an overwhelmingly greater negative medical and social impact on women, as women bear the brunt of the social and economic displacements and upheaval.

3. The response to sanctions

68. The outcry against the sanctions on Iraq has come from all sides. From within the United Nations, the Secretary-General himself has been at the forefront of the criticism, levelling serious charges against the sanctions regime in his report to the Security Council of 10 March 2000 (S/2000/208) and stating two weeks later that "the Council should seek every opportunity to alleviate the suffering of the population, who after all are not the intended targets of sanctions". The sanctions have led to the resignation of three United Nations officials, two this year alone. First, Denis Halliday, former United Nations Assistant Secretary-General and Humanitarian Coordinator in Iraq, resigned in September 1998, declaring: "We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral." Hans von Sponeck, Halliday's successor as Humanitarian Coordinator in Iraq, resigned on 13 February 2000, explaining that he could not any longer be associated with a programme that prolonged the sufferings of the people and which had no chance to meet even the basic needs of the civilian population. Two days later, Jutta Burghardt, head of the World Food Programme in Iraq, also resigned, stating "I fully support what Mr. von Sponeck is saying".

69. Both in the Security Council, the body which has supposedly provided legitimization to the sanctions regime, and in other United Nations forums, a number of countries have expressed concerns over the impact of the sanctions; they include Brazil, China, Egypt, the Republic of

Korea, Kenya, France, Russia and Slovenia.

70. The sanctions have also produced an outcry from civil society. Ending the sanctions has become a focus for NGOs, human rights groups and humanitarian organizations across the world and demonstrations, petitions, lobbying campaigns and conferences have been devoted to the issue. Civil society groups have sprung up whose sole purpose is to end the sanctions and which have worked to bring together academics, activists and political leaders who share that goal. At the Commission on Human Rights, there have been a multitude of statements condemning the sanctions. Many groups have defied the embargo and brought humanitarian aid to Iraq in acts of international civil disobedience. In legal terms, this popular protest is clearly establishing the "dictates of the public conscience".

4. Iraqi sanctions and international law

71. The sanctions regime against Iraq is unequivocally illegal under existing international humanitarian law and human rights law. Some would go as far as making a charge of genocide. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, which entered into force on 12 January 1951, defines genocide as follows:

"Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily harm or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;"

72. The sanctions regime against Iraq has as its clear purpose the deliberate infliction on the Iraqi people of conditions of life (lack of adequate food, medicines, etc.) calculated to bring about its physical destruction in whole or in part. It does not matter that this deliberate physical destruction has as its ostensible objective the security of the region. Once clear evidence was available that thousands of civilians were dying and that hundreds of thousands would die in the future as the Security Council continued the sanctions, the deaths were no longer an unintended side effect -- the Security Council was responsible for all known consequences of its actions. The sanctioning bodies cannot be absolved from having the "intent to destroy" the Iraqi people. The United States Ambassador to the United Nations in fact admitted this; when questioned whether the half million deaths were "worth it", she replied: "we think the price is worth it". The States imposing the sanctions could raise questions under the genocide Convention.

73. Any sanctions that are imposed as a result of war or as a part of war are regulated by the laws of armed conflict. Of course, the "six-prong test" is still applicable, but in the Iraqi case it must be interpreted in the light of established armed conflict law. The sanctions against Iraq were first imposed in the context of Iraq's military invasion of Kuwait, were maintained during the Gulf war and then were extended indefinitely after the first phase of military hostilities ended. Also, the continued air strikes by United States and United Kingdom planes qualify the situation as an armed conflict. Thus, the strict measures stipulated in international humanitarian law for the protection of civilians in armed conflict is applicable to the sanctions regime and its instigators, and violations of those laws can be prosecuted as war crimes. In this vein, reference should be made to the argument presented earlier under "Limits to sanctions in humanitarian law", especially the section on the Geneva Conventions of 1949. Particularly germane are the provisions of the Geneva Conventions allowing for exemptions for medical supplies and for goods needed for the survival of the civilian population, the prohibition in Protocol I, article 54, paragraph 1, of

"starvation of civilians as a method of warfare", and the provisions relating to the protection of women and children, the two groups most injured by the sanctions regime. Finally, humanitarian law, in accordance with the Martens Clause, clearly establishes that the "dictates of the public conscience" are to be considered binding in cases where the law is not specific. The popular outcry against the sanctions, as mentioned above, constitutes these dictates, rendering the sanctions illegal.

Note

1. The full report is available [here](#).



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