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MORE EFFECTIVE AND EFFICIENT SANCTIONS

by

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

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Abstract of
MORE EFFECTIVE AND EFFICIENT SANCTIONS

The United Nations sanctions regime against Iraq has been in effect for ten years, yet has not forced Iraq to meet the terms of the 1991 Gulf War armistice. The sanctions have failed because smuggling, particularly maritime smuggling of oil out of Iraq, undercuts their effectiveness. The United States, the principal enforcer of the maritime sanctions, typically uses four Navy ships and spends \$8 million a month to maintain the sanctions, yet catches few smugglers because the smugglers use Iranian territorial waters as an escape route. Shifting the inspections to a shore facility within the Persian Gulf would save millions of dollars and would free all but one Navy ship for duties that are more important. Using minefields to shape the sea-lanes would ease tracking merchants and would prevent them from using Iranian territorial waters. Using lethal force would ensure a smuggler only smuggled once. A vigorous public relations campaign would render these changes palatable to the international community. Adopting these methods would render the sanctions against Iraq more effective and efficient and thus possibly force Iraq to adhere to the terms of the armistice.

After Iraq invaded Kuwait on 2 August 1990, the United Nations (UN) imposed sanctions against Iraq in an unsuccessful attempt to force Iraq to evacuate Kuwait. Following the spectacular victory of the United States led Coalition in Operation *Desert Storm*, the sanctions remained in effect to compel Iraq to comply with the armistice. Ten years have elapsed, and Iraq has yet to fulfill the terms of the armistice. That sanctions failed to obtain Iraqi compliance with the armistice should not be a surprise. A recent comprehensive analysis of global sanctions from 1914 to 1990 showed that in only five of 115 cases were sanctions effective in achieving the policy objective of the nation or coalition that imposed them.¹ The key reason sanctions normally fail is that they are not strictly enforced. The current situation with Iraq illustrates this problem. Despite the sanctions, Iraqi ships smuggle out, on average, 2.265 million barrels of oil each month,² thus earning sufficient revenue to keep Iraq's economy limping along and Saddam Hussein in power.³ The United States can end this illicit maritime oil trade, and greatly increase pressure on Iraq to comply with the armistice, by adopting a new method of sanctions enforcement. The new method would use shore facilities to inspect merchant ships, minefields to shape the maritime environment, and lethal force against recalcitrant smugglers. This more effective and efficient method of implementing sanctions would help the United States more rapidly achieve its ends whenever it applies sanctions against a maritime nation, and because this method would require fewer naval assets, it would increase the operational flexibility of the theater Commander in Chief (CINC). Consequently, the United States should adopt the method of sanctions enforcement proposed below as a fundamental tenet of sanctions policy.

Development of sanctions against Iraq

After Iraq invaded Kuwait, the UN Security Council, on 6 August 1990, passed Resolution (UNSCR) 661, which imposed comprehensive sanctions on Iraq that essentially

banned all trade. Although the UN Charter permits the use of military means to enforce sanctions,⁴ the Security Council made a separate note in UNSCR 661 specifically authorizing the use of "all necessary means" to implement the sanctions against Iraq.⁵ UNSCR 665, passed on 25 August 1990, approved creating a maritime interception force to enforce the UNSCR 661 sanctions.⁶ Additionally, UNSCR 665 granted to the United States, and to the other nations enforcing the maritime sanctions against Iraq, full control of their respective naval forces and of their rules of engagement, and assigned to the UN the purely administrative role of coordinator.⁷ Following the cease-fire, the Security Council, on 3 April 1991, issued UNSCR 687, which continued the sanctions, slightly modified, and mandated the conditions Iraq must meet for the UN to lift the sanctions. UNSCR 687 also specifically permitted using force to implement the sanctions.⁸ The multitude of UNSCRs thus created a legal framework for sustained sanctions against Iraq, and authorized using force as needed to put the sanctions into practice. The onus now turned to the United States and other Coalition members to enforce the sanctions.

Sanctions enforcement against Iraq

Nineteen nations have participated in enforcing sanctions against Iraq,⁹ although the majority of the effort now is by the United States, ably assisted by the United Kingdom. In the past ten years, ships performing maritime interdiction operations (MIO) under the auspice of the UN have queried about 30,000 vessels sailing into or out of Iraq, boarded and searched almost 13,000 of them, and based upon the results of the search, have diverted more than 750 potential smugglers.¹⁰ To accomplish this prolonged and massive effort, the United States typically maintains four surface combatants, from frigates to cruisers, on station in the North Arabian Gulf.¹¹ Due to differences in ship and crew size, the cost of this effort varies, but typically

averages about \$2 million/month per ship, for a total of about \$8 million a month to maintain the US Navy's MIO force.¹²

The MIO ships perform their duty by detecting, querying, and if necessary, boarding, inspecting, and then diverting suspected smugglers.¹³ Much of the merchant traffic in the North Arabian Gulf is legal because the oil for food program allows Iraq to export oil and to use the money earned to import food and humanitarian supplies.¹⁴ To get illegal oil out and prohibited goods into the country, Iraq inserts smugglers into this legal traffic. The foremost difficulty MIO ships encounter is identifying the smugglers. Small and unlighted wooden dhows, which can easily hide amongst the larger commercial vessels and are difficult to detect with radar, abound in Iraq's coastal waters.¹⁵ Knowing that the dhows are difficult to detect and track, Iraq deliberately increased their number and ceased to use its large, valuable, and easily detected tankers for smuggling.¹⁶ Outbound dhows sail down the Shatt-al-Arab and then into Iranian territorial waters, where international law protects them.¹⁷ Normally, they then follow the Iranian coastline until it nears the Strait of Hormuz,¹⁸ wait for nightfall or other opportunistic time, such as when the MIO ships are elsewhere, depart Iranian territorial waters, enter international waters, and continue their voyage of malfeasance.¹⁹ Inbound dhows use a similar method. Carrying a false manifest that lists an Iranian port as their final destination, the dhows enter Iranian territorial waters, transit these waters until they come to Iraqi territorial waters, and then sail up the Shatt-al-Arab to an Iraqi port.²⁰

If a MIO ship detects a suspicious merchant ship, it will query the merchant on its point of origin, cargo, destination, vessel parameters, etc.²¹ If evasive or contradictory replies indicate a boarding is required, the MIO ship's visit, board, search, and seizure team (VBSST) swings into action. Size varies, but twenty men comprise a typical VBSST,²² a significant manpower

drain on a ship. If the target merchant is uncooperative, the MIO ship might request a Navy Special Forces team to forcibly seize the vessel.²³ With 90 percent of the boardings in 2001 non-compliant,²⁴ uncooperative merchants are increasingly common, with concomitant increase in risk to United States military personnel. Depending upon the size of the merchant and cargo arrangement, inspections may take many hours, and sometimes days. On occasion, the VBSST cannot complete the inspection, and the merchant must return to port and rearrange its cargo,²⁵ an expensive and time-consuming event for a possibly legal trader. Inspecting overloaded and unseaworthy ships can be dangerous,²⁶ or even lethal.²⁷ While the inspection is in progress, a prudent Commanding Officer effectually tethers his MIO ship to the ship his VBSST is inspecting, thus preventing an invaluable warship from performing other duties.

Problems with current methods

The MIO process outlined above is burdensome, costly, dangerous, and ineffective. Despite tireless efforts by the MIO ships, smuggling is widespread and overt.²⁸ The sanctions against Iraq are practically useless because the items that get through go directly to the Iraqi regime, not the people, thus ensuring Saddam Hussein remains in power.²⁹ As executed, MIO is also inefficient. A recent closely studied two-month period demonstrates this fact. In this period, four United States Navy ships conducted 500 queries, 140 inspections, and confiscated \$4 million worth of Iraqi oil and dates.³⁰ Operating the Navy ships during this period cost about \$16 million -- a poor investment for the small return. Projected over a year, the MIO program would strip Iraq of a mere \$24 million in revenue; insignificant when compared with the \$11 billion Iraq earns each year from the oil for food program,³¹ and the billions earned from the smugglers who elude the MIO force. Moreover, ships that perform MIO, especially when a VBSST is conducting an inspection, are unable to carry out other tasks. Therefore, Saddam

Hussein, or any other similarly minded individual, by sacrificing a few dhows carrying a pittance of oil, could distract a significant portion of the United States Navy fleet in the Persian Gulf, and thus unhindered, pursue other nefarious plans. Continuing to pursue a sanctions policy that is both ineffective and inefficient is senseless. Forcing Iraq to change its behavior and adhere to the Gulf War armistice terms (UNSCR 687) requires a new sanctions policy, one that will stop the smuggling and occupy fewer United States Navy ships.

The will exists for change

The United States, unilaterally or through the auspices of the UN, frequently imposes sanctions to punish or coerce a nation into altering its behavior. Since the end of World War II, despite the paucity of successful sanctions programs,³² the United States has inflicted sanctions against about 75 of the roughly 200 nations of the world.³³ Perceiving that the sanctions against Iraq are ineffective, widespread support exists in the United States for a more vigorous policy, as demonstrated by a December 2001 poll that showed 78 percent of Americans favor military action to remove Saddam Hussein from power.³⁴ Apprehension over Iraq is not limited to the United States. Worldwide, concerns with Iraq have arisen, and this has been especially noticeable in the Arabic nations bordering the Persian Gulf.³⁵ Even Iran, long accused of duplicity in allowing Iraqi oil smugglers to use Iranian territorial waters for a fee,³⁶ has recently taken steps to reduce smuggling and thus increase economic pressure on Iraq.³⁷

The ineffectiveness of sanctions against Iraq has caused groups and nations around the world to recognize the need for new methods and to voice proposals ranging from imposing harsher sanctions, to shifting to "smart" sanctions (sanctions that target specific items of military potential), or, due to humanitarian concerns, to abolishing sanctions altogether. Lawmakers in the United States echo this desire for new methods. Unwilling to support direct military action,

they strongly espouse altering and strengthening the sanctions against Iraq.³⁸ Thus, leaders in the United States and across the globe accept that the UN must modify its sanctions policy in general,³⁹ and in particular, the sanctions against Iraq.⁴⁰ The United States must display leadership and use this favorable climate for change to propose and implement a truly effective Iraqi sanctions enforcement policy. The twin pillars of the proposed policy are shore inspections and the use of force to shape the maritime environment and destroy smugglers.

Shore inspections of merchants

Professional inspectors should perform merchant ship inspections in a neutral port such as Bahrain or Qatar instead of at sea in the North Arabian Gulf. Experience gained at Aqaba, Jordan has proven the utility and effectiveness of shore inspections. After the UN imposed sanctions against Iraq in 1990, maritime interception forces took station in the North Arabian Gulf and the northern Red Sea off Aqaba.⁴¹ The UN decided to inspect ships entering Aqaba because Jordan only weakly supported sanctions against Iraq.⁴² Safety concerns and other difficulties associated with inspecting heavily laden container ships at sea caused the UN to mandate merchant ships be loaded to only partial capacity, which caused increased shipping costs for legitimate cargo and a loss of business in Aqaba.⁴³ In April 1994, Jordanian complaints resulted in the United States, with UN approval, shifting all inbound cargo inspections to shore.⁴⁴ Representatives from Lloyd's of London performed the shore inspections.⁴⁵ Warren Christopher, then United States Secretary of State, affirmed that the shore inspections by Lloyd's tightened the sanctions against Iraq.⁴⁶ Recognizing the effectiveness of the shore-based inspections, on 25 August 1994, the UN ended MIO operations in the Red Sea.⁴⁷ Lloyd's estimated the inspection program cost \$2 million to \$3 million per year,⁴⁸ far less than the approximately \$2 million a month to operate a United States Navy warship. Equally successful results occurred when, in

September 1992, the UN instituted Sanctions Assistance Missions (SAMs), shore based inspection and monitoring stations manned by customs officers, to enforce sanctions against the Former Republic of Yugoslavia.⁴⁹ Ultimately working in seven countries, the highly effective SAMs required only 250 personnel to accomplish their mission.⁵⁰ This is fewer personnel than on a single destroyer or cruiser, and only slightly more personnel than on a frigate. Once more, for no decrease in effectiveness, sanctions were ably enforced, at a cheaper price, and using fewer United States Navy warships.

Along with being safer, shore based inspections have the additional advantage of using professionals who might be more proficient in ferreting out hidden or banned goods, a increasingly valuable skill if "smart sanctions," as preferred by Colin Powell,⁵¹ are implemented against Iraq.⁵² Through persuasive arguments and hard bargaining, and using the success at Aqaba as a template, the United States must convince the UN to establish a shore inspection operation. Once authorized, the CINC Central Command (CENTCOM) could soon resolve the details of operating the facility. A UN Resolution and a Notice to Mariners would rapidly inform all law-abiding merchants to proceed to the shore facility to have their cargoes inspected. Legal merchants must already obtain UN approval to participate in the oil for food program, so this new administrative requirement would require little effort, especially since all these traders anticipate having their cargoes inspected. Changing the location of the inspection would be no more than a minor inconvenience. Once the ship passed inspection, the shore facility would notify the sole remaining MIO ship, serving as a Shatt-al-Arab gatekeeper, that the inbound merchant was a legal trader. Among many possible techniques, sending a message or installing a coded transponder on the cleared merchant, would suffice for notification. If the gatekeeper ship received proper authorization, the merchant could continue its voyage to Iraq. If the gatekeeper

did not receive proper authorization, it would take appropriate action to stop the merchant, or any other uncleared ship inbound for Iraq. CENTCOM could use similar methods for controlling legal outbound ships using the existing UN sponsored monitoring facilities on the Mina al- Bakr oil terminal, the only terminal allowed for exports of Iraqi oil, and at Umm Qasr, the sole Iraqi port authorized for merchant goods.⁵³

Shifting to shore based inspections, instead of at sea inspections, would be of great operational benefit to CENTCOM because a shore facility could enforce the sanctions against Iraq more easily than MIO ships, more safely, and much more cheaply. Additionally, reducing the average number of United States Navy MIO ships from four to one would save millions of dollars and free these ships for other more vital duties.

The legality and utility of force

The existence of police in all the world's nations, including even the Vatican, shows that governments recognize a constabulary contingent, authorized to use force when needed, is necessary to enforce laws. Similarly, making the sanctions against Iraq effective requires that the gatekeeper ship be willing and able to deter, and, if necessary, to destroy smugglers.⁵⁴ This truth was understood and proclaimed in 1990 by the United States Acting Secretary of State who stated, when discussing sanctions against Iraq, that "if other means of enforcement fail, necessary and proportionate force will be employed to deny passage to ships that are in violation of these sanctions."⁵⁵ The United States' armed forces joint doctrine for military operations other than war acknowledges that force is integral to enforcing sanctions.⁵⁶ The doctrine states, "These are operations [Enforcement of Sanctions/Maritime Intercept Operations] which employ **coercive measures to interdict the movement of certain types of designated items** [emphasis in the original] into or out of a nation or specified area. These operations are military in nature

and serve both political and military purposes."⁵⁷ Political writers have also cited Clausewitz, the doyen of military theorists, as justification for using military methods to enforce sanctions.⁵⁸ The key points from the above are that MIO is military in nature, and that coercive measures are a recognized aspect of MIO.

Practical experience supports the assertions of the effectiveness of using coercion to enforce laws. In the mid 1960's, the Royal Navy patrolled the Mozambique coast to enforce an UN embargo against Rhodesia. The operative UNSCRs did not authorize using violent means to enforce the embargo, and as a result, the embargo was ineffectual.⁵⁹ After six months of futile operations, the United Kingdom requested that the Security Council authorize the use of force to prevent oil from reaching Rhodesia via Mozambique's port of Beira.⁶⁰ The Security Council issued the desired Resolution, and the flow of oil into Beira stopped.⁶¹ Saddam Hussein's squelching of profiteering illustrates the response of Iraqi merchants to force. Because of the Iraqi government's refusal to comply with the UN conditions to end sanctions, commercial goods soon became scarce. Some Iraqi traders, benefiting from contacts in Jordan for renewing their stocks, recognized a seller's market and greatly increased prices.⁶² Saddam Hussein stopped this practice by executing 42 merchants.⁶³ Consequently, other importers lost interest in their work and the documented sale of foodstuffs from Jordan to Iraq dropped from 273,000 tons in June, 1992 to less than 80,000 tons in July, 1992, and even lower in subsequent months.⁶⁴ A bloodless example of Saddam Hussein yielding to merely the threat of force occurred in August 1990, soon after the UN instituted sanctions against Iraq. Frustrated that Iraqi tankers did not stop, even after United States Navy warships fired warning shots across their bows,⁶⁵ the United States decided to use stronger means to enforce the sanctions. On 26 August 1990, the United States announced it had authorized its warships to use disabling fire against tankers suspected of

violating the embargo.⁶⁶ Saddam Hussein promptly instructed his tankers to observe the embargo.⁶⁷ These examples demonstrate that force, or merely the unambiguous intention to use force, has convinced Iraqi merchants to cease trading.

Shaping the maritime environment

Recognized international law and existing UNSCRs authorize using all necessary means to enforce the sanctions against Iraq. Thus, the new enforcement policy requires nothing truly new; it merely requires that CENTCOM change its operational methods, that it use its naval and air assets in a more vigorous manner. CENTCOM's first task is to ease the burden on the remaining MIO ship -- the gatekeeper. Currently MIO ships patrol a substantial distance off the mouth of the Shatt-al-Arab, which makes tracking and identifying ships difficult. Existing UNSCRs allow United States Navy ships to operate with impunity in Iraqi territorial waters, similar to how United States planes patrol Iraqi air space to enforce the northern and southern no-fly zones. Therefore, CENTCOM should post the gatekeeper as close to the mouth of the Shatt-al-Arab as navigational concerns permit.

Next, CENTCOM must limit the allowed shipping routes. All legal inbound traffic for Iraq goes to two destinations. Empty tankers sail to the Mina al-Bakr oil terminal for loading, and goods merchants sail for Umm Qasr. Legal outbound traffic consists solely of laden tankers from the Mina al-Bakr oil terminal and empty hulls returning from Umm Qasr. CENTCOM should designate approved routes to and from these destinations. CENTCOM should instruct the gatekeeper to view any ship not following the approved route as a potential smuggler.

Finally, CENTCOM should reduce the gatekeeper's area of operations, and smuggler sailing options, by physical means. The preferred physical means are mines. The judicious use of mines would drastically reduce sailing options; most importantly, mines would prevent

smugglers from transiting between the Iraqi and Iranian territorial waters, and thus eliminate that ticklish issue. Deploying mines is legal under the effective UNSCRs and under international law, which specifies that "Naval mines may be employed to channelize neutral shipping, but not in a manner to deny transit passage of international straits or . . . of archipelagic waters by such shipping."⁶⁸ CENTCOM should lay minefields in Iraqi territorial waters to correspond with the previously approved sailing routes, a maritime creation analogous with the northern and southern no-fly zones. Before laying the minefields, the United States should use all appropriate and legally proscribed methods to inform the world, and Iraq in particular, of their boundaries, and of the date the minefields would become effective. Additionally, CENTCOM should ensure the perimeters of the minefields are clearly marked and are visible both night and day. The minefields would only marginally hinder legal merchants sailing along approved routes and would greatly limit the area the gatekeeper must patrol. Smugglers would exit the approved channels at their own risk.

Events in 1972 off Haiphong, North Vietnam, proved the efficacy of minefields. On 8 May 1972, in only two minutes, United States Navy airplanes deployed multiple strings of mines in the approaches to Haiphong. In subsequent months, the United States Navy reseeded the approaches as necessary. The results were immediate and dramatic. For the remainder of 1972, twenty-seven Sino-Soviet merchants remained trapped in Haiphong. No other nation formerly trading with North Vietnam risked the Haiphong minefields.⁶⁹ The United States Navy mined Haiphong as part of a blockade, an act of war designed to completely curtail maritime traffic, while minefields would be used against Iraq as part of a sanctions effort, intend to limit some but not all cargo movements. Nonetheless, the powerful lesson remains that a minefield will convince a merchant not to hazard his ship.

Actions against smugglers

Even with merchants sailing in approved traffic lanes, rigorous sanctions enforcement still would require a gatekeeper to monitor both inbound and outbound traffic to ensure a smuggler did not sneak into the approved lane; to take action if a smuggler was detected in the lane; and to take action against any smuggler foolish enough to brave, or deft enough to elude, the minefields. This gatekeeper must have expanded rules of engagement to accomplish its mission. More importantly, commanders at all levels must understand and accept these rules. A ship captain or pilot who, following the expanded rules of engagement, used force to disable or destroy a smuggler, must be confident his superiors would support his use of force. Inculcating into decision makers a readiness to use force would require concerted efforts by military and diplomatic leaders, but it is achievable, and must be accomplished to avoid emasculating the expanded CENTCOM rules of engagement.

The United States is not a terrorist nation. Before granting its warships expanded rules of engagement, the United States should use all appropriate methods to inform the world, and Iraq in particular, of its intentions, and of the date the new rules become effective. After the commencement date, smugglers would proceed at their own risk. The revised rules of engagement should specify that the gatekeeper execute a clearly defined sequence of actions before resorting to deadly force. For inbound traffic, a likely scenario would be as follows: The gatekeeper would verify the inbound merchant was following the designated sailing route from the shore inspection station to Umm Qasr or Mina al-Bakr. The gatekeeper should view any merchant bound for Iraq, yet sailing outside the approved route, with a jaundiced eye. To ease identification and tracking, merchants should be required to enter the gatekeeper's station during daylight hours and arrive in Iraq before nightfall. Previously notified by the shore inspection

station of the ships cleared to sail to Iraq, the gatekeeper would identify legal merchants and allow them to proceed, and would query all other ships to ascertain their status, intentions, and destination, and to ensure they are aware of the prohibitions for trading with Iraq, and of the minefields. The gatekeeper would direct ships bound for Iraq, yet not cleared by the shore inspection station, to sail to the station for cargo inspection. If the ship refused to sail to the inspection station, after an appropriate series of warnings of various types to cease steaming for Iraq, the gatekeeper, or other theater asset, would use lethal force to disable or sink the ship. The gatekeeper would instruct any inbound traffic that arrived after nightfall to wait for daylight before sailing to Iraq, or if not yet inspected, to proceed to the shore inspection station. If the ship ignored the gatekeeper's instructions, and, masked by darkness, attempted to continue its voyage, once more, after an appropriate series of warnings, the gatekeeper, or other appropriate theater asset, would disable or sink the ship.

The gatekeeper would use similar methods for outbound ships. Personnel at the UN monitoring stations at Umm Qasr and Mina al- Bakr would instruct the merchants to sail only during the day and to pass the gatekeeper before nightfall, and would inform the gatekeeper of cleared vessels. As with inbound traffic, the gatekeeper would query and instruct any ship not cleared by the UN monitoring station, and, alone, or by providing targeting data to another theater asset, would disable or sink any vessel that did not heed sailing instructions and ignored the repeated variety of warnings to alter course. The gatekeeper would instruct any vessel sailing after nightfall to wait for daylight before proceeding to international waters. If the ship ignored the instructions and continued its voyage, after an appropriate series of warnings, the gatekeeper or other theater asset would disable or sink the ship.

Gaining support for the new policy

Before adopting the methods proposed above, the United States should first wage a vigorous public relations campaign to convince the world of the need for new methods of enforcing sanctions against Iraq; that the humanitarian concerns in Iraq result from actions taken by Saddam Hussein, not from economic sanctions; that law-abiding merchants would not be harmed; that the risks involved in such a campaign were not excessive; and that the consequences had been considered and warranted the effort. This task is achievable.

The 11 September 2001 terrorist attacks convinced many nations across the world that terrorism is a serious threat and that the world must unite to defeat terrorists and to suppress nations that support terrorism. While staunch allies such as the United Kingdom and France support measures to prevent Iraq from developing weapons of mass destruction (WMD), they do not support war against Iraq.⁷⁰ Neither is support for war against Iraq likely from critical regional allies, including Turkey and Kuwait.⁷¹ Waging a protracted conflict in the Persian Gulf region is extremely difficult even with allies, and nearly impossible without. Tightening sanctions against Iraq is a solution to the conundrum of how to prevent Saddam Hussein from developing WMDs without going to war. By stressing that tighter sanctions may obviate the need for war,⁷² by preventing Iraq from acquiring necessary components to build WMDs, the United States could garner required support for its new sanctions policy.

Humanitarian concerns and world opinion are a more difficult matter. To defuse these issues, the United States should refuse to debate the status of Iraqi civilians. Rather, it should focus on the approximately \$11 billion a year Iraq earns from the oil for food program and clearly and repeatedly explain how that although this money is more than sufficient to care for Iraq's population, Saddam Hussein, fully aware of the consequences of his actions, has chosen to

spend the money on props for his regime.⁷³ The United States must emphasize that Saddam Hussein could end the sanctions against his country merely by complying with the unfulfilled provisos of UNSCR 687, and therefore he, not the United States, is responsible for the suffering of the Iraqi people. Despite these facts, surely some nations or groups will complain about the policy. Confident of the support of European allies and key Persian Gulf nations, the United States can endure this baseless criticism and thus should continue its new policy.

The United States can assuage the safety concerns of law-abiding neutral merchants by explaining clearly and repeatedly to the world how it will use military means to enforce the sanctions against Iraq. Ample safeguards, such as limiting transit through the gatekeeper's area to daylight hours to ensure identification, marking minefields clearly, and resorting to lethal force only after the merchant ship ignores queries and warnings, will ensure that the United States does not accidentally harm an honest trader.

Stationing a United States Navy ship close to the mouth of the Shatt-al-Arab will increase risk to that ship because it might be within range of shore based artillery or missiles, and it will be more vulnerable to small boat and mine attacks. Knowing this, CENTCOM should carefully determine what type of vessel should perform gatekeeper duties. A destroyer or cruiser with the Aegis combat system could defend itself from any likely threat; a fast and stealthy patrol craft could avoid any likely threat. CENTCOM will make the appropriate operational decision. Moreover, the United States possesses complete air supremacy over Iraq and the Northern Arabian Gulf. The gatekeeper will not operate by itself. A wide variety of aircraft and helicopters, including helicopters from the gatekeeper itself, could provide air cover when needed. Just as the airplanes enforcing the no-fly zones have bombed Iraqi radar and surface to air missile sites, CENTCOM could use air power to neutralize any potential shore based threat

long before these weapons endangered the gatekeeper. Operating close to the mouth of the Shatt-al-Arab would increase risks, but using available theater assets to prepare and control the area of operations would reduce the risks to an acceptable level. The benefits from stopping Iraqi smuggling would justify the remaining risk.

Consequences of the new enforcement policy

The immediate consequence of the new sanctions enforcement policy would be the cessation of maritime smuggling into and out of Iraq. This would increase pressure on Saddam Hussein's regime and further limit his ability to develop WMDs and Iraq's conventional military machine. Longer-term consequences are numerous. Reducing MIO ships to a single gatekeeper would save CENTCOM millions of dollars and free United States Navy warships for other missions. The clear demonstration of the United States' willingness to use all necessary means to enforce the UNSCRs against Iraq might render Jordan and Turkey, countries that provide overland routes for Iraqi smugglers, fearful of actions pending against them, and thus encourage them to close their borders, further strangling Iraq. In a less intimidating vein, the United States could offer short-term compensation to Jordan and Turkey for revenue lost due to strictly enforcing sanctions against Iraq. Keeping Iraq weak would calm fears in both Kuwait and Saudi Arabia, and might induce Iran, ever concerned over Iraq possibly developing WMDs, to tighten ties with the United States, an extremely beneficial outcome because a closer relationship with Iran would reduce tensions throughout the Persian Gulf region. In short, the consequences of stopping maritime smugglers are many, varied, and uniformly beneficial.

The new sanctions enforcement policy, however, could also yield harmful consequences. Some possible adverse results include: causing certain nations and groups to view the United States as a hegemonic tyrant; losing UN Security Council support for other American policies;

alienating nations supporting the war against terrorism; and inspiring Iraq to take military action against United States forces in the Persian Gulf area. To mitigate these possibilities, as discussed above, the United States must carefully prepare the international arena before implementing the new policy, must loudly proclaim the benefits of the new policy, and must use its military assets wisely to minimize their risk. Although detrimental consequences might occur, the benefits of the new policy warrant the attempt.

Conclusion

The current sanctions policy against Iraq has not accomplished its goals. Iraq has not fulfilled the requirements of UNSCR 687. Therefore, the United States must increase suasion against Iraq until Saddam Hussein complies with all terms of the Gulf War armistice. With war against Iraq unacceptable to key allies, and Saddam Hussein indifferent to diplomatic efforts, the United States must more effectively and efficiently use the tools it possesses, sanctions, to impose its will on Iraq. Using shore inspection stations to clear merchants, minefields to shape the maritime area, and force to destroy smugglers, would immediately make sanctions more effective, and because inexpensively operated shore stations would free several Navy ships from onerous MIO duties, enforcing the sanctions would also be more efficient. At acceptable risk, the tighter sanctions would increase pressure on Saddam Hussein's regime and would greatly hinder Iraq developing WMDs or acquiring other military equipment. Because of the 11 September 2001 terrorist attacks against the United States, and the success of the campaign in Afghanistan, much of the world supports sterner measures against Iraq. The United States must seize the opportunity and implement a truly effective maritime sanctions policy.

Notes

¹ Robert A. Pape, "Why Economic Sanctions Do Not Work," International Security, (Fall 1997): 93.

² Tommy R. Franks, "Gen. Franks Remarks Before Armed Services Committee on Iraq," U.S. Department of State International Information Programs, (19 September 2000): 3.

³ Paul D. Taylor, "Clausewitz on Economic Sanctions," Strategic Review, (Summer 1995): 50.

⁴ The Charter of the United Nations, 16UST1134, 19UST5450 24UST2225.

⁵ An excellent tabular summary of effective UN Security Council Resolutions on sanctions against Iraq and the requirements, per UNSCR 687, to lift the sanctions, can be found in: William J. McManus, Economic Sanctions Against Iraq: Time for a Change? (Carlisle Barracks: U.S. Army War College, 02 March 2001), 2 and 7.

⁶ David Cortright and George A. Lopez, eds, Economic Sanctions (Boulder: Westview Press, 1995), 122.

⁷ Richard E. Hull, "Imposing International Sanctions; Legal Aspects and Enforcement by the Military" Institute for National Strategic Studies, (March 1997): 16.

⁸ Ian Johnstone, Aftermath of the Gulf War: An Assessment of UN Action (Boulder: Lynne Rienner Publishers, 1994), 39.

⁹ Hal Pittman, "10 Years After the Storm," All Hands, (February 2001): 3.

¹⁰ Pittman, 3.

¹¹ LT Melissa Schuermann, Force Deputy PAO, NAVCENT, E-mail to Kevin Sutton, 29 November 2001.

¹² Bradley Peniston, "Nuke Surface Ships Become Post Cold War Casualties," Navy Times, (14 September 1998): 2.

¹³ Pittman, 4.

¹⁴ Miles A. Pomper and Chuck McCutcheon, "New Tolerance of Old Threats Fuels Push for War with Iraq," Congressional Quarterly Weekly, (1 December 2001): 2852.

¹⁵ "Vigilance and Volatility," All Hands, (February 1999): 3.

¹⁶ James D. Alger, Turning Back the Clock: U.N. Sanctions Against Iraq (Monterey:

Naval Postgraduate School, June 1997), 39.

¹⁷ David M. Armitage, Economic Sanctions on Iraq: Going Nowhere Fast (Carlisle Barracks: U.S. Army War College, 03 April 1998), 17.

¹⁸ "Iran Captures Iraqi Oil and US Attention," Asia Times On Line, (7 April 2001): 1.

¹⁹ Alger, 41.

²⁰ Alger, 40.

²¹ Pittman, 3.

²² Pittman, 3.

²³ Robert Burns, "Test Show Private Russian Ship Was Carrying Iraqi Oil, Cohen Says," Corpus Christi Caller-Times, (7 February 2000): 2.

²⁴ CDR Neil E. Hansen, NAVCENT N31, E-mail to Kevin Sutton, 14 December 2001.

²⁵ "US Navy Blocks Cargo Ship From Reaching Iraq," VOANews.com, (16 July 2001): 1.

²⁶ Author's personal experience while serving onboard USS GARY in the North Arabian Gulf in October 1997: A VBSST member, while climbing down a merchant's accommodation ladder, slipped, fell into GARY's small boat, and broke his leg.

²⁷ "Oil Ship Sinks, U.S. Sailors Missing in Persian Gulf," CNN.com/World, (18 November 2001): 1.

²⁸ Anders Strindberg, "Rethinking the Iraqi Sanctions Regime," Jane's Intelligence Review, (July 2001): 33.

²⁹ "Iraq Sanctions: What Have We Learned?" United States Institute of Peace. (17 July 2000): 5.

³⁰ Robert S Lanham, "Let's Try a New Tack with Iraq," U.S. Naval Institute Proceedings, (September 2000): 47.

³¹ Lanham, 47.

³² Pape, 93.

³³ Robin Wright, "Powell Intends to Curb US Use of Diplomatic Sanctions," Los Angeles Times, (22 Jan 2001): 1.

³⁴ Miles A. Pomper and Chuck McCutcheon, 2852.

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- ³⁵ Strindberg 35.
- ³⁶ "Iran Captures Iraqi Oil and US Attention," Asia Times On Line, (7 April 2001): 1.
- ³⁷ "Iran Captures Iraqi Oil and US Attention," 1.
- ³⁸ Miles A. Pomper and Chuck McCutcheon, 2852.
- ³⁹ Donald G. Boudreau, "Economic Sanctions and Military Force in the Twenty-First Century," European Security, (Summer 1997): 28.
- ⁴⁰ Strindberg 35.
- ⁴¹ Hull, 16.
- ⁴² Hull, 16.
- ⁴³ Hull, 16.
- ⁴⁴ Hull, 16.
- ⁴⁵ W. Seth Carus and others, From MIDEASTFOR to Fifth Fleet: Forward Naval Presence in Southwest Asia (Alexandria: Center for Naval Analysis, October 1996), 146.
- ⁴⁶ Hull, 16.
- ⁴⁷ W. Seth Carus and others, 146.
- ⁴⁸ Hull, 16.
- ⁴⁹ John Stremlau, Sharpening International Sanctions; Toward a Stronger Role for the United Nations (New York: Carnegie Corporation of New York, November 1996): 48.
- ⁵⁰ Stremlau, 48.
- ⁵¹ Miles A. Pomper and Chuck McCutcheon, 2852.
- ⁵² Strindberg 34.
- ⁵³ Hull, 17.
- ⁵⁴ Adam B. Siegel, "Enforcing Sanctions: A Growth Industry," Naval War College Review, (Autumn 1993): 130.

⁵⁵ Hull, 4.

⁵⁶ Joint Chiefs of Staff, Joint Doctrine for Military Operations Other Than War, Joint Pub 3-07 (Washington, DC: 16 June 1995).

⁵⁷ Joint Pub 3-07, III-3.

⁵⁸ Taylor, 49-58.

⁵⁹ Siegel, 131.

⁶⁰ Siegel, 131.

⁶¹ Siegel, 131.

⁶² Taylor, 53.

⁶³ Taylor, 53.

⁶⁴ Taylor, 53.

⁶⁵ Hull, 4.

⁶⁶ Hull, 5.

⁶⁷ Hull, 5.

⁶⁸ U.S. Navy Department, Headquarters USMC, and Department of Transportation--U.S. Coast Guard. The Commander's Handbook on the Law of Naval Operations (NWP 1-14M, MCWP 5-2.1, COMDTPUB P5800.7). (Washington, DC: 1995), 9.2.3.6.

⁶⁹ Dr. Edward J. Marolda, "Operation END SWEEP," Naval Historical Center (1993); quoted in Joint Chiefs of Staff, Joint Doctrine for Barriers, Obstacles, and Mine Warfare, Joint Pub 3-15 (Washington, DC: 24 February 1999), I-4. Citation refers to entire paragraph.

⁷⁰ "Iraq According to Blair, Chirac," Washington Times, (9 December 2001): B2.

⁷¹ William A. Niskanen, "The Case Against a War on Iraq," Dayton Daily News, (10 December 2001): 1.

⁷² Boudreau, 33.

⁷³ "Iraq Sanctions: What Have We Learned?", 5.

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