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6 September, 2024

To the Senate Foreign Affairs Defence and Trade Committee

Submission re: Australia's sanctions regimes

The Medical Association for Prevention of War (MAPW) is a national organisation of health professionals dedicated to the elimination of nuclear weapons and a reduction of armed conflict. We thank the Committee for the opportunity to provide comment on Australia's sanctions regimes.

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Introduction

Economic sanctions can play a role in highlighting and stigmatising some government's behaviours. However, while economic coercion is often seen as a non-violent alternative to armed conflict, sanctions can cause severe harm.

Sanctions regimes, including Australia's autonomous sanctions, vary in their purpose, nature, scope, and duration and can have a range of adverse impacts on economic rights, political and civil rights, basic human rights, and the right to health and healthcare of ordinary citizens. Overall, evidence indicates that sanctions, as a foreign policy tool, have a poor success rate in achieving their stated objectives; they may primarily serve domestic political and broader geopolitical interests.

In Australia, the preconditions for applying or lifting sanctions are not sufficiently clear, and it is not clear how – or whether - the risks and unintended consequences of sanctions are assessed and monitored.

The most devastating example in recent times of a civilian population being punished through sanctions for the crimes of their leader was the comprehensive economic sanctions against Iraq from 1990 to 2003 - which Australia supported.

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Civilian health, mortality (especially of children), education and every other aspect of society, was degraded during this period, a process that was repeatedly and reliably documented by humanitarian and other agencies. An assessment mission to Iraq in July 1993 by the UN Food and Agriculture Organisation, [found](#):

“...it is a country whose economy has been devastated by the recent war and subsequent civil strife, but above all by the continued sanctions since August 1990, which have virtually paralyzed the whole economy and generated persistent deprivation, chronic hunger, endemic undernutrition, massive unemployment and widespread human suffering. Given the current precarious situation, a vast majority of the Iraqi population is living under most deplorable conditions and is simply engaged in a struggle for survival; but with increasing numbers losing out in this struggle every day a grave humanitarian tragedy is unfolding.”

All this was known at the time, and yet the sanctions continued. Meanwhile, Saddam Hussein tightened his grip on an impoverished society.

Hans Von Sponeck, who as administrator of the Oil-for-Food Program in Iraq from 1998 to 2000 administered the sanctions, resigned from his position in protest, [referring to](#) the sanctions as a “true human tragedy”. His predecessor Denis Halliday had resigned for the same reason. Von Sponeck subsequently wrote of “A different kind of war: The UN sanctions regime in Iraq” in his book of that title. He concluded that “comprehensive economic sanctions should be eliminated as a coercive tool in international relations”.

While there has not been a recurrence of a sanctions regime as comprehensive as that imposed on Iraq, the principle remains that sanctions can be a very blunt, dangerous and ineffective tool with which to attempt to change the behaviour of leaders. They should be applied only with extreme caution, with clear goals, and in a manner that does not inflict further suffering on innocent people.

This submission will now address several of the terms of reference of the inquiry.

Comments in this submission do not refer to the matter of arms embargoes, which should be considered separately.

a) An assessment of the consistency in application of Australia’s sanctions regime and in coordination with key partners and allies, including the identification of any gaps and time lags in their application.

Sanctions applied “in coordination with key partners and allies”, particularly in a climate where Australian foreign policy decision-making is enmeshed more and more with that of our major allies, are likely to lack consistency and to reinforce our allies’ interests rather than the promotion of peace and security.

Consistent application of sanctions would involve adherence to principles to be applied in all situations, such as the behaviours of foreign governments or individuals that would trigger a consideration of sanctions. Such consistency appears lacking in Australia.

As one example, in 2022 Australia – along with other Western nations – re-imposed autonomous sanctions on Russia following the Russian invasion of Ukraine. The [stated purpose](#) of the sanctions was to “impose costs” and “maintain pressure on Russia and those supporting its illegal and immoral war.”

By contrast, until recently there was no action from the Australian government in response to repeated calls for sanctions to be applied against Israel (see for example [from the ACTU](#), [the Jewish Democratic Society](#), and the [Australian Council for International Development](#)), whose actions against the people of Gaza could, in the [opinion](#) of the International Court of Justice (ICJ), amount to genocide.. The UN Special Rapporteur for the Occupied Palestinian Territories has identified the application of economic sanctions on Israel, until the ICJ orders are complied with, as a legitimate means of helping to bring a situation of international concern to an end.

The Australian government’s imposition of financial [sanctions and travel bans on seven Israeli individuals](#) and one entity for involvement in settler violence against Palestinians in the West Bank was a welcome development, but insufficient. Targeting sanctions to violent settlers focuses on the behaviour of some settlers, not on settlements themselves. Israeli settlements, their maintenance and expansion are illegal under international law; sanctions should rightly apply to all entities and individuals directly and indirectly enabling, facilitating and profiting from the construction and growth of settlements, such as those entities listed in the UN database of business activities related to settlements in the Occupied Palestinian Territory (OPT).

Assessing benefits versus risks

As stated above, sanctions against Russia, Israel or any other nation (or individuals) should be determined according to consistent principles-based criteria; and they should be applied only after examination of their likely positive and negative impacts. Sanctions against the aforementioned entities related to settlements in the OPT would be consistent with such principles-based criteria.

- *Benefits – real or theoretical*

The positive impacts of sanctions can include the sending of a public message of extreme disapproval of a government’s actions, which is the primary reason that sanctions against Israel have been repeatedly called for. Nelson Mandela [spoke](#) of the positive psychological impact of the global sanctions movement on those being persecuted in apartheid South Africa.

However, sanctions that are intended to, or allow, damage to a whole nation's economy are fraught with risk, for innocent people within that nation and often others as well. The sanctions against Russia following its invasion of Ukraine are globally divisive and rejected by a large number of countries (for a variety of reasons). Russia was able to reroute much of its oil and gas - previously sold to the West - elsewhere, including to India and China. Journalist Patrick Cockburn [writes](#) that "If the damage inflicted by sanctions on the regime in Moscow is less than expected, the self-harm to the rest of Europe and to a lesser degree the US, has been far greater." Cockburn continues, "Sanctions on much smaller countries like Iran, Iraq and Syria have failed to change regimes or behaviour".

To those examples we could add the sanctions against North Korea, which have failed to deliver greater compliance with international norms on the part of the North Korean leader Kim Jong Un but have brought suffering to those under his rule (see below). The decades-old US sanctions against Cuba illustrate the risk of futility that can befall sanctions regimes. Like wars, sanctions regimes are easy to start but can be very difficult to finish.

- *Risks*

Economic sanctions risk severe impacts on innocent people. Tom Stevenson of the London Review of Books [writes](#), citing evidence, that "the biggest victims of financial blockades will always be the ordinary citizens of the sanctioned state".

This will be addressed in the following section.

f) Consideration of methods to assess the effectiveness of sanctions decisions and/or the extent to which sanctions are having the intended impact, and recommend any improvements

To assess the effectiveness of sanctions in achieving their goals, those goals need to be quantifiable and stated clearly. In the case of the sanctions against Iraq, Hans von Sponeck stated (in his book cited above, page 273) that "Iraq resolutions were passed in the Security Council without any quantifiable objectives. This made political misuse easy since the resolutions could be interpreted at will". There was no continuous sanctions oversight on the part of the UN Security Council.

Thus, assessments of the risks, impacts, and effectiveness of sanctions are critically important. These things should be assessed *before* sanctions are put in place, with particular attention paid to the likely impacts on the most vulnerable. This includes those whose economic survival is already marginal, and vulnerable populations such as children, whose health is particularly sensitive to interruptions to food supply and healthcare.

In regard to healthcare, risk assessments could consider the causal effects of sanctions on population health, for example macroeconomic effects and policy adaptations, and availability and pricing of healthcare including medicine.

Assessments should occur not only in the target country but also in distant places that could be affected by trade restrictions. As an example, food security in many places was adversely affected after the Russian invasion of Ukraine - particularly in places such as Africa where it was already marginal for many people - but the imposition of Western sanctions is likely to have [aggravated](#) the situation, putting additional lives at risk globally.

As a further example, civilians in North Korea are very vulnerable to the impacts of the sanctions against their country. The Council on Foreign Relations [states](#):

“Sanctions are often felt most by ordinary families, not the elites who are their intended targets. Export restrictions on the textile, fishing, and coal industries and bans on working abroad disproportionately affect North Koreans who depend on these economies. Sanctions also frequently delay and suspend the delivery of international humanitarian aid by complicating customs and other bureaucratic operations. A 2019 UN Security Council report found that humanitarian aid to North Korea could take up to ten months to be processed, if it is not blocked altogether. Effective aid delivery is crucial in a country where half of the population is malnourished and one in every five children’s growth is stunted.”

In addition, the sanctions against North Korea contribute to that country’s isolation from the rest of the world, prevent contacts that could expose the people to different ideas and practices, and could assist in backing the country into a corner in which it sees aggression as its only means of survival. Its nuclear weapons program continues “undeterred”.

The purpose of assessments is to determine, firstly whether sanctions should be implemented at all, and secondly, if sanctions are implemented, whether they should continue, and if so, whether changes need to be made. Warnings about any harm caused by sanctions must be heeded and acted upon. In the case of the sanctions against Iraq, alarming reports by multiple leading UN and other agencies of devastating impacts on Iraqi children, on nutrition generally, and on much else, accumulated year after year but were consistently ignored. Warnings in relation to harm from sanctions in other situations have similarly been ignored.

i) Any other matters that are relevant to the effectiveness of Australia’s sanctions framework

The need for prevention

Sanctions do not operate in a vacuum, but in the context of a threat to the peace and security of a community, a nation or a region. As with armed conflict, prevention is critically important and yet generally receives inadequate attention in the early stages of the development of tensions that could escalate.

The UN Security Council [states](#) that “[Sanctions] are most effective at maintaining or restoring international peace and security when applied as part of a comprehensive strategy encompassing peacekeeping, peacebuilding and peacemaking.”

This underscores the need for Australia and other nations to devote far greater resources to measures such as diplomacy, peace research, conflict resolution, arms control measures and strengthening our commitment to human rights here and elsewhere.