

UN Angola Sanctions – A Committee Success Revisited

By

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Summary

In this paper the March 2000 report of the Panel of Experts of the UN Security Council Angola Sanctions Committee is revisited by the author, who served as the Chairman of this Panel. It is shown that the effects of the report are still visible. Some of the “techniques” of the Committee and its Panel are put forward as contributors to its relative success. Among these are the role played by its dynamic Chairperson, the Canadian UN Ambassador Robert Fowler; the use of media and general transparency in its work; its goal orientation, rather than a legalistic, punitive approach; high evidentiary standards and strict and clear reporting; and luck, in as much as the simultaneous successful offensive of the armed forces of the Angolan government helped bring forth new information. It is argued that Sweden, as a country with a relatively high level of expertise, experience and knowledge, and with its good standing internationally and particularly in the UN could more actively take part in efforts to continue to develop the instrument of smart sanctions. It is further suggested that efforts could be made to strengthen the capacity not only of the UN centrally but also of regional and sub-regional organizations such as the AU and SADC in Africa to propose, design, and follow-up on sanctions regimes.

I. Introduction

My reason for doing this SPITS report was to revisit the work I did as Chairman of the UN Security Council Panel of Experts on Angola Sanctions in 1999-2000, to see what had been done since then and to see if anything could be added in the way of lessons learned. An early contact with Professor Peter Wallensteen of the Department of Peace and Conflict Research at Uppsala University informed me of the work done in three consecutive processes: first the so called Interlaken Process, based in Switzerland, then the Bonn-Berlin process and finally the Stockholm Process, led by professor Wallensteen with the support of the Swedish Ministry for Foreign Affairs. I studied some of the reports produced and articles written. As there was no need to duplicate work already done, we agreed that I should concentrate on my experiences from the work of the Panel and particularly on the methods used.

2. Background

The war in Angola was one of Africa's most long-standing violent conflicts. After the war of liberation against Portuguese colonialism ended in 1974, the three rebel movements failed to agree on the governance of the country. An internal war followed between MPLA (Popular Movement for the Liberation of Angola), backed by the Soviet bloc and Cuba, and FNLA (National Front for the Liberation of Angola) and UNITA (National Union for the Total Independence of Angola), backed by China, USA and Apartheid South Africa. After the end of the Cold War, an agreement was reached in Bicesse in Portugal in 1991 between the main parties. The agreement led to multiparty elections in 1992. UNITA, however, resumed the war after the elections. The Security Council decided on a regime of sanction measures directed against UNITA's war effort, beginning in 1993.

After the signing of the Lusaka Protocol on 20 November 1994, an uneasy peace ensued. However, UNITA's failure to comply with its obligations under the protocol soon prompted the Security Council to threaten and then, in 1997, to impose additional sanctions. These included freezing of bank accounts, prohibition of travel by senior officials and closing of UNITA offices abroad. In 1998 the purchase of diamonds from UNITA controlled territory was prohibited.

Increasing malaise was felt in New York due to the apparent impunity with which UNITA was able to circumvent the sanctions regime. Apart from encouraging the movement to continue its war effort, lack of follow-up reflected badly on the ability of the Security Council, the UN secretariat and, indeed, the international community to enforce its decisions. This was especially so as the decisions of the Council had been taken with reference to the situation as a threat to international peace and security. Continued and increasing human suffering in Angola as a result of the war underlined the urgency of the situation.

In January 1999 Canada had taken over the responsibility in the Security Council for chairing the Sanctions Committee on Angola and the Canadian UN envoy Ambassador Robert Fowler embarked on an ambitious

consultation and fact-finding mission which resulted in two reports to the Council. The reports contained a total of 19 recommendations aimed at strengthening the implementation of the decisions taken by the council (Security Council document S/1999/829).

2.1 Panel of Experts

In February 1999 the Council supported a recommendation that there should be studies “to trace violations in arms trafficking, oil supplies and the diamond trade, as well as the movement of UNITA funds”. In May a Panel of Experts was established under my chairmanship to carry out this task. The Panel consisted of ten international experts and was given a six months’ mandate.

Common wisdom at the time was that little could be expected of the Panel’s work. It was considered next to impossible to establish how weapons were bought and brought into the conflict area and equally, if not more, difficult to ascertain how diamonds were exported to finance arms purchases. As it turned out, the Panel was able to report with some detail on these matters. We were greatly helped by the fact that the government of Angola during the latter half of 1999 managed to oust UNITA’s forces from their strongholds Andulo and Bailundo on the Angolan High Plateau. Defectors were coming over to the government side, and some soldiers were captured. These, as well as some captured material, were eventually made available to the Panel and were useful in corroborating information received from other sources.

Through interviews with some key officers who had left UNITA and through discussion with experts in the field, the Panel was able to piece together a picture of the diamonds-for-arms business of the movement. The Panel could thus in its report of 10 March 2000 (S/2000/203) present a credible account of how UNITA had procured arms and military material. UNITA had apparently worked mainly through international brokers who were supplied with end-user certificates acquired from friendly governments, notably Togo and Burkina Faso in West Africa, which also gave refuge to UNITA officials and their families. In exchange, the heads of state in these countries received diamonds and money.

The arms brokers had apparently mainly procured arms in or through Bulgaria. The government of Bulgaria decided to co-operate with the Panel in investigating the deals.

The diamonds were mined in areas controlled by UNITA using local labor or workers brought from neighboring Zaire (now the Democratic Republic of Congo). The diamonds were used mainly to pay for the purchase of arms and other goods. Diamond brokers would be engaged to evaluate packages needed for the purchases of goods. A major operator of cargo flights in African countries was identified as the main transporter of goods to UNITA territory.

2.2 Monitoring Mechanism

Following a recommendation by the Panel, a monitoring mechanism was created by the Security Council to follow up on leads and to monitor behavior of those accused of breaking sanctions. One member was another former Swedish Ambassador to Angola, Lena Sundh. The mechanism was able to report on the networks used by UNITA. The work of the Mechanism added to the work of the Panel and its activities meant that the report of the Panel did not become just another document in bookshelves of the UN and its member states.

Other Panels followed, notably for Sierra Leone and the Democratic Republic of Congo, where illegal exploitation of natural resources was also funding activities of rebel groups. An international diamond certification system was negotiated in a process named after the first meeting place, Kimberley in South Africa. Discussions were initiated in New York on the strengthening of the capacity of the Security Council and the secretariat to follow up on the council's decisions on sanctions.

It was felt at the time, in 2000 and 2001, that the work of the Panel of Experts had increased awareness of the sanctions regime directed against the war effort of UNITA in Angola. It had affected the capacity of UNITA to continue the war. It was hoped that it would also contribute to the strengthening of the capacity of the UN to follow up and monitor its decisions on sanctions. "Smart sanctions" became a new item in the toolbox of mediators and peace builders.

2.3 Evaluating ‘Success’

In a number of cases, the effect of the work of the Sanctions Committee and its Panel of Experts are thus said to have had decisive effects. In a comprehensive report published by the Stimson Institute in Washington, DC, in January 2009, the work of the Angola Panel of Experts is termed “a success” (“Targeting Spoilers: The Role of United Nations Panels of Experts”, Alix J. Boucher and Victoria K. Holt).

Two examples of the effects of the work of the Panel which have not already been mentioned are:

- The government of Togo took action after the publishing of the report to stop the country from being one of the foremost safe havens for and active supporters of UNITA and its war effort. (It is not obvious that Burkina Faso did the same.)
- The Angolan government, which at first had very low expectations as far as the UN and its sanctions were concerned, eventually became convinced that Ambassador Fowler was determined for the Committee to make a real difference. It has been said by one insider that the work of the Committee and its Panel helped convince the Angolan government that the Zambian government was not, at least not in any major way, involved in sanctions busting with oil and other petroleum products to help UNITA’s war effort. *This may even have averted a military showdown between the two countries.*

The war in Angola only ended after the leader of UNITA, Jonas Savimbi, was killed by government forces in 2002. UNITA had then already been greatly weakened, partly as a result of increased monitoring of sanctions against the movement.

3. Revisiting the Angolan Sanctions Committee

It has been felt that a closer account of how the Panel worked and a follow up on what has happened to the recommendations of the Panel might offer some insights for those who study or work with sanction regimes. To gather material and information for such an evaluation I have during November and part of December 2008 interviewed the former Chairman of the Angola Sanctions Committee, Ambassador Robert Fowler of Canada [who is now Special Representative of the UN Secretary General for Niger], and his closest collaborator on the Committee, David Angell [who now heads the UN department of the Department of Foreign Affairs in Ottawa]. I have met with people working with sanctions in the UN secretariat and with representatives of institutions such as the International Peace Institute in New York and Chatham House in London. I have also read some of the many reports, articles and books that have been written on the subject since 2000 and would like to refer to the bibliography accompanying this publication.

4. How did the Panel Work – Why was it Successful?

4.1 “The Fowler Factor”

I had originally been proposed by the Swedish Ministry for Foreign Affairs as an ordinary member of the Panel of Experts, given my background in southern Africa in general and specifically as Ambassador in Luanda 1992-95. I heard nothing for a month or two until one day in May/June 1999, when I was asked: ‘Could I come to Brussels to meet Ambassador Fowler who was passing by?’ I did and was asked if I could become Chairman of the Panel. The suggestion was supported by my superiors, including our UN Ambassador. I gave up (temporarily) my job as head of the Southern Africa section at the Ministry. The conditions offered by the UN were not quite clear to me. So why did I do it? To a large extent because of “the Fowler Factor”. The no-nonsense, enthusiastic and well argued presentation of the goals of the Sanctions Committee under Canada’s (read: Fowler’s) stewardship convinced me. After six months of hard work and traveling to more than twenty countries I did not regret my decision.

“Do you want to be part of the solution, or remain part of the problem?” This is what Fowler had told the diamond firm de Beers’ CEO in London at the start of his mission. De Beers had shown Fowler, as they later did the Panel of Experts, millions of pounds worth of diamonds, laid out in heaps on a big table at their headquarters in London. The diamonds were from different mines all over the world. The display aimed to show that diamonds could not be traced. In some cases you could see differences, but only if the diamonds were presented as “run of the mill”, i.e. not mixed, let alone polished.

Fowler had, however, pointed out to de Beers that organizations such as Amnesty International in the US and Global Witness were preparing a “blood diamond” campaign. The campaign aimed at stopping the public from buying diamonds which could be suspected to come from conflict areas. He was thus able to bring in a sense of urgency in finding

a solution. He also made it clear to De Beers that he as Chair of the Angola Sanctions Committee would in public hold them responsible if the investigations of the Panel were to reveal that De Beers was trading in “conflict diamonds”. Fowler believes that the subsequent decision by De Beers to withdraw as buyers from certain markets in Southern Africa was a result of his engagement with top management of the company (Author’s interview with Fowler).

When the Panel was able to report six months later on how easy it was for UNITA to sell its diamonds and exchange them for weapons, the so called Kimberley process to certify diamonds was already under way with the active participation of de Beers and most other major players in the industry.

Fowler told me that he had earlier visited Washington and talked to the State Department, the Office of the President and representatives of the intelligence community with a similarly straight message telling them that he wanted to know if UNITA’s leader, Jonas Savimbi, who had been supported by the US during the Cold War, was still their ‘son of a bitch’. Having gotten the answer ‘no’, he decided to take on the issue.

At a later public meeting in Washington where I was present Fowler told the audience, including officials and journalists, that the help offered until then by the intelligence community in the US had been less than what we had got from sources such as Human Rights Watch.

As will be clear also from the following, the style, capacity and working methods of Ambassador Fowler were different from earlier praxis. He did not entertain failure as a possibility. He was prepared to travel extensively and to engage all concerned in a straightforward way. Today, sources in the UN secretariat and elsewhere describe Fowler’s and the Panel’s work as “seminal and groundbreaking” (interview with author).

4.2 Transparency, Openness, and ”using” the Media

From the outset, Fowler held press conferences at the UN headquarters and during his travels. He recommended me to do the same. He held frequent, open diplomatic briefings in New York, i.e. not only for Security

Council members. He and his team in New York, led by David Angell, early on built relations with relevant non-governmental organizations. The Panel used a variety of sources of information. It worked with a Belgian consultant who had followed the trail of mainly ex-Soviet aircraft and their new owners in delivering arms to whoever could pay, including to UNITA. (Cf. "Merchant of Death", by Douglas Farah and Stephen Braun, for a description of the rise and fall of such a transport business man, Victor Bout, who was also mentioned in the report of the Panel).

The transparency policy of the Committee and its Panel no doubt made it more difficult for those who had something to hide. I remember being asked by a journalist at the airport in Entebbe, Uganda, what we had asked the government representatives and what their answers had been. I answered that the latter question should be directed to the government and later learnt that a question was indeed subsequently put forward in Parliament. My visits and openness with the local press thus led to questions being asked of governments.

At another occasion, I was "stonewalled", being told that there was no reason to allow me to visit a certain country's diamond bourse, as all systems were perfect and could not be abused by smugglers. I told the government delegation that in that case I would have to write in the report, which would become public, that I was refused access. The next day, the Panel visited the bourse.

4.3 Flexibility and Goal Orientation

Monitoring can be executed as a strictly legalistic exercise by "reading the law" to those suspected of sanctions busting. Or, it can approach possible sources of information with the end goal in sight, i.e. in this case to help stop the war. I remember calling on a diamond dealer in Antwerp, Belgium, who had been identified by UNITA defectors as one who had in the past bought diamonds from UNITA. He immediately asked if he should bring a lawyer to the meeting. I said no, explaining that I was more interested in an open, non-vindictive conversation, which could help the Panel to understand how the business had been, and perhaps

still was, organized and how it could continue. The dealer told me he had stopped doing business with UNITA when he was asked to team up with those who delivered arms. He thus confirmed and corroborated information received from an informant and gave some information on methods used.

4.4 Using Legal, UN and Other Expertise

Ambassador Fowler and his team were able to recruit to the Panel a rapporteur with a seemingly perfect background and disposition for the job. Stanlake Samkange was a qualified barrister at the US bar, if that is the correct term, and had worked for the former UN Secretary General, Boutros Boutros Ghali. His inside knowledge of how the UN system works, his contacts and not the least his legal background helped the process and made it possible for us to present our findings in a way which was not only effective and correct, but accessible and understandable. The findings presented by Panel members were scrutinized and only made it into the report if they could be corroborated.

Ambassador Fowler also made sure that the composition of the Panel included representatives from East and West, North and South as well as the required expertise. Some of our experts brought valuable experiences from having worked on other similar Panels.

4.5 Luck

It is often said that to have success you must first of all have luck. The Panel had some luck, if you want to describe it as such. During the work of the Panel, Angolan government forces overran and took control of major UNITA controlled airports. Ambassador Fowler and part of the team were able to directly interview captured and defected UNITA officers, including the man responsible for the control tower in one of the airports, but also more senior officials. With the information received, it was then – as has been shown above - possible for the Panel to put precise questions to governments, companies and individuals on their role in breaking sanctions.

5. What did not work?

In Section 4 I have attempted to describe factors, methods and techniques which made the work of the Panel easier and brought results. There were, of course, also problems. I shall enumerate a few.

5.1 Co-operation with the Intelligence Community

Efforts were made throughout the work of the Sanctions Committee to link up to the intelligence services of member states. I always made it a point when traveling to ask to meet representatives of the intelligence community. It was, however, to my mind and knowledge remarkable how little these services were able or willing to share with us, even when their governments had interest in our success. As a relative novice in dealings with the intelligence community I learnt that open questions don't work (tell us what you know?), but that detailed questions might (do you know anything about who flies in and out of a certain airport?).

I learnt later that some information was given to the chairperson of the Sanctions Committee, who was not allowed to share it with the Panel in a way that could trace the source. It was nevertheless useful as it could be used to point the Panel in certain directions and sometimes corroborate information received from open channels (author's interview with a member of Ambassador Fowler's staff).

The book about Victor Bout, "The Merchant of Death", purports to give some reasons for the apparent failure of certain governments to use their own intelligence services on a phenomena that is creating a lot of trouble for the government and its policies. The need to protect sources and not to alert a target to the fact that he is subject to surveillance are pointed to as explanations, sometimes compounded by compartmentalization of information, changes in leadership and personalities after elections etc. Bout was able to continue to deliver arms in conflict areas, not only in Africa, for eight years after he was identified publicly in the Angola Panels' report.

5.2 The Limited Capacity of the UN Secretariat

In 2003 a report was published by Uppsala University, Department of Peace and Conflict Research, in co-operation with the UN and the Swedish Ministry for Foreign Affairs, about the work carried out in the so called Stockholm Process. The report, "Making Targeted Sanctions Effective", puts forward several suggestions (p. 24-28) on how to strengthen the capacity of the secretariat of the UN to assist sanctions committees and Panel of Experts. The experience of the Angola Sanctions Committee and its Panel of Experts underline the importance of these suggestions. An informal working group of the Security Council in 2006 delivered a report on the subject to the Council. The previously mentioned Stimson report of January 2009 makes similar recommendations.

In addition to the obviously still troublesome capacity problems in the Secretariat, the Committee and the Panel had to overcome a considerable amount of skepticism on the part of the leadership in the secretariat. I remember being introduced by Ambassador Fowler to one head of department as "*Sancho Panza*". Obviously the UN official had earlier referred to Fowler's mission as a Don Quixote undertaking, fighting with windmills, giving low odds for success. Certain secretariat officials, it must be said, did however do their best to help us within the limitations of the system. The visa and travel offices were especially effective and forthcoming.

6. Summary and Recommendations

In summary, my findings and recommendations are the following:

- The work of the Angola Sanctions Committee and its Panel of Experts is still seen as somewhat of a model. It is said to show what can be achieved with a proactive approach such as that of Ambassador Fowler and his team, with backing of his government, and with a measure of consensus on the issue among members of the Council, notably the permanent members.
- Other Panels of Experts and Monitoring Mechanisms have followed and have in some cases been quite effective.
- Since about 2004, few decisions on sanctions have been taken, and one attempt was recently vetoed (on Zimbabwe). It is felt that the relative consensus in the Security Council on the usefulness of the sanctions instrument has been broken. Observers cite as reasons ideological differences on the issue of sovereignty versus the right to intervene and divergent economic interests of key member states.
- The capacity of the Council and especially of the Secretariat to support sanctions committees has according to my sources not been significantly increased. The Secretariat seems unwilling or unable to take leadership on the issue in the absence of consensus in the council.
- Canada is still active in the promotion of the cause of smart sanctions and it could be argued that Sweden - with its active stand on the issue in the past, its resources, including work done by organizations and institutions such as the Department of Peace and Conflict Research at the Uppsala University, and Sweden's good standing in the UN system - should actively support efforts to keep the issue alive and help develop methodology and structures.
- Another idea raised by one of the experts in the field is to encourage regional and sub-regional organizations to play a more active role, as they already are in conflict prevention and management, but to include designing and deciding on sanctions regimes, where possible with some form of UN "blessing".

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- Capacity building at the regional and sub-regional level could then become an area of work for the secretariat (with reference to Chapter VIII of the UN Charter), for member states and for academic and other experts.

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