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CRISTINE KOEHLER ZANELLA

**THE BRAZILIAN FOREIGN POLICY ON ECONOMIC SANCTIONS IMPOSED BY  
THE UNITED NATIONS SECURITY COUNCIL DURING THE COLD WAR AND  
THE 1990s**

**A POLÍTICA EXTERNA BRASILEIRA PARA SANÇÕES ECONÔMICAS  
IMPOSTAS PELO CONSELHO DE SEGURANÇA DAS NAÇÕES UNIDAS  
DURANTE A GUERRA FRIA E A DÉCADA DE 1990**

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Thesis submitted to the Doctoral Program in International Strategic Studies, of the Faculty of Economics of the Universidade Federal do Rio Grande do Sul, as a partial requirement for obtaining a PhD degree in International Strategic Studies and submitted for the degree of PhD in Political Science, Department of Political Science, of Ghent University.

Supervisors:  
Prof. Dr. Eduardo Ernesto Filippi (UFRGS) and Prof. Dr. Dries Lesage (UGent)

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Approved in Porto Alegre on August 25, 2015.

EXAMINATION BOARD

---

Prof. Dr. Eduardo Ernesto Filippi - Supervisor  
UFRGS

---

Prof. Dr. Dries Lesage - Supervisor  
UGent

---

Prof. Dr. André Reis da Silva  
UFRGS

---

Prof. Dr. Mattias Vermeiren  
UGent

---

Prof. Dr. Sílvia Regina Feraboli  
UniRitter

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## ABSTRACT

This dissertation is based on two premises: first, the participation in the Security Council (UNSC) is important for a long-term strategy underlying the Brazilian foreign policy; second, economic sanctions are an important issue for the agenda of the aforementioned body. Therefore, this dissertation was written with the intention to answer this main research question: Which factors explain Brazil's behavior toward the economic sanctions imposed by UNSC? The research focuses on the period from 1945 until 2000. Brazilian diplomatic documents disclosed were the main source to access the Brazilian behavior toward economic sanctions and the causal relations described. The most general outcome observed was that Brazil generally played a passive role on proposing, discussing, criticizing or shaping the economic sanctions regimes imposed by the UNSC during the second half of the 20th century. This observation is complemented by the analysis of the explanatory factors, which contributed to assess the meanders and contours of Brazil's diplomatic behavior concerning the matter and to understand the most important motivations that lied behind Brazil's actions. I investigated six explanatory factors that could help to understand the Brazilian behavior toward economic sanctions imposed by the UNSC until the late 1990s: concerns on unilateral tendencies, the strategic importance of the target to Brazil, the existence of economic interests menaced by the imposition of the sanctions, humanitarian concerns, importance of particular actors to Brazil's foreign policy in an enlarged scenario, and values. This dissertation analyzed also the following sub-question: Does Brazil's behavior confirm the usual foreign policy goals ascribed to middle powers when dealing with global issues? To address this question I investigated the Brazilian participation in the Security Council concerning economic sanctions regarding three other factors that represent the most usual permanent foreign policy goals pursued by middle powers when dealing with global issues, namely: multilateralism promotion, consensus building and prestige increase.

**Keywords:** Brazilian foreign policy. Economic sanctions. United Nations Security Council.

## RESUMO

Esta pesquisa é baseada em duas premissas: primeira, que a participação no Conselho de Segurança (CSNU) é importante na estratégia de longo prazo da Política Externa Brasileira; segunda, que as sanções econômicas são um item importante da agenda do mencionado órgão. A partir disso, a presente tese foi escrita com a intenção de responder a seguinte questão principal: quais fatores explicam o comportamento brasileiro em relação às sanções econômicas impostas pelo CSNU? A pesquisa foca no período que vai de 1945 a 2000. Documentos diplomáticos desclassificados constituíram a principal fonte para a identificação do comportamento brasileiro e para o estabelecimento das relações causais descritas. O principal resultado observado foi que o Brasil geralmente desempenhou um papel passivo na proposição, discussão, crítica e definição dos regimes de sanções econômicas impostos pelo CSNU durante a segunda metade do século 20. Essa observação é complementada pela análise de fatores explicativos, que contribuem para acessar os meandros e contornos do comportamento diplomático brasileiro no tema e para entender as mais importantes motivações que residem por trás das ações brasileiras. Seis fatores explicativos que poderiam auxiliar na compreensão do comportamento brasileiro para sanções econômicas impostas pelo CSNU foram investigados: preocupações com tendências unilaterais, importância do alvo das sanções para o Brasil, a existência de interesses econômicos ameaçados pela imposição de sanções, preocupações humanitárias, importância de atores particulares na política externa brasileira em um cenário ampliado e valores. Esta tese analisou também a seguinte questão: o comportamento brasileiro confirma os objetivos de política externa atribuídos às potências médias quando lidam com questões globais? Para encaminhar essa questão investigou-se a participação brasileira no Conselho de Segurança no que diz respeito às sanções econômicas em relação a três outros fatores que representam as mais usuais metas de política externa atribuídas às potências médias quando lidam com questões globais, nomeadamente: promoção do multilateralismo, construção de consensos e busca por prestígio.

**Palavras-chave:** Política externa brasileira. Sanções econômicas. Conselho de Segurança das Nações Unidas.



## UITTREKSEL

Deze dissertatie is gebaseerd op twee gebieden: de eerste betreft de deelname aan de Veiligheidsraad (UNSC) is belangrijk voor een langetermijnstrategie, welke ten grondslag ligt aan het Braziliaanse Buitenlands Beleid; als tweede, economische sancties zijn een belangrijk onderwerp voor de agenda van de voornoemde instantie. Derhalve werd deze dissertatie geschreven met de intentie om de belangrijkste onderzoeksvraag te beantwoorden: Welke factoren verklaren het gedrag van Brazilië met betrekking tot de economische sancties opgelegd door UNSC? Het onderzoek is gericht op de periode van 1945 tot 2000. Openbaar gemaakte diplomatieke documenten vormden de belangrijkste bron om een inzicht te krijgen in het Braziliaanse gedrag met betrekking tot economische sancties en de oorzakelijke verbanden die werden beschreven. Het algemene resultaat wat het meeste werd waargenomen, is de algemene passieve rol welke Brazilië speelde inzake het voorstellen, discussiëren, bekritisieren of het vormgeven aan stelsel voor economische sancties opgelegd door de UNSC in de tweede helft van de 20e eeuw. Deze constatering werd bevestigd door de analyse van verklarende factoren, die hebben bijgedragen aan de beoordeling van de loop en contouren van het diplomatiek gedrag van Brazilië betreffende deze kwestie en mede de belangrijkste motivaties te begrijpen, die ten grondslag liggen aan de acties van Brazilië. Ik onderzocht zes verklarende factoren, die zouden kunnen helpen om het Braziliaanse gedrag te begrijpen met betrekking tot de economische sancties die werden opgelegd door UNSC tot eind van de jaren 90: bezorgdheid over unilaterale tendensen, het strategische belang van het doel voor Brazilië, de aanwezigheid van de economische belangen bedreigd door het opleggen van de sancties, humanitaire redenen, het belang van bepaalde betrokkenen inzake het Braziliaanse Buitenlands Beleid in een groter scenario en waarden. Deze dissertatie analyseerde tevens de volgende subvraag: bevestigt het gedrag van Brazilië de gebruikelijke maatregelen voor buitenlandse politiek welke worden toegeschreven aan een kleiner niveau van bevoegdheden bij het omgaan met mondiale vraagstukken? Om deze vraag te beantwoorden heb ik de deelname van Brazilië aan de Veiligheidsraad onderzocht inzake de economische sancties met betrekking tot drie andere factoren welke de meest voorkomende permanente maatregelen voor de doelen van de buitenlandse politiek vertegenwoordigen, die worden nagestreefd door een kleiner niveau van bevoegdheden bij het omgaan met mondiale vraagstukken, namelijk: multilateralisme promotie, consensusopbouw, en verhoging van prestige.

**Trefwoorden:** Braziliaanse buitenlands beleid. Economische sancties. VN-Veiligheidsraad.

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## ABBREVIATIONS

AFRC	Armed Forces Revolutionary Council
ANC	African National Congress
BFP	Brazilian Foreign Policy
BRASLEG	Legação brasileira (Brazilian legation)
BRASEMB	Embaixada brasileira (Brazilian Embassy)
BRICS	Brazil, Russia, India, China and South Africa
CACEX	Carteira de Exportação do Banco do Brasil (Banco do Brasil Export's Portfolio)
DELBRASONU	Delegação brasileira junto às Nações Unidas (Brazilian Delegation to the United Nations)
ECOMOG	Economic Community of West African States Monitoring Group
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
EEC	European Economic Community
EMBRAER	Empresa Brasileira de Aeronáutica S.A (Brazilian Aeronautical Company A.S.)
ESG	Escola Superior de Guerra (National War College)
FNLA	Frente Nacional para Libertação de Angola (National Liberation Front of Angola)
FRY	Federal Republic of Yugoslavia
GDP	Gross Domestic Product
GRULAC	Group of Latin American and Caribbean States
IAEA	International Atomic Energy Agency
IBGE	Instituto Brasileiro de Geografia e Estatística (Brazilian Institute of Geography and Statistics)
ICJ	International Court of Justice
ISI	Industrialização Substitutiva de Importações (Import Substitute Industrialization)
LoN	League of Nations
MPLA	Movimento Popular de Libertação de Angola (People's Movement for the Liberation of Angola)
MRE	Ministério das Relações Exteriores - Itamaraty (Brazilian Ministry of External Relations - Itamaraty)
MERCOSUR	Mercado Comum do Sul

NATO	North Atlantic Treaty Organization
NGOs	Non-governmental Organizations
NAM	Non-Aligned Movement
NPLF	National Patriotic Front of Liberia
OAS	Organization of American States
OAU	Organization of African Unity
OPA	Operation Pan America
PaP	Port-au-Prince, Haiti
PEI	Política Externa Independente (Independent Foreign Policy)
RPF	Rwandan Patriotic Front
RUF	Revolutionary United Front
SAAF	South African Air Force
SERE	Secretaria de Estado das Relações Exteriores (Brazilian Secretary for External Relations)
SGUN	Secretary-General of the United Nations
SFRY	Socialist Federal Republic of Yugoslavia
UK	United Kingdom
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNITA	União Nacional para a Independência Total de Angola (National Union for the Total Independence of Angola)
UNMIH	United Nations Mission in Haiti
UNOMIL	United Nations Observer Mission in Liberia
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNOSOM	United Nations Operation in Somalia
UNPROFOR	UN peacekeeping forces
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission
US	United States of America
USSR	Union of Soviet Socialist Republics
WMD	Weapons of Mass Destruction
WWII	Second World War

## SUMMARY

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## 1 INTRODUCTION

This introduction aims to delimit this research and present its methodology. It aims positioning the reader as to the extent of the term economic sanctions, the classifications of economic sanctions and the differences between the term and other ones, such as “economic warfare” or “trade war”. Another part of the introductory chapter is designed to provide the reader with a panoramic reading of Brazilian foreign policy throughout the twentieth century. This section recalls the domestic and international context in which Brazil was inserted during the period under review.

### 1.1 BASIC ELEMENTS

This section introduces the research topic, questions, and delimitation. I start by introducing the research topic, presenting its components and narrowing it down progressively. I then present the main research question and sub-questions. Finally, my research is conceptualized and its timeframe is delimited.

#### 1.1.1 Introducing research topic

The puzzle of this dissertation is made by three relevant issues for the international studies: economic sanctions, individual states participation in the United Nations Security Council, and Brazilian foreign policy in a given policy area. These puzzle pieces are briefly introduced above. Each item gradually limits the previous one and the research topic is progressively defined.

##### **Economic sanctions**

In 1919, economic sanctions were formally conceived as an important tool to achieve world peace and security in the international community toolbox. For the first time they had been codified internationally as an autonomous coercive measure to enforce collective security, not linked to efforts to harm the enemy in war times. Believing on the economic sanctions’ power to dissuade eventual aggressors, Woodrow Wilson advocated emphatically in their favor and they were previewed in article 16 of the Covenant of the League of Nations (League of Nations 1919). By their importance at time, this has been considered “the very

heart of League's collective security system" (Baracuhy 2005, 39). From 1920 to 1935, economic sanctions were adopted and distrusted after the League of Nations failure to avoid the Second World War (WWII). At the dawn of WWII aggressions, the emerging realist school of international relations denounced the too 'idealistic' ideas enclosed in this organization. Excessive confidence on the power of economic sanctions were also criticized: "Whereas military force symbolized hard-headed 'realism', economic sanctions symbolized fuzzy minded 'idealism' and unwillingness to face up to the hard facts of international life"(Baldwin 1985, 155).

At the close of WWII the planners of the United Nations (UN) had a shared comprehension that the use of international force must be an important tool of the new organization (Kirk 1946, 1081). Without the emphasis that could be observed in the League of Nations Covenant, economic sanctions were then listed in article 41 of the UN Charter as one of many coercive measures to maintain peace and security (United Nations 1945). The dynamics of the Cold War balance of power and the voting rules of United Nations Security Council (UNSC), stipulating that none of the permanent members vetoed a decision in order to consider it adopted, froze the organization for forty-five years. During this time, mandatory economic sanctions were adopted only twice: against Southern Rhodesia and against South Africa, because of the abuse of power by white minorities in these countries (Cortright and Lopez 2000). However, the ending of the Cold War changed the scenario. Only ten years after the Cold War (bipolar system) ended, ten economic sanctions were imposed - five times as many as in the previous forty-five years. Rebirthed, economic sanctions then entered the UN policy agenda and remain until now one of the most important instruments in the international community's toolbox of measures to enforce international peace and security. The economic sanctions imposed by the UNSC, instruments of fundamental importance in the actual international agenda, will compound the thematic line linking the cases analyzed in this dissertation.

### **Economic sanctions and states' individual behavior at UNSC**

As soon as finished, the decade of the 1990s was described as "the sanctions decade" because of the intense use of sanctions since the end of the Cold War (Cortright and Lopez 2000). Since then, economic sanctions have been studied from many different perspectives. Scholars investigated how and when economic sanctions worked (Marinov 2005, Hovi and Huseby 200x), why they did not work (Pape 1997), if the outcomes could be improved



(Hufbauer et al. 2007), which humanitarian effects emerged (Moret 2014, Garfield 1999), the relation between law and economic sanctions (Cohen 2009, Alexander 2009), their impact on especially vulnerable groups (Peksen 2014), etc., only to mention some. Interestingly, the relation between economic sanctions and states' foreign policy, pointing out the factors that defined and/or constrained individual state behavior or the outcomes pursued with a specific international behavior is something that has not been addressed. Some specific studies on US behavior (Ayubi 1982, Dobson 2002, Askari 2003, Drury 2005) and another one on Canadian and Australian foreign policy toward economic sanctions (Nossal 1994) address this question to a limited extent and may be considered exceptions that confirm the proposition of a lack of studies in this specific area. These studies address the foreign policy of different countries in respect of economic sanctions but they are not restricted to UNSC cases. On the contrary, in the US studies mentioned, the focus concentrates on unilateral sanctions imposed by the US. Considering that UNSC decisions are constrained by a specific institutional dynamic and that these decisions are taken by member states voting individually, for academic reasons and practical policy concerns it is valuable to understand what drives and constrains individual states when they decide to support an economic sanction resolution in the Security Council. This is the sort of question that this dissertation addresses.

### **Brazilian Foreign Policy and the UNSC decisions on economic sanctions**

UNSC power structure and voting process (focused on the P-5 powers and privileges) obviates the systematic study of the role of non-permanent members at the UNSC. Intermittent participation of non-permanent members can be a factor that difficult the analysis of these countries role and performance at UNSC but, even if indulgently ignored, some countries are frequently part of the UNSC decision making processes and more so, some of them, like Brazil, Japan, Argentina, India, Canada, have recurrently occupied one of the UNSC seats. Indeed, Brazil has already had ten two-years mandates at the UNSC and it is, with Japan, the most assiduous state to occupy an UNSC non-permanent seat (UNIC Rio 2014). The behavior of these countries is far from obvious. For instance, during the Cold War, Brazil supported with Latin American countries a resolution establishing the UN Council for South-West Africa in order to verify eventual South African interventions on this region. At the same time Brazil worked at a bilateral level to increase commercial relations with this country (SERE 1967b). How did Brazilian foreign policy address these political and practical concerns at UN multilateral level? What influenced Brazil's behavior? In another episode, in

1998, Brazil played an active role in successfully convincing great powers, especially the United States, to change their votes concerning sanctions against the National Union for the Total Independence of Angola (UNITA) rebels that opposed the Angolan government (DELBRASONU 1998e). What underpinned the Brazilian government's stance in these events? What is the rationale behind Brazil's behavior in the UNSC concerning economic sanctions?

Economic sanctions, individual states participation in the United Nations Security Council, and more specifically, Brazilian foreign policy in a given policy area. Such pieces compound the research puzzle of this dissertation.

### **1.1.2 Research question**

The main research question is described as follows: *Which factors explain Brazil's behavior toward the economic sanctions imposed by UNSC?*

One sub-question is also defined: *Brazil's behavior confirms the usual foreign policy goals attributed to middle powers when dealing with global issues?*

The following paragraphs address what is the meaning of some of the terms mentioned above.

#### **Behavior**

I should explain what 'behavior' the question refers to. Literature and practice identify a diversity of behaviors that states have or are expected to have in their international relations. They include but are not limited to the tendency to cooperate or act individually, preference for bilateral or multilateral agreements, passive or active participation in the international arena, availability to mediate in conflicts, level of participation in regional and global affairs, geographic extension of action in foreign policy issues, wide-ranging, 'niche', or no preferential areas of action, among many others (Hey 2003, 5, Lesage and Kaçar 2010, Cooper 1997). In this dissertation 'behavior' includes all the above mentioned situations reflected in concrete state actions. These behaviors are specifically addressed at different stages. First, each economic sanction imposed by the UNSC is specifically described and Brazilian behaviors and explanation factors are presented. Second, the research also searches for patterns of continuity and ruptures over the specified timeframe (from the Cold War to the

end of 1990s), in order to analyze the tendencies in Brazilian foreign policy toward economic sanctions and in order to verify the usefulness of the middle power definition to explain it.

### **Economic sanctions**

As the definition of ‘economic sanctions’ is an open question between scholars, then I should briefly clarify what is meant by the term ‘economic sanctions’ in this research.

Some authors define economic sanction as a collective and coercive reaction to an international illegal act (Abi-Saab 2001, 39, Doxey 1987, 4). These definitions suggest that an act contrary to international law must be recognized in order to authorize the adoption of a sanction. Even if this rationale has internal validity and also fits the more normative approaches to sanctions’ definition, the empirical facts – that means, how the expression ‘economic sanctions’ is currently used – do not correspond to it. On the other hand, the most numerous studies on economic sanctions assume that economic sanctions are instruments based on coercion that states or international organizations can use in order to put economic pressure on the target by forcing it to alter or detain some behavior (Drury 2005, Baldwin 1985, Hufbauer et al. 2007). The constructivist critique approach tries “to create a grand theory of economic sanctions that is applicable across time and space by obfuscating the distinction between sanctions and coercion” (Koga 2005, 66). Yet, other definitions assume that sanctions are a way of expressing disapproval of the target’s actions and not only a measure of coercion (Wallensteen 1968). And so on. The term ‘economic sanction’ has undoubtedly assorted definitions.

Considering that ‘economic sanction’ is a term used over different times and by different authors in different ways, I find it difficult to present or adopt one strict definition that is able to cover all cases referred to throughout history as an economic sanction. But, discussing the nature of economic sanctions or proposing an autonomous definition are not objectives of this work. Therefore, considering the fact that this research is concerned only with prohibitions of economic relations, this dissertation adopts the same functional definition proposed by Rosemary Alice Murphy who dealt with a similar question in her thesis. Economic sanction in her dissertation is defined as “the prohibition by UNSC on economic interaction with any state, entity or individual” (Murphy 2011, 6). When other measures are mentioned, they are specifically defined. Other expressions related to economic sanctions used in this dissertation are ‘sender’ and ‘target’. ‘Sender’ is the organization or body that

decide on these measures (in our case, UNSC) and ‘target’ is the state, entity or individual that is the object of the sanction.

### **Middle power**

At this point I briefly present the middle power theory status quaestionis and the definition adopted in this dissertation.

‘Middle power’ is a term that came into use after WWII to indicate the position of states that were neither the ones which held permanent seats at the UNSC (great powers) nor states with very limited resources, influence or population (small powers): “in between lie a number of countries which make no claim to the title of great power, but have been shown to be capable of exerting a degree of strength and influence not found in the small powers. These are the middle powers” (Glazebrook 1947, 307).

In 1969, Robert Keohane conceptualized a middle power as “a state whose leaders consider that it cannot act alone effectively but may be able to have a systemic impact in a small group or through an international institution”; ‘small power’ as a state “whose leaders consider that it can never, acting alone or in a small group, make a significant impact on the system”; and ‘great power’ as “a state whose leaders consider that it can, alone, exercise a large, perhaps decisive, impact on the international system”<sup>1,2</sup>(Keohane 1969, 296). This statements are the most frequent starting points to the middle powers theories.

The literature of International Studies and Political Science has been struggling to conceptualize a ‘middle power’. Four definitional categories have been broadly identified (Cooper, Higgott, and Nossal 1993). The *Positional* definition points to the in-between location in rankings calculated on the basis of a combination of quantifiable factors which could include population, Gross National Product, military expenditure, infant mortality rate, and adult literacy rate etc.; The *Geographical* definition considers middle power as a state situated between two great powers. The classical examples in this situation would be Poland, between Germany and Russia, and Turkey, between Europe and Middle East (Behringer 2012, 17). The *Normative* definition takes some experiences in international politics to depict middle powers as specially virtuous states, embedded with high moral values in their foreign

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<sup>1</sup> Writing during the Cold War, Keohane also mention a ‘secondary power’, which would be ‘a state whose leaders consider that alone it can exercise some impact, although never in itself decisive, on that system’ (Keohane 1969, 296).

<sup>2</sup> Realists adopt a clearly different definition for great powers. According to John J. Mearsheimer ‘Great powers are determined on the basis of their relative military capability. To qualify as a great power, a state must have sufficient military assets to put up a serious fight in an all-out conventional war against the most powerful state in the world’ (Mearsheimer 2001, 5).

policies. As pointed out by Andrew Cooper, Richard Higgott and Kim Nossal “such a position, however, is often difficult to substantiate when the actual details of middle power foreign policy are examined more closely” (Cooper, Higgott, and Nossal 1993, 18). Finally, the *Behavioral* definition tries to individuate middle powers by the essence of their diplomatic behavior. A tendency to multilateralism, to compromised solutions and to ‘good international citizenship’ – guided by self-interest and not by an altruistic nature – are central to defining an individual state as a middle power under this category (Cooper, Higgott, and Nossal 1993, 19).

This dissertation adopts the behavioral definition of middle power. This definition recognizes the in-between position of middle powers as “those states which are clearly not great powers but are not minor powers either” (Cooper 1997, 14). However, for the behavioral definition this position is reached not by quantifiable attributes but by a pattern of foreign policy behaviors. So, the middle powers would be those states which present ‘middlepowermanship’ or, what is the same, those which behave like a middle power<sup>3</sup>. Despite the difficulties to agree on a common definition for middle powers – otherwise recognized by the middle powers’ authors themselves -, this research assumes that the place a state holds in the international hierarchy influences its behavior in the international game. As pointed by Larsen, “middle power theory starts from the assumption that certain forms of international behavior can be derived from the fact that a state can be categorized as a middle power” (Larsen 1997, 191).

The in-between position in the international hierarchy of power can be difficult to define. There is no upper limit for the category, established by one “most powerful” middle power. There is also no lower limit defined for the category. Unlike great or small powers, which have at least one limit more clearly defined, for middle powers both upper and lower limits are blurred.

The absence of clear limits does not obstruct the recognition that states are in different positions of power and influence<sup>4</sup>, and it is expected that, in some contexts, states that share a

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<sup>3</sup> The flaw in the behavioral concept some authors point out is, as David Cooper says, its circular reasoning: being a middle power depends on behaving like a middle power. The definition, then, does not define a category to predict behavior, instead it “looks to behavior in order to discern the category” (Cooper 2011, 322).

<sup>4</sup> “Influence means the modification of one actor’s behavior by that of another... Power means capability; it is the aggregated of political resources that are available to an actor... Power may be converted into influence, but it is not necessarily so converted either at all or to its full extent. Although those who possess the greatest power may also exercise the greatest influence, this is not logically necessary” (Painchaud 1966, 35).

certain position will have empirically similar behaviors (Hurrell 2006). I recognize the value of the behavioral definition. Standing behind it is the idea that some countries behave like they do because of the non-quantifiable resources/attributes they bear. Even if these resources/attributes are hardly quantifiable they project these countries to an in-between position in the international hierarchy and offer some opportunities and limits to behave in such a way that small powers are not able to.

### **Other cases and data analyzed**

Even if economic sanctions cases that arose out of UNSC resolutions are mentioned in the text, they are not all subjected to a systematic analysis on this dissertation. Therefore, this poses some limits to generalizing on Brazilian behavior toward economic sanctions adopted at other international levels, like the regional one.

Another limit of this work is that no comparative analysis between Brazilian and other countries' behavior in the same situations has been undertaken. This presents clear limits for extending this analysis to other middle powers. However, several conclusions can be relevant to understand the foreign policy of one of the most active non-permanent UNSC countries and its strategy in the largest global political arena.

Data related to the years Brazil have been a non-permanent member of UNSC during the 20<sup>th</sup> century are accurately addressed. For reasons of feasibility (time and space), data concerning other years are not given any special attention except when an important aspect emerges.

### **1.1.3 Delimitation of the research**

This session addresses some research issues this dissertation is specially focused on.

#### **Economic Sanctions focus**

Economic sanctions are the most important non-military measures imposed by the UN against other states, entities or individuals. Since the end of the Cold-War, the Security Council has increasingly decided to impose such economic measures pursuant to Article 41 of UN Charter. Of particular interest for this dissertation is that the sender (UNSC) decides to employ economic sanctions with 9 of the 15 Council members voting in favor and none of the permanent members (United States, Russia, United Kingdom, France and China – P5) vetoing

it. Also the principal responsibility for effectively implementing and verifying the compliance with sanctions adopted rely on the member states<sup>5</sup>. Economic sanctions are then not only an important issue to be addressed in state-of-the art international security studies but they are also an issue that offers special possibilities to analyze individual UN member states behavior both during negotiations and voting processes and during the effective implementation of sanctions after they have been approved.

The economic sanctions cases analyzed in this work offer a rich scenario of the evolution of this instrument itself. Following UNSC economic sanctions cases it is possible to observe important changes that took place in the sanctions dynamic itself. Prompted by discussions on their unintended humanitarian harms and efficiency, sanctions drastically changed in the timeframe analyzed.

Lastly, the development of economic sanctions within the UNSC illuminates some wider changes within the UN framework itself. The intensity, frequency and growing institutionalization of economic sanctions (with bodies of experts, sanctions committees, and monitoring mechanisms) reflect, for example, the renewed powers of the UNSC and its activism in the first decade after the ending of the Cold War.

### **UNSC limits**

This dissertation is restricted to the economic sanctions imposed by the UNSC. This threshold in the research offers some advantages and some limitations.

Firstly, it offers the advantage of having constant the institutional scenario in which sanctions are negotiated. Even during periods of intense demands for change, the rules in the UNSC remained stable during the 20th century – and in fact are the same until the present day despite those periods of intense canvassing for reform. Informal consultations, core groups on specific issues, or negotiation procedures have eventually changed over time, but the main institutional framework comprising voting rules, the veto privilege and the states who own it, and even the rules guiding the election of non-permanent members remains the same. This stability in the institutional scenario is especially relevant because this dissertation investigates issues related to one relational concept, in which states positions can change over the time. Indeed, the middle power concept assumes by its own nature that there are categories of states, which can be hierarchically displayed. This relation between states -

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<sup>5</sup> The first body to investigate allegations of sanctions violations was created only in 1995, by UNSC resolution 1013. The international commission of inquiry on Rwanda had a mandate to investigate allegations of arms flows to former Rwandan government (Weschler 2009, 38).

especially the states that do not have privileges such as the UNSC permanent seat - change even inside the organization by way of the normal economic, social and political evolution of states and by the simple admission of new members (Uziel 2010, 28). Therefore, it seems useful to analyze the evolution of a foreign policy issue inside a stable institutional framework.

Secondly, interaction with UNSC members when the sanctions were adopted represent Brazil's interaction on a global level. Brazil has always expressed an unquestionable will to participate as a permanent member in the most powerful bodies of multilateral global institutions. Since its creation, Brazil demanded to be a permanent member of League of Nations' Council (Baracuhy 2005). The same occurring in the UN. Even if the emphasis on this demand changed in intensity over time, Brazil has permanently requested a permanent seat on the UN's most powerful body (Pereira 2007b, Garcia 2011). Therefore, analyzing Brazilian behavior toward economic sanctions imposed by the UNSC represents an opportunity to investigate (1) Brazil's role and how it acts in this international arena and (2) specially Brazil's strategies to conciliate its objectives within the clear constraints of power and privileges that exist in the UNSC.

Finally, economic sanctions imposed by UNSC are perceived as having greater legitimacy than sanctions taken by single states or regional organizations. International organizations provide an "aura of legitimacy" (Keohane and Nye 1974, 51). One could discuss how representative of UN member states' interests and effective powers is the actual UNSC, but there remains the objective fact that at a global level the UNSC is the only body that has been authorized to adopt mandatory sanctions in the name of other states (United Nations 1945).

Perhaps the major disadvantage of limiting the study to UNSC sanctions is that it will be difficult to affirm how Brazil might act in other international forums such as the Organization of American States. However, several conclusions regarding Brazilian foreign policy and especially Brazilian strategies to address sensible peace and security issues at UNSC can be addressed. Finally, the research can serve as a support and reference to comparative studies that investigate other frequent non-permanent members behaviors at the UNSC.



### **Time delimitation**

The thesis focuses on the period from 1945 until 2000. This timeframe covers the UNSC action during the whole 20th century and includes both Cold War and post-Cold War periods, so system-related factors can be analyzed in respect of their influence on Brazilian behavior. The timeframe under scrutiny includes authoritarian and democratic regimes in Brazil and this helps to analyze the influence of some internal factors on Brazilian foreign policy toward economic sanctions. The timeframe also allows analysis of Brazilian reaction to the main changes in the economic sanctions regime – from comprehensive sanctions to targeted/smart sanctions. Finally, and the most important reason for concentrating the study in the 20th century: it allows working with primary sources from the Brazilian Ministry of External Relations. Confidential documents have been recently reclassified by express command of the Brazilian Access to Information Federal Law n° 12.527/2011 (Lei n° 12.527/2011). Article 24 preserves the confidentiality of some documents depending on their content and for reasons to do with the security of society or the state. These documents can be classified as top-secret, secret or reserved and their maximum terms of confidentiality are 25 (twenty-five) years; 15 (fifteen) years; and 5 (five) years respectively. Government agencies have had until July 2013 to present the reviewed list of classified documents in their custody. That means at least reserved and secret documents until the end of 1990s could be consulted for the purpose of this thesis. As the following sections reveal, this analysis is heavily anchored on secret documents recently disclosed, that could not be neglected in order to understand Brazilian behavior toward UNSC sanctions. As secret documents would not be available for the most recent years and there are strong reasons to imagine a lot of information is still classified on this category, I decided to restrain the dissertation in the terms presented here.

## **1.2 STATUS QUAESTIONIS I: ECONOMIC SANCTIONS**

In the previous section the research topic, research question, definition and time delimitations were introduced. This section reviews the literature in the field to indicate other terms that are frequently mentioned as synonyms for economic sanctions or which are used to describe them. The current use of each term will be clarified and the reasons for choosing the definition adopted in this thesis will also be clarified. The second part of this section proposes a systematic classification of economic sanctions in order to facilitate the comprehension of

each specific case that will be addressed at a later stage. Finally, with the purpose of explaining the expectations of international community regarding the role and effectiveness of economic sanctions – and to address further Brazilian behavior in these scenarios -, the institutionalization of economic sanctions in international organizations is addressed from a historical perspective.

### **1.2.1 Literature review on definition and related terms**

Different definitions of economic sanctions have been formulated by scholars and internationalists. This required a circumscription of what I understand by an economic sanction in this thesis. For reasons already presented, economic sanction in this research means “the prohibition by UNSC on economic interaction with any state, entity or individual” (Murphy 2011, 6). I am not proposing a general definition for economic sanctions, but it is clearly fixed that this dissertation will analyze Brazilian Foreign Policy in the context of the prohibition by UNSC of economic interaction with any state, entity or individual.

What is not clear by the choice I have made is the difference between the term ‘economic sanctions’ and a myriad of other terms frequently associated with it like ‘trade war’, ‘coercive diplomacy’, ‘economic warfare’, ‘coercive cooperation’, etc. Together and on their own these terms have been used to describe restrictions on economic interaction in international politics. Depending on the definition, the meaning of some of the terms overlap with others; some can be considered to be genus to which others, considered to be species, belong. It is important, then, to present some other definitions that the literature has been using - not always in unison - to describe the term ‘economic sanction’.

As adopted here, economic sanctions are prohibitions on economic interaction. Some authors appear to assume that there is a common understanding of what the term refers to. An example of this is the book by Cortright and Lopez ‘The Sanctions Decade’ in which the authors analyze the impact of sanctions. Their study is based on specific economic sanctions cases during the 1990s. They do not give a definition of economic sanctions (Cortright and Lopez 2000). This does not disadvantage comprehension of the text because there seems to be a shared understanding that, when linked to the UNSC’s resolutions, an economic sanction will be any restriction on economic interaction ordered by that body.

Wallenstein, in one of his first studies on economic sanctions, without defining them, just mentions that these measures “include general trade bans between nations, where most of

the trade between the parties is affected”. He also adds that “it presupposes no use of military means”. In his typology, Wallensteen proposed another category named ‘specific economic actions’. This would include “manipulations with economic aid, arms embargoes, nationalization, etc. not taking the form of general trade bans” (Wallensteen 1968, 248). The criteria chosen to distinguish these two categories is confusing. As a result, despite the author’s efforts, the line between different criteria used to define ‘economic sanction’ becomes even more blurred.

Looking to the term, the word sanction intuitively recalls a previous judgment which cites a broken rule that authorizes the imposition of economic harm. In fact, some authors have effectively proposed a definition of economic sanction as a collective and coercive reaction to an international illegal act (Abi-Saab 2001, 39, Doxey 1987, 4). Despite this, the term economic sanction has been continuously and currently evoked in international relations literature to indicate prohibitions on economic interaction, imposed both unilaterally, by states, and multilaterally, by international organizations or groups of states<sup>6</sup>.

International relations literature on economic sanctions has broadly agreed that the purpose of imposing an economic sanction is to coerce the target to act as desired by the sender (Drury 2005, Baldwin 1985, Hufbauer et al. 2007, Morgan and Schwebach 1997, Pape 1997). The general assumption is that economic sanctions are imposed in order to yield policy shifts in the target. Their objective would be to make the receiver comply with the demands of the sender. This means that, when imposing an economic restriction, the expected response from the receiver must be present in the sender’s intentions. That is the reason why Drezner opted to include economic sanctions inside the category of *economic coercion*, which he defined as “the threat or act by a nation state or a coalition of nation-states, called the sender, to disrupt economic exchange with another nation-state, called the target, unless the targeted country acquiesces to an articulated political demand” (Drezner 1999, 2). Accepting this idea of the power of economic sanctions to induce a target to change behavior, these measures have been frequently nominated within *coercive diplomacy* tools (McGillivray and Stam 2004, Baldwin 1985) or instruments to induce *coercive cooperation* (Martin 1992).

The reasoning of supporters of economic sanctions as a means of coercion is based on a sort of transferable pressure between political agents. In the case of sanctions affecting the entire population, the expectation is that once the civilian population feels the harm caused by

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<sup>6</sup> International law literature tend to use the term ‘sanctions’ for measures taken and applied collectively, specially through international organizations organs, and the term ‘self-help’ to measures taken individually (Baumbach 2006, 11-12).

the economic measure it will pressure leaders to behave in accordance with the senders' requirements. In the case of sanctions affecting only some groups or individuals it is expected that the harm caused will result in the required behavior change sought from these same groups or individuals.

Some authors have been opposed to the idea of coercion as the only or main purpose of economic sanctions. Kaempfer and Lowenberg suggested that economic sanctions have "an altogether different goal – namely, to serve the interests of pressure groups within the sanctioning country" (Kaempfer and Lowenberg 1988, 786). Many studies that consider only the coercive purpose of economic sanctions are focusing clearly only at measures taken by single states - and exclude the ones taken by international organizations. Considering economic sanctions imposed by UNSC, Murphy also identifies other purposes to these sanctions besides coercion – explicit punishment and symbolism (Murphy 2011, 9). Elliott agrees that the goals of economic sanctions may have only a tiny or no relationship at all to coercion and behavior change but could aim to enhance "the sender's credibility amongst its allies" on a given issue or also serve as "a response to domestic political pressure" (Elliott 1995, 51).

The aim of this thesis is not to specifically investigate whether economic sanctions contribute to the achievement of foreign policy goals, impose a punishment, address interests of pressure groups, coerce, or even serve other symbolic purposes. Therefore the definition I chose to work with for this dissertation is that which was presented before – 'the prohibition on economic interaction with any state, entity or individual'. This definition has functional elements similar to the definition of Hufbauer's et al "the deliberate government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations", which appears in an extensive analysis of economic sanctions effectiveness (Hufbauer et al. 2007, 3). However, Hufbauer's et al investigation covers almost 200 cases, mostly unilateral sanctions as imposed by one state against another. This does not seem to be adequate because it blurs the utility of the outcomes presented. That is because academic results should serve to address political proposals and decisions. Then, if the original purpose of the economic measure was, for instance, to weaken the adversary during war, studies on the effectiveness of this measure (that influence future decisions) does not help to understand or determine the adequacy of the economic measure to address an attempt of making the target change its behavior when avoiding the use of force. That is the reason why I must recognize that the definition adopted for this thesis is especially functional inside the UNSC economic sanctions cases, in respect

of which all economic restrictions imposed involve a coercive element. That is to say: the coercion of the target to act in an specific way desired by the UNSC was a purpose present in all cases analyzed in this dissertation. Accordingly, even if it will not be discussed further, this indicates that our comprehension is closely connected to the theorists that analyze economic sanctions as a means to coerce.

At this point I should also mention that some authors define economic sanctions as a means of *economic warfare* (O'Leary 1985, Naylor 1999). For instance, Naylor mentions that a politically correct spirit and an optimism for the outcomes of these economic measures has meant “the aggressive sounding ‘economic warfare’ has recently been laundered into the morally uplifting ‘economic sanctions’”(Naylor 1999, 2). As proposed by Wallenstein, I prefer to restrict the use of the term ‘economic warfare’ to situations in which economic means are supportive to military means when the purpose is to perpetrate maximum harm to the receiver (Wallenstein 1968, 248). In economic warfare, the economic prohibitions are not an alternative to military force but subsidiary to it. Considering the choice I made on this thesis, economic warfare could be a special kind of economic sanction. But the same reasoning does not apply vice-versa. Thus, the term ‘economic sanction’ as used in this thesis is conceptually wider than the term ‘economic warfare’. I also consider it a more satisfactory term to use because practically all economic sanctions imposed by UNSC were implemented in peaceful times and not as an additional tool to deepen the harm against the enemy. Despite the fact that economic sanctions against Iraq were applied during wartime they were voted on and implemented before it, thereby reinforcing their coercive characteristic.

Finally, it is important not to confuse economic sanctions with tariff or trade wars. *Tariff* or *trade wars* are threats or effective changes to tariffs and other international trade restrictions “in order to persuade the target state to agree to terms of trade more favorable to the coercing state” (Pape 1997, 94). The focus of tariffs or trade wars on the international economic policies of the target state is illustrated in the example cited by Pape, “when the United States threatens China with economic punishment if it does not respect human rights, that is an economic sanction; when punishment is threatened over copyright infringement, that is a trade war” (Pape 1997, 94).

This literature review casts some light on the absence of homogeneity in the use of the term ‘economic sanction’. Despite this, I consider it important for theorists of political science and policy makers to understand the different concepts surrounding the economic sanctions

debate and the way they have been used in order to understand, propose and adopt decisions which are better defined.

### 1.2.2 Systematic classification

Creating a typology depends on the identification of attributes which stress relevant differences between categories within a group. The difficulty in specifying categories emerges because the identified attributes should contain mutually exclusive categories and these same categories altogether should be totally comprehensive of the whole group. Finally, a typology should also be “replicable and operational (...) [which means it] should be based on criteria that can be assessed and replicated across time and space so that comparisons become possible and knowledge can accumulate” (Giumelli 2011, 30).

#### **Comprehensive/Collective or Targeted/Smart**

The first type concerns the target (or receiver) of economic sanctions. On UNSC documents, economic sanctions which were applied to states and hit the entire population were frequently called *comprehensive*. Even if arms and petroleum embargoes can hit the entire population, the comprehensive term has been used generally to qualify the trade bans on goods in general. Comprehensive sanctions have also been called *collective* sanctions and their aim is to “hit the nation as a whole, including individuals and groups that are not particularly responsible [for the situation that triggered the sanction]” (Galtung 1967, 381). The rationale behind these sanctions is that individuals will demand those responsible to behave as desired by the sender. Resolution 253 of the UNSC on Southern Rhodesia, imposed to coerce the white minority in power to accept multiracial elections, is an example of a comprehensive sanction (Security Council 1968).

On the other hand, *targeted* sanctions are the ones imposed on individuals or non-state entities. The high humanitarian costs of comprehensive economic sanctions imposed on Iraq and Haiti (Garfield 1999) and the rise of international individual accountability made UNSC rely mainly on targeted sanctions since the mid-1990s (Giumelli 2011, 11-12). By its characteristic of minimizing unintended humanitarian consequences and focusing the coercion on specific decision makers, these sanctions were also called *smart* sanctions (Cortright and Lopez 2002). Resolution 1970 of the UNSC (Security Council, 2011) is an example of a targeted sanction. It imposed sanctions including the smart sanction of freezing the assets of

Muammar Gaddafi and also the assets of his four sons and daughter. The purpose of Resolution 1970 was to stop the Libyan government's violence against its civil population which had asked for political reforms and the end of Gaddafi's rule.

### **Commercial or Financial**

The second category concerns the content of the economic sanction imposed. Economic sanctions can be classified as commercial or financial. *Commercial* economic sanctions, also called trade sanctions, trade bans, or simply commercial sanctions, "aim to deprive the target of the gains from trade" (Kirshner 1997, 39).

Boycott and embargo are species of commercial sanctions and they should not be used as synonyms. Even if some might use the terms interchangeably, the distinction is important. Following the most current uses of these terms, boycott is an import sanction, consisting of an imposed restriction on buying from the target. Most common are the boycotts of specific commodities, like timber, copper and diamonds. The rationale behind these importing bans have generally been to disturb specific elite groups that benefit from this commerce and commonly support authoritarian regimes the sender wants to affect (Cortright, Lopez, and Gerber 2002). An example of such bans is provided by Resolution 1306 of UNSC which had the purpose of banning the import of diamonds from Sierra Leone in order to refrain Front Uni Révolutionnaire, which controlled most of the diamond mines, from using its revenues to buy arms that fueled the civil war in the country (Security Council 2000c).

In turn, *embargo* is an export sanction, consisting of the restriction imposed upon selling to or supplying the target. Most common are the arms and related materials embargoes. They consist of "ban[ning] the sale of weapons to a certain country, region, group or individual who may use them to carry out actions against peace processes, to undermine the stability of regimes and to violate human rights" (Giumelli 2011, 13). We should also add related materials to weapons, which generally come banned on the decisions to ban arms sales. Security Council Resolution 864, which imposed a ban on the trade and supply of arms and petroleum to UNITA due to its resistance to contribute effectively to a peace process in Angola, is an example of an embargo (Security Council 1993b).

Financial economic sanctions are those related to monetary resources, funds or credits. They can take several forms, as in seizing bank accounts, blocking totally or partially international transactions, freezing of assets from the target, etc. An example is the freezing of

assets belonging to Muammar Qadhafi and his family, defined by Resolution 1970 of the UNSC, mentioned above (Security Council 2011).

### **Total or Partial**

Commercial and financial economic interaction can be suspended completely or merely partially. For instance, when the restrictions involve the whole of commercial transactions, economic sanctions will be classified as total; when they involve only some goods they are classified as partial. Hypothetically, a total block on the bank accounts of a whole nation citizens could be ordered but it seems not at all feasible and such a measure has never been adopted by any single state or international organization. For this reason the total/partial label seems to be useful only to give further specificity to the classification of commercial economic sanctions.

### **Unilateral or Multilateral**

This category concerns the sender of economic sanctions. The sender of an international sanction can be an individual state or a group of states, in the last case, usually acting by the means of an international organization. Unilateral sanctions are those with one sending nation while multilateral are those with several sending nations, generally acting through the commandments of an international organization<sup>7</sup>. Turkish economic sanctions against Italy, active from 1998 to 1999, to force Italy to extradite leaders of the Kurdish Workers' Party (PKK) are an example of unilateral sanctions (Hufbauer et al. 2007, 32).

Multilateral sanctions are imposed by international organizations or a group of states acting jointly and are seen as more legitimate than unilateral sanctions. Some authors even deny the use of the expression economic sanction for unilateral acts. A multilateral sanctions' group can be formed on a regional or universal basis. Resolution 883 of the UNSC, which imposed an embargo on equipment and services to maintain or construct aviation infrastructure in Libya and also froze Libyan government assets abroad is an example of universal multilateral economic sanction. The sanction imposed by East African members of the Organization of African States on Burundi, active from 1996 to 1999, which aimed to

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<sup>7</sup> Brazilian jurist André de Carvalho Ramos justifies the possibility of this unilateral sanction considering that it "derives from the fact that international society is a formally egalitarian and decentralized society in which each state applies the international laws". In this context, "each State shall examine the alleged fact internationally wrongfully committed and requires it to be repaired by the offender. If it does not get a response the offended state may, unilaterally sanction the offender" (Ramos 2004, 327)



restore democracy, is an example of a regional multilateral sanction (Hufbauer et al. 2007, 31).

### Mandatory or Non-Mandatory

Only the Security Council can adopt binding sanctions under international law, what means that they must be implement by all states. All other sanctions are non-mandatory sanctions and have the juridical force of a recommendation. According to the advisory opinion of the Court of Justice in the case of the consequences to states of the continuity of the South African occupation in Namibia, interpreting the binding nature of a sanction is a complex task that can be fulfilled through the analysis of the terms of the Chart it invoked, the discussions leading to it and other circumstances able to access the legal consequences of that resolution (Security Council Report 2013). In order to increase clarity when it is adopting a mandatory sanction instead of a recommendation, the Security Council started to make explicit reference that it is “acting under Chapter VII” and to use commandments such as “decides that [...] shall” instead of “calls upon”.

**Table 1 - Classification of mandatory economic sanctions imposed by the UNSC until 2000<sup>8</sup>**

Target	Resolution Number	Comprehensiveness		Targeted assets' nature			
		Comprehensive /Collective	Targeted /Smart	Commercial			Financial
				Arms	Petroleum	Commodities or other goods	
Southern Rhodesia	232 16.12.1966	X				X Banned exports (selective to some products)	
	253 29.05.1968	X		X Banned all trade	X Banned all trade	X Banned all trade	X Banned the economic flows
South Africa	418 04.11.1977		X*	X			
Iraq	661 06.08.1990	X		X Banned all trade	X Banned all trade	X Banned all trade	X Froze Iraqi government financial assets and prohibited financial transactions

<sup>8</sup> Some resolutions imposed measures other than the economic sanctions mentioned here, like prohibition of air travel, prohibition of the transit of vessels, ban on sports and cultural exchanges, suspension on scientific cooperation, etc.

Target	Resolution Number	Comprehensiveness		Targeted assets' nature			
		Comprehensive /Collective	Targeted /Smart	Commercial			Financial
				Arms	Petroleum	Commodities or other goods	
Yugoslavia (former republics)	713 25.09.1991		X*	X			
Yugoslavia (Serbia and Montenegro)	757 30.05.1992	X				X Banned all trade with Yugoslavia	X Blocked financial transactions
	820 17.04.1993		X				X Froze Yugoslav government financial assets
	1160 31.05.1998		X*	X			
Somalia	733 23.01.1992		X*	X			
Libya	748 31.03.1992		X*	X			
	883 11.11.1993		X			X Embargo on equipment and services to maintain or construct aviation infrastructure	X Froze Libyan government assets abroad
Liberia	788 19.11.1992		X	X exempted Economic Community of West African States Monitoring Group (ECOMOG) forces			
Haiti	841 16.06.1993		X*	X	X Embargo		
	873 13.10.1993		X*	X	X Embargo		
	917 06.05.1994	X	X			X General import and export bans	X Froze the assets of the military junta and

Target	Resolution Number	Comprehensiveness		Targeted assets' nature			
		Comprehensive /Collective	Targeted /Smart	Commercial			Financial
				Arms	Petroleum	Commodities or other goods	
							their supporters and families
UNITA (Angola)	864 15.09.1993		X* limited to areas controlled by UNITA	X	x embargo – except through ports of entry designated by the Angolan government		
	1173 12.06.1998		X X*			X Boycott on diamond imports not certified by the Angolan government	X Banned all financial transactions with UNITA
Rwanda	918 17.05.1994		X*	X			
	997 9.06.1995		X	X applied to groups in other countries operating against Rwanda			
Sierra Leone	1132 08.10.1997		X*	X	X		
	1171 05.06.1998		X*	X On former military junta and rebels			
Taliban (Afghanistan)	1267 15.10.1999		X				X Financial sanctions

X\*: Even if arms and petroleum embargoes can hit the entire population – being, thus, comprehensive of the entire population concerning these goods - the term has generally been used to qualify only the trade bans on goods in general. The reason is that bans on weapons and petroleum are seen as more harmful to ruling elites' power structures and then, more 'targeted' than 'comprehensive'.

Source: Author's own elaboration based on (Security Council 1966, 1966-1968) for Southern Rhodesia, (Security Council 1977c) for South Africa, and (Cortright and Lopez 2000) for Iraq, Yugoslavia, Haiti, Libya, Taliban (Afghanistan), UNITA (Angola), Sierra Leone, Somalia, Liberia, and Rwanda.

### 1.2.3 The path to economic sanctions' institutionalization

In this section, the institutionalization of economic sanctions in international organizations is addressed from a historical perspective. The purpose is to explain international society's expectations of economic sanctions and the institutional scenario in which they emerged in order to further compare Brazilian behavior and address Brazilian foreign policy strategies in these scenarios.

#### *The Hague Conferences and the challenge of arbitration decisions' enforcement*

The first Hague Conference was proposed by Tsar Nicholas II, who invited, in 1898, the major powers to jointly discuss mechanisms of arms control and peaceful means of conflict resolution.

The late XIX century and the beginning of XX century were the apex for the system of complex alliances between European countries. These dynamics were initiated at the 1815 Congress of Vienna on the conclusion of the Napoleonic wars: "at the end of the nineteenth century the traditional system of empires, built on the basis of power relations, mainly military or economic, reached its maturity"<sup>9</sup> (Di Nolfo 2002, vii). Therefore, it's not surprising that the Tsar's invitation to discuss arms control and the peaceful settlement of disputes caused astonishment and produced little expectation in most European capitals (Eyffinger 1999, 16).

Despite incredulity, all great states attended the conference in 1899<sup>10</sup>. According to Abler, two reasons can explain their attendance: the first was that, even without believing in the potential of achieving effective results, no one wanted to be responsible for the failure of the conference; the second and the most important was that the Tsar's letter of invitation and

<sup>9</sup> In the original: "alla fine del secolo XIX il sistema degli imperi tradizionali, costruiti sulla base di rapporti di forza prevalentemente militari o economici, raggiunse la sua maturità".

<sup>10</sup> Sovereigns and heads of state represented at the first Hague Conference: "His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom; the President of the United States of America; the President of the United States of Mexico; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves; His Majesty the King of Rumania; His Majesty the Emperor of All the Russias; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; The Swiss Federal Council; His Majesty the Emperor of the Ottomans; and his Royal Highness the Prince of Bulgaria: (Scott 1920, 161) p.161.

the agenda carefully limited some more controversial issues. For example, on the agenda, for discussion, was a proposal for international arbitration which was less threatening to the invitees than the issue of arms control (Abler 2008, 15-16).

Between May and July 1899 the twenty-six states represented at the Conference issued six *vœux*, three declarations and three conventions<sup>11</sup>: (i) Convention for the Pacific Settlement of International Disputes, (ii) Convention with respect to the Laws and Customs of War on Land, and (iii) Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 22 August 1864. The First Convention is considered the greatest advance on multilateral instruments available to states to deal with peace and security issues made by the two Hague conferences. In fact, the Second Hague Conference, held in 1907, failed to establish a system of compulsory arbitration for the resolution of disputes between states. Thus, despite the limits of the voluntary system of conflict resolution, which was anchored in good offices, mediation, conciliation and international arbitration, it is remarkable that the states also agreed on creating these means and agreed to create the Permanent Court of Arbitration, the first permanent international institution created to arbitrate international conflicts in a “system of empires” era. The preface of “The Proceedings of the Hague Peace Conferences” stated:

The Peace Conferences held at The Hague were the first truly international assemblies meeting in time of peace for the purpose of preserving peace, not of concluding a war then in progress. They marked an epoch in the history of international relations. They showed on a large scale that international cooperation was possible, and they created institutions—imperfect it may be, as is the work of human hands,— which, when improved in the light of experience, will both by themselves and by the force of their example promote the administration of justice and the betterment of mankind (Scott 1920).

Following the progressive institutionalization of international arbitration, emerged the question on how to enforce arbitral sentences. The International community had not at that time deliberated on tools to pressure a state that had voluntarily participated in the international arbitration to comply with the sentence. It is in this context that sanctions were proposed as remedies to pressure a state defeated in an international arbitration and recalcitrant to comply with the terms of the sentence. Jacques Dumas, a French jurist, noted, in a seminal 1911’s study, that the success of the most elaborate instrument to peacefully

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<sup>11</sup> Conventions and Declarations are non-binding to the signatory states. *Vœux* are wishes and, as such, express expectations on how discussions can evolve. They indicate general guidelines for further discussions on issues in which the delegates failed to reach an agreement. *Vœux* are not binding. (Baker 2011)

settle international disputes, created in the Hague Conferences – the arbitration –, depended on finding a solution to arbitral sentences enforcement:

It has always been urged, both by skeptics and by believers, that the test of the practicability of international arbitration stands on the question of sanctions (Dumas 1911, 934).

In this study, Dumas (1911) categorized sanctions as political, legal, criminal, and economic, according to their “moral” substance. After presenting data and highlighting interconnections on the world economy he sustained that, in such an international context, the political economy could provide various instruments for the enforcement of arbitral sentences. He noted that one of the most effective economic tools would be cutting foreign currency transfers, which could be used to finance a war. He considered economic sanctions focused on trade dangerous to senders, precisely because of the economic interdependency. He underlined that if these sanctions could effectively damage the target state economy, bans on commerce would also harm the sender because (i) the sender state is deprived of imports that are important for itself and that can compromise its economy and (ii) if the sender state wants to sell in international trade, it needs to buy, since imports are paid with exports:

Too many people believe, as soon as political economy is concerned, that no better sanction could be thought of than boycotting the produce, and, as a general rule, all exportations of the unwilling state. Such a sanction may be practicable sometimes when the foreign trade of that state is of such a kind that the other nations can stop commercial intercourse with it without any inconvenience to themselves. But the increasing international character of trade and industry will more and more render boycotting impossible. The placing of an embargo upon the purchase of needed products amounts to two-fold self-punishment, first because we would remain deprived of necessary articles, even perhaps of raw material, without which our own industry could not thrive, and, secondly, because importations are always paid for with exportations and our unwillingness to buy results in an impossibility to sell (Dumas 1911, 948).

Dumas’s predictions, which stated that increasing world trade would make it progressively difficult to impose economic sanctions, were frustrated. The imposition of economic sanctions by international community would increase. Their intense use by the United Nations Security Council since 1990 seems less conditional on how interconnected the global economy is, and more aligned to the structure of political and economic interests of the most powerful states. These interests are frequently promoted through international institutions and take advantage of their intervention mechanisms in single states.

However, at this early stage, a concern was raised that spanned a century and only became critical for the international community after the severe effects on the civilian population following the economic sanctions imposed on Iraq from 1990 to 2003 and on Haiti from 1993 to 1994. Dumas stated that making individuals pay for a state's transgressions inevitably works against the development of international law and, lastly, peace. In this rationale lies the key to the evolution of economic sanctions in UNSC from comprehensive sanctions to smart sanctions in the 1990s<sup>12</sup>.

Dumas did not fail to recognize that trade sanctions might be feasible when international trade could be stopped without major inconveniences to the senders. So, whether commercial or financial, whether their effects on civilians were acceptable or not, the first steps were already given to the acceptance of economic sanctions. They would be instruments to remedy the lack of a legitimate international force to enforce arbitral sentences. They could, thus, be a safeguard to peace and international security.

*League of Nations - economic sanctions to promote collective security's defense*

In spite of the good intentions and normative progresses of the Hague Conferences, a conflict involving the death of more than 4 million Russian, French, British and American people was necessary to awaken states to the necessity of building an international political system guided by principles different from those emerging from the balance of power<sup>13</sup>. Woodrow Wilson sponsored a new way of organizing the society of states. On 22 January 1917 the President of the United States held before the US Senate the world need for an organized peace:

The terms of the immediate peace agreed upon will determine whether it is a peace for which such a guarantee can be secured. The question upon which the whole future peace and policy of the world depends is this: Is the present war a struggle for a just and secure peace, or only for a new balance of power? If it be only a struggle for a new balance of power, who will guarantee, who can guarantee, the stable equilibrium of the new arrangement? Only a tranquil Europe can be a stable Europe. *There must be, not a balance of power, but a community of power; not organized*

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<sup>12</sup> “In a time when the progress of international law consists in limiting all conflicts to governmental concerns, and putting the individual out of their sphere, boycotting would be all the more inconsistent with modern doctrine, since it is intended to make the individual pay for the faults of the state” (Dumas 1911, 949).

<sup>13</sup> Balance of power is a core concept to classical realist and neorealist theories of international relations. “The concept of a balance of power implies an equilibrium of force as between the States or groups of States, within the system in question. Such a balance, it is asserted, works for peace since no State is in a position to seek hegemony. The balance may be conceived of as a status maintained by self-correcting natural forces or as the product of deliberate human intervention” (Vagts 2011).

*rivalries, but an organized common peace* (Wilson January 22, 1917). Emphasis added.

Believing in the power of deterrence that a joint international response would have against states that threatened or breached peace, Wilson proposed a totally new conformation to international society: the community of power.

What Wilson meant by 'community of power' was an entirely new concept that later became known as 'collective security' (Kissinger 1994, 51).

In this new conformation, peace would be considered indivisible. It meant that a state's aggression would be considered a breach of the entire peace system and, when that happened, all non-aggressors states would unite to halt the belligerent.

Wilson's activism and the - mainly economic - power that the United States accumulated at the end of the First World War advocate in favor of the institutionalization of collective security. The new form of international politics would be operationalized by an international organization: the League of Nations - the first universal political international organization. In the League's architecture, for the first time, international security became a collective responsibility, based on the acceptance that peace is indivisible and that all states have an interest in curbing aggression wherever and whenever it arises. If this threat of collective reaction failed, it would be necessary to adopt measures.

At that time, European countries and specially France, were apprehensive to predict effective mechanisms and measures that could be taken to prevent violent conflicts between nations. The demand was that the coming rules "must provide the sanctions necessary to insure their execution, and so prevent a false security from serving simply to facilitate new aggressions" (Bertram 1932, 140).

More than a century after the industrial revolution had consolidated the ideas of classic economic liberalism between Western governments, it was not strange that measures which were intended to weaken the economic sector were perceived as a great tool of deterrence, initially, or coercion, if necessary. With the progressive interconnection of international trade and the possibility of collective action, they seemed to be potentially effective.

The British General Jan Christiaan Smuts was largely responsible for the central role that economic sanctions assumed in the League of Nations toolbox. He suggested, in a pamphlet of great influence released on the eve of the Paris Conference, the power of economic sanctions - both commercial and financial - and credited them a central role in the



effectiveness of a broad League of Nations sanctions' mechanism<sup>14</sup> (Bertram 1932, 141). The measures that the League of Nations could effectively take to restore peace when moral persuasion was not enough, were finally put forward in art. 16 of the Covenant of the League of Nations. Woodrow Wilson drafted this article incorporating economic sanctions as suggested by Smuts:

Article 16. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall ipso facto be deemed to have committed an act of war against all other Members of the League, which hereby *undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State*, whether a Member of the League or not. (League of Nations 1919) Emphasis added.

Not by chance this was considered "'League's heart of collective security system"<sup>15</sup> (Baracuhy 2005, 39). In it, the economic sanctions were legally codified and elevated to an autonomous deterrence and coercion mechanism, outside the war efforts, admitted to ensure collective security.

Economic sanctions were then seen as a mechanism to prevent the use of force. That is what emerged from the recognition that the pressures that economic sanctions exert confer on them an irresistible power of persuasion:

A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted, but brings a pressure upon the nation which, in my judgment, no modern nation could resist (Padover, 1942, apud Hufbauer et al. 2007, 1).

It is the most complete boycott ever conceived in a public document, and I want to say with confident prediction that there will be no more fighting after that. There is not a nation that can stand that for six months (Bertram 1932, 144).

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<sup>14</sup> Anton Bertram describes the context in which General Smuts' pamphlet comes to public attention and the influence it had on President Woodrow Wilson. Considering the terms of the pamphlet Bertram also stretches General's recommendations to the use of economic boycott as a powerful weapon: "I therefore recommend [...] (19) That the Peace Treaty shall provide that if any Member of the League break its covenant under paragraph (18) it shall ipso facto become at war with all the other Members of the League, which shall subject it to complete economic and financial boycott, including the severance of all trade and financial relations, and the prohibition of all intercourse between their subjects and the subjects of the Covenant-breaking State, and the prevention as far as possible of the subjects of the Covenant-breaking State from having any commercial or financial intercourse with the subjects of any other State, whether a Member of the League or not" (Bertram 1932)

<sup>15</sup> In the original: "coração do sistema de segurança coletiva da Liga".

The rationality of states as well as some idealism, especially Woodrow Wilson's, who believed it was possible to transcend power politics and the endemic character of war<sup>16</sup>, was strongly echoing in the rules of collective security that were put in place. The logic inherent in the economic sanctions' mechanism assumed the growing economic interdependence in international society and the rationality of states:

The theory was that the complexities of modern commerce had rendered no nation self-supporting and therefore capable of resisting a general economic boycott. A nation threatened with such a siege would not think it worthwhile to persist in a course of action liable to lead to that result. The League was thus based on optimistic assumption about the rationality of states and the effectiveness of economic pressures on them (Renwick apud Abler 2008, 23).

When the League of Nations started working, questions soon emerged on the content and procedural rules that should be applied to economic sanctions. Article 16 listed measures that should be taken independently by individual states on the involvement of the League's Council. In 1921 "the Assembly of the League adopted guidelines stipulating that the Council could recommend to the member states an appropriate plan of action and secure the assistance of a technical commission" (Krisch 2012). In 1929, the International Blockade Committee was created. Its conclusions and recommendations, formally accepted by the General Assembly in the first report submitted, served to guide discussions about the implementation of economic sanctions by the League of Nations. In the "operation's scheme" to put in place economic sanctions, the Committee's first item was dedicated to clarify that economic sanctions should not be used as a war measure, but as a form of peaceful pressure. In addition, the Committee stressed that there should be a simultaneous and complete coordination mechanism; that economic disruptions should be gradually strengthened, preserving humanitarian relations; that the ban on food should be adopted only as an extreme measure, and finally, if - and only if - necessary in a situation unsolved by sanctions enforcement, the reactions of the League should develop into a state of war.

Since then, the League of Nations' economic sanctions were treated as a form of peaceful pressure to use against a state which decided on war or aggression in breaching Articles 12 to 15 of the League's Covenant<sup>17</sup>. The Liberal-idealist framework, looking to the

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<sup>16</sup> The basic idea behind the liberal tradition is the assumption of rationality as a basic characteristic of humanity. It is the rationality that enables the transformation of social relations and leads to overcome the power politics and the endemic character of the war. (Herz and Hoffmann 2004) p.51.

<sup>17</sup> Articles 12 to 15 echoed the adoption, at League Covenant, of conciliation and arbitration procedures designed in the Hague Conferences. Moreover, art. 14 provided for the creation, as proposed by the Council, of a Permanent Court of International Justice [PCIJ]. The PCIJ worked from 1922 to 1940 and during this period

growing interdependence of states and believing in the rationality of relations between them, could not consider economic sanctions as anything other than an “irresistible pressure to which no nation could resist”.

As mentioned before, although peace was conceived as indivisible – a every state responsibility -, states were responsible to assert, individually, if the obligation to enforce sanctions had effectively arisen. It was believed states would behave in good faith so there was not only an individual obligation to verify the need for sanctions but also a moral (not lawful) obligation to punish the emerging aggressor:

Wilson’s view prevailed as the Covenant ultimately provided for a voluntary approach for member states to decide, based on a unanimous recommendation of the League Council, whether they want to take military or economic measures against a member that had committed aggression (Alexander 2009, 21).

Jurist Hans Kelsen also pointed out this deficiency in the rules and established sanctions. He said there was a failure in Article 16 of the League Covenant because, despite this article prescribed immediate application of sanctions for those who violated Articles 12 to 15 (regarding disrespect of the obligation to submit the dispute to international jurisdiction), it was not clear who would declare that a state had violated the rules and would be therefore subject to sanctions<sup>18</sup>. In this absence, it would behoove each state to say whether or not the violation existed and, consequently, only in this case would emerge the obligation to apply sanctions (Kelsen 1951).

Finally, the unanimity system chosen for decision-making in the League’s organs complete the list of normative difficulties at the institutional level for the application of sanctions: in fact, a state should literally vote against itself in order to enforce the League’s mechanism of sanctions.

The following table shows how the system of economic sanctions under the League of Nations was applied. It is possible to notice initial successes, in the 1920s, when the Council’s threats to use economic sanctions had some effect. In the 1930s, with war winds approaching, the legal limits to adopt a sanction recommendation and the geopolitical scenario, with

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dealt with 29 contentious cases and emitted 27 advisory opinions. (Biblioteca virtual de direitos humanos 2013).

<sup>18</sup> The Assembly of the League “adopted a number of amendments to the Covenant, which, for example, granted the Council the authority ‘to give an opinion whether or not a breach of the Covenant has taken place’. The Council was also to recommend to the member States the appropriate moment for the application of economic enforcement measures. However, these amendments were never ratified and retained the character of non-binding guidelines” (Krisch 2012).

Germans threats arising, buried the liberal expectations that, with sanctions in the field, there would be no more military aggressions. Article 16 was effectively applied only in the conflict between Italy and Ethiopia.

**Table 2 - Economic sanctions applied or threatened by the League of Nations**

Year and description	Targeted State	Cause	Outcome
1920 Threat	Poland	Polish general seized Vilnius, Lithuania's capital	Poland abandoned Vilnius before Council's decision on the Lithuanian request for imposition of sanctions
1921 Threat	Yugoslavia	Invasion of Albania	League threatened Yugoslavia with sanctions and the troops were withdrawn before the sanctions were applied.
1925 Threat	Greece	Conflict between Greece and Bulgaria with friction in the border area and Greek occupation of territory	Greece agreed to a cessation of hostilities and avoided sanctions.
1931 League powerlessness to impose economic sanctions	Japan	Japan invaded China (Manchuria). Both states were League's members.	As Japan was member of the League, it held veto power over the issue. This situation led to the absurd – but legitimate - conclusion that League of Nations (LoN) could only act with the accordance of the aggressor state.
1931 Sanctions recommended	Bolivia and Paraguay	Chaco War between Bolivia and Paraguay. Both states were League's members.	Sanctions recommended in the form of arms embargo, but neighbor states refused to stop sending weapons. In 1934, the LoN suggested to lift the embargo imposed on Bolivia but to maintain it on Paraguay. Paraguay then withdraw from the organization.
1935 Sanctions imposed	Italy	Italian invasion of Ethiopia.	Sanctions imposed <sup>19</sup> in 1935 (except on oil, coal and steel) and lifted in 1936, when Italy consolidated its position in Ethiopia. It was considered a big failure of LoN economic sanctions mechanism. Nevertheless, League's response to Italian aggression must be understood within the political context of a rising aggressive Japan and a resurgent Germany <sup>20</sup> . It is considered the only economic sanction effectively applied.

Source: Author's own elaboration based on (Abler 2008, 29-30, Hufbauer et al. 2007, Alexander 2009, 23).

<sup>19</sup> The Sanctions affected the Italian economy, but not so significantly or so strongly to dissuade the state of its claims in Africa.

<sup>20</sup> Facing the growing impotence of the League of Nations and in a context where collective security was more a wish than a reality, Britain and France preferred to hardly damage Italy in order to make it not tend to a coalition with Germany - which recovered its power under the leadership of Hitler - if the war broke out. The Council of the League recommendation - which avoided the Italian veto by a procedural maneuver to convoke a special conference to define what sanctions would be applied against Italy - was to impose on Italy an embargo on the supply of weapons and military goods, a prohibition from financial dealings with Italy, cessation of imports of Italian commodities and the refusal to sell certain products. These sanctions were considered elastic and not universal because they did not included oil, coal and steel trade restrictions. The other measures taken, such as denying passage through the Suez Canal, allowed war materials to continue to be shipped from Italy to Eritrea. Even without impacting too severely on political leaders and the Italian population, the sanctions and the cost of the war caused the Lira to be devalued by 25% in November 1935. The country was forced to sell almost 100 million dollars in gold and both imports and exports fell. British and French concerns about Ethiopia, which were not great, ceased when Hitler denounced the treaties of Locarno and sent German troops to the militarized region of Rhenania. Feeling a threat of a German aggression materializing, to push Italy into the arms of a coalition with Germany was an undesirable risk and made the Ethiopian case a concern of lower case in Europe. (Nye 2009, 116-117, Hufbauer et al. 2007, 102).

Thus, despite the success of economic sanctions' threats on smaller states during the 1920s, in the following years they succumbed to the most urgent and existential needs of the central states. Facing concrete acts of aggression since 1939, states' immediate survival could not wait the time that the economic medicine needed in order to act effectively, nor could states rely on the support to be given by a collective security system unrepresentative of international society, on which neither the United States nor the Soviet Union were willing to contribute to the enforcement of measures adopted. Economic sanctions were definitely not a real option in the states' toolbox for ensuring and articulating the collective security required in order to prevent war. Instead, states would be impelled to appeal directly to weapons.

This historical course demonstrates that gradually - and following the increase in goods and other international economic flows - states started believing in the potential pressure that economic sanctions could exert. As the need to think collectively about world security increased, confidence in the potential of economic pressure resulted in the progressive autonomy of sanctions as a means toward deterrence and coercion. On the course of international politics, economic sanctions, and their nuances, evolved and were transformed. Simultaneously the confidence of states in the effectiveness of economic sanctions was transformed as well. It is the course of international politics that determined the existence and evolution of economic sanctions as an instrument for international pressure over states. Economic sanctions, therefore, did not evolve abstractly, as a concept and model, for further application. On the contrary, they have been built and tested to the extent of states' interests - especially those of the most powerful states. Economic sanctions showed their limits and were in turn set aside as the vital interests of the major power were perceived to be challenged.

### *The United Nations*

In the same year that the Second World War broke out, Edward Hallett Carr published "Twenty years of crisis: 1919-1939". His scathing criticism of idealistic postulates intended to remind the world of the prominence of power in world politics. Carr's goal was "not merely to remind his readers about the importance of power in world politics, but, rather, to show that the crisis of which he wrote in 1939 was in large part the result of what he viewed as a serious mismatch between the depth of the world's disorders and the liberal solutions many thought might solve these after World War I" (Cox 2010, 1).

The liberal idea of equality, for instance, and its reception at the League of Nations through the formal recognition of a legal equality, which is reflected in an equality of power between states in the decision making instances, demonstrated an inadequacy for the dynamics of power at the time. The most powerful states would not join such an international organization scheme, unless the institution recently created reflected the distribution of power in the international system. Accepting this perspective, "the League of Nations could only be effective to the extent that it was an instrument of national policy of its most powerful members" (Carr 2001).

If, on the one hand, the construction of an equal system - even formal - between the states to ensure world peace was discredited, on the other, the concern with collective security was more alive than ever. So much so that, already in 1941, in the first meeting between the leader of the British government, Winston Churchill, and US President, Franklin Roosevelt, the Atlantic Charter, then written, enunciated the need to create an extensive and permanent general security system. In 1943, in Quebec, the two leaders agreed that the initiative to create an international organization for peace and security maintenance belonged to the states who led the fight against the Axis - the Big Four (US, Soviet Union, Britain and China).

The pillars of the new political international organization were designed at the end of the Dumbarton Oaks meetings, in 1944. The terms accorded were also discussed at Yalta and at the San Francisco Conferences, where the UN Charter was finally adopted. The Big Four pillars discussed at Dumbarton Oaks were kept virtually unchanged: (i) the Security Council would have the primary responsibility and authority to maintain peace and security by non-military and military means; (ii) member states agree to adhere to the mandate of the Council and (iii) France and the four major leaders which resisted the Axis would be permanent members of the Security Council, each one holding the power of veto (Abler 2008, 32-37).

**Table 3 - Main institutional differences between the League of Nations and the United Nations**

	<b>League of Nations</b>	<b>United Nations</b>
<b>Voting on non-procedural matters</b>	Unanimity criteria both in the Council and in the Assembly.	General Assembly: required affirmative vote of 2/3 of those present and voting; Security Council: required affirmative vote of 9 of the 15 members and the absence of the use of veto power by any of the five permanent members.
<b>Nature of decisions</b>	All resolutions, from the Council or the Assembly, had no mandatory character.	General Assembly resolutions: recommendations nature only, with no binding character; Security Council resolutions: with non-binding or binding nature, depending on the will of the Council.
<b>Military coercion</b>	Not previewed.	Previewed (cap.VII).

Source: Author's own elaboration.

As the composition of the different bodies and the voting powers of states reverberated in the new institutional structure (Table 3), there was a real incentive to the major powers to engage in the nascent organization. The solution equated a series of disjunctions which existed among the discredited idealists' claims and the actual distribution of power between the states, resulting in a possible model of an international concert on collective security. This was possible first by changing the unanimity rule in the voting processes, which ended up giving too much power to small states or led to the unusual situation of a member having to agree with its own punishment. Second, by the overcoming of voluntarism in deciding whether there had been a threat or a breach of the peace, and also which penalties states should apply and how. Decisions would ultimately be under the UNSC's control, which would have the power to issue binding decisions for all members. Third, by predicting the use of military force to enforce collective security if necessary. Finally, by granting a veto to great powers, which could paralyze the organization if faced with the possibility of seeing it turning against them.

The gap which existed in the League of Nations regarding on the one hand, the concern for collective security, and on the other, the distance between formal equality and the real power among the states, was repaired. The key was the structure, rules, and working mechanisms of the Security Council: "The Security Council can be seen as a nineteenth century concept of balance of power integrated in the UN collective security framework" (Nye 2009, 213). In these terms, it was in the interests of the most powerful nations to be part of an international organization that sought to ensure collective security.

Within this framework it was natural that the UN sanction's mechanisms were impregnated with realism. Inside the toolbox provided by states to the organization to enable collective security, economic sanctions – before the preferred measure of the League of Nations - were listed but less prominently than the use of force.

The possibility of military mobilization provided specifically to an organization which would not be inert because of the unwillingness of less expressive countries, could be explained by the general feeling that the League of Nations lacked materials and effective means of coercion. Within the realistic perceptions that prevailed already in the academy and among statesmen, this was a necessary profile to avoid both the tragedy of a new world war reprise and the ineffectiveness of the international organization against conflicts of significant proportions:

The planners of the United Nations were at odds on many questions, but they were in agreement from the outset that the new organization must have the power to maintain the future peace of the world through the use of international force. (...) These views reflected a preoccupation with force which was inevitable in the midst of war and, also, a general feeling that the League of Nations had failed in its task of keeping the world's peace because it had been insufficiently endowed with physical means of coercion (Kirk 1946, 1081).

This concern, moreover, was not new in the political arena. Carr, criticizing the "League of Nations' affairs" stated that "the elimination of assumption of force in politics could only be the result of a completely uncritical attitude to political problems" (Carr 2001, 137).

Everything was prepared to the acceptance of the vetoing right of the five permanent members of the Security Council<sup>21</sup>, the prominence of this organ in matters related to peace and security<sup>22</sup>, the mandatory character conferred on its decisions<sup>23</sup>, and the concrete provision of the use of force as a collective security mechanism<sup>24</sup>.

After World War II, the idealistic solutions to international security were immersed in a great incredulity scenario. The structures and dynamics of the new organization should meet the general expectation of speed and efficiency:

Sweeping statements were made concerning the coercive powers which any new organization must have, and the public was led to believe that this time there was to be created an agency which would be able to deal with international breaches of the

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<sup>21</sup> Article 27 of the Charter provides voting rules and the privilege of veto granted to the five permanent members in the Security Council: "Article 27 - 1. Each member of the Security Council shall have one vote; 2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members; 3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting" (United Nations 1945)

<sup>22</sup> The prominence of the Security Council was agreed by the Article 12 of the Charter: "Article 12 - 1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests; 2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters" (United Nations 1945)

<sup>23</sup> Binding nature of Security Council decisions: "Article 25. The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter" (United Nations 1945)

<sup>24</sup> Real possibility for the use of force: "Article 42. Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations" (United Nations 1945) The operationalization of the use of force was regulated under Articles 43 to 47 of UN's Charter.



peace almost as swiftly and effectively as law enforcement officers deal with an individual criminal within the state (Kirk 1946, 1081).

In the context of the agility and efficiency preferred for the new organization, any idealistic aspiration should be contextualized with the power of the states. Economic sanctions - once the most celebrated of the League of Nations' tools - although referred to in the UN Charter, were re-signified in terms of importance. They survived as an instrument, less important than the use of force, that could not claim anymore the former importance received in the League of Nations Covenant.

The "realist" school of international relations emerged after World War II largely as a reaction to the overly optimistic expectations associated with the League of Nations. It was the "utopian" ideas associated with the League that provided grist for the "realists" mill; therefore, it was only natural that economic sanctions, as the policy instrument most closely identified with the League in the public mind, should also be denounced. Whereas military force symbolized hard-headed "realism," economic sanctions symbolized fuzzy minded "idealism" and unwillingness to face up to the hard facts of international life (Baldwin 1985, 155).

Despite being linked to the confusing idealism, the damaging power of economic sanctions was soon recognized. Differing interests between the US and UK on the one hand, and the USSR on the other, made the situation involving the fascist regime of General Francisco Franco, in Spain, impossible to be resolved at the Security Council<sup>25</sup>. On December 12, 1946, under the live fascist ghost already hovering over Spain, and in the context of the Cold War, the General Assembly recommended the severance of diplomatic relations with Spain<sup>26</sup>.

The Western bloc considered it risky to act more emphatically – and this included economic sanctions measures against Franco:

The Spanish case may not have been as critical as that of Greece in the developing Cold War, but in 1946 neither the British nor the Americans could afford the political instability and even the danger of renewed civil war which might result from any attempt to oust Franco. Consequently they were not prepared to intervene with force or support economic sanctions against him (Johnson 2006).

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<sup>25</sup> US and UK did not want an intervention, but were in the awkward position of supporting Francisco Franco to avoid the natural path to the revolution, as expected by the USSR with the deteriorating situation in Spain. (Johnson 2006)

<sup>26</sup> The severance of diplomatic relations, although under Article 41 of the UN Charter, is not considered an economic sanction.

As regards the possible impact of economic sanctions, Western understanding pondered that disruption of trade ties would compromise both the general economic recovery and also the targeted country, eventually contributing to a Spanish inclination toward Soviet influence. Thus, the US held the sale of oil to Spain while the British considered the importance of this trade for supplies of food, raw materials, and industrial products.

A British cabinet note, from 6 January 1947, recognized that:

The British were reliant on Spanish fruit and vegetables and Spanish potash for fertilizer to improve post-war food production. British industry also needed Spanish raw materials and Spain used its currency earnings to purchase manufactured goods from Britain and other European states so adding to general postwar economic recovery (Johnson 2006, 59).

With the political and economic interests of central states jeopardized, the imposition of economic sanctions by the Security Council would have place in different scenarios. In order to ensure the effective use of economic sanctions, these scenarios should have enough power to unblock the Security Council – frozen by the veto power detained by both superpowers - and should take place in less central spaces to the two opposite poles of power during the Cold War period. These conditions were reached in only two cases, both related to abuses by the white minorities in Southern Rhodesia and South Africa. Since the 1990s, economic sanctions have been used intensively, with more than twenty cases of imposition, in a wide variety of ways.

### 1.3 STATUS QUAESTIONIS II: BRAZILIAN FOREIGN POLICY IN THE 20TH CENTURY

This section briefly presents the events and the political choices that marked Brazilian foreign policy (BFP) during the twentieth century in the aspects related to this thesis. The goal is to get the reader to know some essential moments of the first half of BFP twentieth century and recall the domestic and international context in which Brazil was inserted during the period under review. First, I present BFP firsts movements to universalization and incorporating development as an objective that foreign policy would help to facilitate. Secondly, the general characteristics of BFP under the military governments are outlined. This session stresses that, despite the breakdown of democracy, development continued to be a purpose for which foreign policy was seen as an instrument. Finally, the democratization

period and the 1990s are discussed with emphasis on the search for stabilization of the economy and the relaunch of Brazil's candidacy for a permanent seat in the UNSC.

Political and economic autonomy (Pineiro 2004) and the search for a role in international politics (Valença and Carvalho 2014) are indicated as the traditional efforts of Brazilian foreign policy. Throughout the twentieth century, the political and the economic autonomy were pursued by seeking of a place alongside the great powers in decision-making arenas of international politics and by the promotion of development, respectively. The relevant role in international politics has been pursued by a non-confrontational strategy, in which the country was trying to present itself as mediator and consensus builder important for the maintenance of international peace and security. Because they reflect the most universal and continuous aspects that literature recognizes to the Brazilian foreign policy in the twentieth century, this review is concentrated around these first two efforts (search for a place alongside the great powers and search for development). The mediation role and the search for consensus are more subtle aspects, which will be tested in this thesis more than presented in this historical review of BFP.

### **1.3.1 The first half of the twentieth century**

After independence in 1822, Brazil was concerned to settle its borders and ensure the territorial unity. During this time, Brazilian participation on international politics was sealed by its alliance with England, which was at that time the main foreign power and considered America as an important source of raw materials and a promising consumer market for its industrial production. Thus, one can say that with its independence, Brazil changed from an international participation via Portuguese hegemony to an international participation via British hegemony (Vizentini 1999).

In the early twentieth century, Brazilian foreign policy was spotted by the realistic and objective performance of José Maria da Silva Paranhos, the Baron of Rio Branco. Considered the father of Brazilian diplomacy, his greatest legacy was the peacefully settlement of the borders between Brazil and its South American neighbors. In a visionary way, Rio Branco noticed at the dawn of the twentieth century the declining of the British power and articulated a "not written covenant" ("aliança não escrita") with the United States<sup>27</sup>. Then, he worked to

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<sup>27</sup> This unwritten alliance did not have a symbolic and concrete dimension: "The Baron shifted the axis of Brazilian foreign policy towards Washington with symbolic gestures such as lifting the respective Legations to the status of embassies and holding the Third American Conference in Rio de Janeiro. It also adopted

settle by arbitration and direct negotiations the territorial conflicts with neighboring countries. By peacefully settling the major Brazilian border issues<sup>28</sup> (Monteiro da Silva 2012), Rio Branco managed to definitely set a vital element to any state: its territory. He succeeded in doing so avoiding the Hispanic neighbors to form a coalition against Brazil (Santos 2004), ability which reflects his keen sense of political strategist and diplomat.

The period in which Rio Branco headed the Brazilian Ministry of External Relations (1902-1912) went far beyond the arrangements for the settlement of borders. It inaugurated one of the efforts which would mark the country's foreign policy on the twentieth century (and which continues to be present in these first decades of the twenty-first century): the search for a space around the major powers to set the rules of the international system. This effort for having an active voice in the big board of international politics - more or less intense depending on the group in power and its perception of the role of foreign policy - is a permanent aspect in the search for autonomy that Brazil pursues at the international level (Pinheiro 2004). Ruy Barbosa's participation in the 1907 Hague Conferences certainly represents the first effort of Brazil in this regard. In the Second Hague Peace Conference of 1907, Brazil and other Latin American countries, accompanied by some European and Asian states, had to rise up to defy the United States proposal of creating an International Court of Justice in which more than half of judges would be appointed by the United States and European countries and the remaining judges would be appointed by the other nations on a rotational basis (Cardim 2014, 11). Barbosa's work defending equality among states made D'Estournelles de Constant, French delegate in both the Hague Conferences, to drive him the following words: "You managed to highlight your country and make acceptable the principle of equality States, which initially seemed to us revolutionary, ridiculous"<sup>29</sup> (apud Cardim 2014, 10).

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concrete policies, such as the recognition of the sovereignty of Panama, the tacit approval of the Roosevelt Corollary, the indifference to the US intervention in Central America and the Caribbean, the repudiation of the Drago Doctrine, etc." (Santos 2014). Our translation.

28 "From independence (1822) until the Republic (1889) Brazil's borders were not defined. With the proclamation of the Republic, the Brazilian government was faced with the issue of its territorial limits, which, though defined by the Constitution of 1891 were not yet delimited, except for the border with Paraguay, demarcated by the Treaty of 1872, and the border with Uruguay, by the Treaty of 1851. Therefore, the Old Republic was surrounded by the so-called issues of limits: the great mentor and coordinator of Brazilian diplomacy in solving such issues was certainly José Maria da Silva Paranhos Júnior, the Baron of Rio Branco". (Monteiro da Silva 2012, 194).

29 In the original: "Você logrou colocar em evidência seu país e tornar aceitável o princípio da igualdade entre os Estados, que inicialmente nos parecia revolucionário, ridículo".

Ruy Barbosa is setting in the Hague Peace Conference a *leitmotif*, a recurring theme or a paradigm of Brazilian international action: the idea that our country should have a role in shaping the rules governing international life. And this is important because Brazil has, by its scale, its potential and because it impacts us, not just special interests but general ones too<sup>30</sup> (Lafer, 2003:31 apud Santos 2014, 76).

The second effort, still in the period of the so-called Old Republic (1889-1930), can be observed in the campaign to obtain a permanent seat for Brazil on the Council of the League of Nations. Presenting itself as the only belligerent in South America, Brazil participated since the beginning of the organization's works, and was part of the Committee that drafted the statutes of the League. Brazil has been admitted in the first mandate of the organization's Council as one of the four non-permanent members. According to Luís Cláudio Villafañe G. Santos, Brazil did not have a specific question on course to be resolved by the League, but the concern with its not firmly fixed presence in the Council was a reflection of its concern to strengthening its international position. The search for this international prestige has increased to the extent that disputes by political and military preponderance got warmer in the Southern Cone, especially regarding Brazilian dispute with Argentina (Santos 2011, 81-82).

While conferring importance to this position, Brazil withdrew from the League of Nations in 1926, after the veto it imposed on Germany's entry into the organization. As Baracuhy demonstrates, this was the climax of a double process that dragged on for years: on the one hand, the fulfillment of an Eurocentric arrangement, fearing German reorganization and anxious to be re-inserted as a major power in the international order; on the other, Brazilian frustration which saw its demand for a permanent seat among the great powers in the Council of the League deprecated again, even after intensive efforts, especially since 1922, with the government of president Arthur Bernardes. These two sides combined when the European powers approved the request of Germany's membership to the League of Nations and agreed on conceding to Germany – and only to it - a permanent seat at the Council. To Brazil, which (i) perceived and presented itself as a representative of the Americas, (ii) was a candidate for the permanent seat even before Germany and (iii) supported even the German candidacy asking only to have the Brazilian candidacy also considered, the situation was unacceptable. As seen above, the decisions in the League of Nations demanded unanimity and Brazil imposed its veto on German admission. As the

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<sup>30</sup> In the original: “É Ruy Barbosa que coloca na Conferência de Paz de Haia um *leitmotiv*, um tema recorrente ou um paradigma da ação internacional do Brasil: a ideia de que nosso País deve ter um papel na elaboração das normas que regem a vida internacional. E que isso é importante porque o Brasil tem, pela sua escala, pelo seu potencial e porque isso nos impacta, não apenas interesses específicos, mas gerais”.

Brazilian position was not in line with European interests, the permanence of Brazil in the League became unsustainable. Brazil withdrew from the organization three months later, in July 1926 (Baracuhy 2005).

Withdrawal from the League was also presented as the country's return within the Americanism. Shortly before notifying the organization of its intention to withdraw from the League, President Arthur Bernardes communicated his decision to the US ambassador in Rio de Janeiro, informing him of his resolution to increase relations with the American countries in general and with the United States in particular<sup>31</sup> (Santos 2014, 84).

Thus, even if Brazilian foreign policy during the Old Republic (1889-1930) has followed the guidelines delineated by Rio Branco, with the unwritten alliance with the United States and an active role in South America (Santos 2014), it was during this period that Brazil made its first trials on universalists claims. Articulated in the participation of Ruy Barbosa in the Hague Conferences and Brazilian participation in the League of Nations, it sought to make concrete the Brazilian aspiration to shape the rules of the international system alongside the world major powers.

During the first decades of the twentieth century, while Brazilian diplomacy was concerned with fundamentally political issues and international prestige, the first industries developed domestically. The industrialization, driven by investment of the surpluses of large coffee owners, shaped a more dynamic profile to the Brazilian foreign policy especially from 1930. It is in this decade that Amado Cervo fixes the beginning of a long-term paradigm in the Brazilian foreign policy which he named developmentalist<sup>32</sup>. For the author, this long period occupied almost the entire twentieth century, going from 1930 to 1990. Its economic aspects would be fundamentally supported by the Import Substitute Industrialization (ISI), which would try to reduce foreign dependency through the local production of industrialized goods (Cervo 2008).

Getulio Vargas, in his first term (1937-1945), drew on the current world conflict to bargain with the major powers for resources that could be applied to Brazilian development. With the United States, Vargas sought investment and credit; with Germans and Italians, he tried to establish trade under the offset credits mechanism, which ensured an equilibrium

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<sup>31</sup> In the original: "A saída da Liga foi também apresentada como uma volta do país ao seio do americanismo. Assim, pouco antes de notificar a organização de sua intenção de retirar se da Liga, o Presidente Arthur Bernardes adiantou sua decisão ao Embaixador americano no Rio de Janeiro, informando-o de sua resolução de incrementar as relações com os países americanos em geral e com os Estados Unidos em especial".

<sup>32</sup> A paradigm is a methodological tool for analyzing foreign policy strategies.

between the trade balances of countries involved (Cervo 1994). Subsequent president, Eurico Gaspar Dutra (1946-1951), followed the end of the war and could no longer use the same bargaining tools. Being in the capitalist side of the bipolar condominium, the bargain strategy of suggesting a possible alliance with the Communists threatened to undermine the regime itself (Kalil 2012, 5). At the same time, the government itself nourished expectations that Brazil would receive a special recognition from the United States, in the form of financial support for industrialization, for having engaged in the fight against the Axis countries (Hirst 2006). But expectations were not met. President Truman refused a loan of \$ 1 billion to Dutra and the other Brazilian demands for economic cooperation received very little attention from the United States. Similar scenario was seen when Vargas returned to power for his second term (1951-1954). The Brazilian government's frustrations for receiving no support for its development policies were gathering. In 1953, seeking to safeguard control over the wealth and the basic economic activities of the country, Vargas created a state company named Petrobras, which established the state's monopoly on oil exploitation, refining and transport in Brazil. At the UN,

[...] disappointed about the US bilateral assistance programs, Brazilian diplomacy would effectively start to advocate for multilateral measures. In 1953 the concept of 'collective economic security' is formulated. On its behalf, mechanisms to mitigate the negative effects of economic growth's inequalities in underdeveloped countries are required<sup>33</sup> (Seixas Corrêa 2012, 120).

Also in 1953 the Portuguese lobby found the space to promote the interests of Portugal between the Brazilian conservative elites. As Santos explains, the Portuguese struggle to maintain its colonies was one of the priority interests of the Portuguese government. The Portuguese lobby achieved its intentions when the Treaty of Friendship and Consultation (in Portuguese: Tratado de Amizade e Consulta) between Brazil and Portugal was signed, in 1953. This treaty stipulated that there should be prior consultations between Portugal and Brazil on all matters of foreign policy and mutual interest. The exceptions would exist only for issues related to American and Iberian spaces (Santos 2011, 10)<sup>34</sup>. This treaty would mean

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<sup>33</sup> In the original: “desapontada quanto aos programas de assistência bilateral dos EUA, a diplomacia brasileira passaria efetivamente a propugnar medidas de caráter multilateral. Formula-se em 1953 o conceito da ‘segurança econômica coletiva’, em nome do qual reclamam-se mecanismos capazes de atenuar os efeitos negativos observados nos países subdesenvolvidos em função das desigualdades internacionais de crescimento econômico”.

<sup>34</sup> Luiz Cláudio Machado dos Santos, considering the work of Manoel Luis Salgado Guimarães, explains that the absolute value of trade with Portugal would not be enough to explain the preferential treatment that Brazil gave to the Portuguese. According to the author, that special status "had its foundations in an ethnic ideology

a heavy burden to Brazilian policy toward Africa:

The Brazilian linkage to the Portuguese policy towards Africa would determine a heavy burden for the future of national relations with that continent because exactly in the 1950s started, on a scale never seen before, the enlarged struggle of the colonial peoples for self-determination (Santos 2011, 10). Our translation.

Following the efforts to the national development, President Juscelino Kubitschek (1956-1961) launched the “Goals’ Plan”, known by the slogan “[growing] 50 years in 5”, which aimed to accelerate the industrialization process. Until 1957 Brazil experienced great optimism for this project. But from 1958, the country has suffered with the external debt and a still poorly diversified economy in a low stage of industrialization. Kubitschek needed the inflow of foreign capital. And because not only Brazil, but in general Latin America resented for not having a Marshall Plan to attend it, President Kubitschek decided to gather regional aspirations under one demand. The opportunity to present it came in 1958, when the US Vice President Richard Nixon was attacked by leftist protesters during his visit to Venezuela. Taking advantage of this context, President Juscelino Kubitschek launched Operation Pan America (OPA). The idea was that economic poverty made the region vulnerable to communist influence. Therefore, aid for development was also presented as a matter of security to the capitalist bloc. What Juscelino Kubitschek was doing through the OPA was to securitize development to make the United States direct capital flows to the region. The US response was shy and would only come later, with the Alliance for Progress, launched in 1959, after a revolution dismissed the pro-US regime in Cuba.

With frustrations accumulating, 1961 marked the abandonment of the Americanist alignment – US alignment - in Brazilian foreign policy (Pinheiro, 2000 Sato, 1998 Vizentini, 1999). The brief Quadros’ government (1961-1961) would delineate the first movement of what became known as the Independent Foreign Policy. Quadros approached Brazil and USSR, awarded Yuri Gagarin and Che Guevara, condemned apartheid, and supported the independence of Angola and Mozambique. Thus, he outlined the first traces of a foreign policy that tried to disengage the country from automatic subordination to one of the poles of

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that sought to exalt and identify Portugal and the Portuguese living here as unique value elements, donors of the most genuine and proper culture that flourished in Brazil. Hence the absolutely leading position of Portugal in the group of nations and the privileged position enjoyed by the Portuguese. The Brazilian elite, jealous of its European origin, proud to have created 'the only predominantly white tropical civilization of the world' and willing to move away from the heterogeneous and mixed masses without their own origin and destination, found in the link with Portugal the path to assert its specificity, its difference, its particular hegemonic, upper and natural place in Brazilian society". (Santos 2011, 136-137) Our translation.



the bipolar system and, therefore, ceased to be guided by the automatic alignment with the United States.

It was the last government before the military regime (João Goulart - 1961-1964) which used this way of perceiving Brazilian international participation to draw systematic and universal contours to the Brazilian development's demand. With the persistent negligence to direct investment to the region by the capitalist bloc, particularly the US, João Goulart was to seek other spaces for Brazilian interaction and international participation. He treated foreign policy as an indispensable tool for industrialization and put the great diplomat San Tiago Dantas in front of the Brazilian Ministry of Foreign Affairs. The PEI (Política Externa Independente = Independent Foreign Policy) went from rhetoric and symbolic gestures to effective action. Goulart restarted relations with the USSR and assumed no-intervention posture on the Cuba issue<sup>35</sup>.

In this context of an active and independent foreign policy, Brazil stated, in its 1963's speech to the UN General Assembly, that the three actual emergencies - disarmament, decolonization and development, the 3Ds - were connected. Of special interest to this work is the argument that disarmament would set free funds for development:

The current arms race, which continues in a foolish pace, is primarily responsible for the lack of resources for the great tasks of Economic Development. How can be seriously talked in the cultural progress of humanity when nothing is done but develop and refine the elements of its own destruction? It is only respectable the technique that leads to life and liberty<sup>36</sup> (João Augusto de Araújo Castro apud Seixas Corrêa 2012, 231).

With this movement, development came to be a Brazilian individual effort and also a demand that the country would sustain in the universal arena. With this speech - which became known as the 3Ds' Speech -, the country expanded its demands to the global field and to the multilateral arena as the country spoke at the United Nations for sensitive audiences to the theme beyond the American continent.

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<sup>35</sup> According to President Quadros, the PEI was guided by a respect to the struggle for economic freedom and political freedom. Economic freedom was expressed in recognition of the legitimacy in the pursuit of development and the search for diversification of trading partners and economic nationalism. Political freedom was expressed in the defense of self-determination, decolonization, non-intervention in domestic affairs of States and the autonomy to make decisions on major issues of the Cold War (Quadros 1961, 150-156).

<sup>36</sup> In the original: "A presente corrida armamentista, que prossegue em um ritmo insensato, é a principal responsável pela carência de recursos para as grandes tarefas do Desenvolvimento Econômico. Como se pode seriamente falar no progresso cultural de uma humanidade que não faz senão elaborar e aperfeiçoar os elementos de sua própria destruição? Só é respeitável a técnica que conduz à vida e à liberdade".

Although the strategy was not to entrench itself in the defense of one or another ideology, but transform the system by improving it, the ongoing development project was seen as revolutionary by the conservative forces of Brazilian society. To stop it, militaries took power in 1964. They counted on the support of conservative forces of Brazilian society and on the United States (Tavares 2012).

**Table 4 - Synthesis of Brazilian foreign policy profile from Vargas to Goulart**

<b>Government</b>	<b>Period</b>	<b>Foreign policy profile</b>
Getulio Vargas	1937-1945 1951-1954	1 <sup>st</sup> government: bargaining strategy with the United States and Germany for resources for modernization. 2 <sup>nd</sup> government: continuity of frustrated expectations for aligning the Western bloc. Nationalization of oil sector and creation of Petrobras. Brazil and Portugal sign the Treaty of Friendship and Consultation in 1953. Brazil formulates the concept of 'collective economic security' at the UNGA.
Eurico Gaspar Dutra	1946-1951	Alignment to the capitalist bloc and expectations that fight alongside the Allies was to be recognized with investments in the country (especially from the United States).
Juscelino Kubitschek	1956-1961	"Goals Plan" (50 years in 5) to push on national development and Pan American Operation (OPA) proposal to try to attract US investments to Latin America.
Jânio Quadros	1961-1961	Política Externa Independente (PEI). Rejection of automatic orientation to the US policies. Approached Brazil to the Soviet bloc and to the developing world - especially African countries.
João Goulart	1961-1964	PEI goes from symbolic gestures for effective action. Brazil reestablished relations with the USSR. Brazil sets out "3Ds" speech (disarmament-decolonization-development) at the UNGA.

Source: Author's own elaboration.

I can be note, then, that Brazil starts the twentieth century nourishing expectations to be part of the group of countries that decide the rules of the international system. Over the period that ambition was being nuanced (though did not disappear - as seen before) and concern regarding development was assuming central importance in the country's strategy in the international politics.

### **1.3.2 The military governments**

The 1964 coup was justified by those who supported it by the argument of the communist threat linked to the Goulart government. Thus, the first military government was concerned to demonstrate it was clearly tied to the West. The heavily Americanist ideology of government Castelo Branco (1964-1967) is commonly exemplified by the famous statement

"what is good for the United States is good for Brazil"<sup>37</sup>, from Juraci Magalhães, named Brazilian ambassador in Washington and later foreign minister during Castelo Branco's government (Coutinho 2001).

Contrary to what might be expected from a group that criticized the former government speeches focused on inequality and injustice, the development issue has not been forgotten. Having taken power in a context of economic stagnation and external accounts deficit, the military government realized that the support to their regime depended on a development project. The development project general guidance, however, ought to be different. The new political leadership "privileged foreign capital and the most internationalized sectors of the bourgeoisie at the expense of national companies"<sup>38</sup> (Silva 2004, 48).

Eiiti Sato considers that the military comprehension, apart the communist threat, was that they should invest in a development project able to transform Brazil in a major power. To do so, modernization and industrialization were seen as indispensable. Considering the ideological frontier in which the regime located itself when came to power, Castelo Branco found in the US the only available alternative in the international field which could provide technological and financial support, and productive investments (Sato 1998, 15). The government expected to get these resources in exchange for its loyalty with the ideological boundaries supported by the United States and for its compromise with a prompt and joint response in case of any threat to the collective security of the Western Bloc.

The second military government (1967-1969), led by Artur da Costa e Silva, experienced new frustrations in face of an absence of a US policy which reciprocated the measures taken against the "domestic communist forces" (Hirst 2006). Even if it kept the alignment with the Western bloc, the government of Costa e Silva was skeptical about the return that an unconditional alliance with the United States could offer. Moreover, the international system itself was seen as unfair, awareness which opened up the possibility of cooperation with the Third World. In this context, two perceptions emerged: i. development should be driven by an endogenous process - policy that became specifically known as national developmentalism; ii. the country's international relations needed to be established in more pragmatic terms – and this configured the first multilateral test in Brazilian foreign policy of military regimes.

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<sup>37</sup> In the original: "o que é bom para os Estados Unidos, é bom para o Brasil"

<sup>38</sup> In the original: "privilegiaram os capitais externos e os setores mais internacionalizados da burguesia em detrimento das empresas nacionais".

During Emilio Garrastazu Medici government (1969-1974) the option for the national developmentalism with military inspiration consolidated. With the expansion of the industrial base, the modernization of energy infrastructure and communications and the ambition to place the country among the great powers, Brazil started to classify itself as an "emerging power", expression used rhetorically aiming to dilute its identity as a Third World country. But it remained denouncing the unjust structures of the international system (Seixas Corrêa 2012, 331). At the UN Brazil turns to insist on the concept of "collective economic security", originally formulated by the country in 1953 (Seixas Corrêa 2012, 332). Matias Spektor concludes that the first decade of military rule:

Although [it is an] important period to redesign the traditional Brazilian foreign policy, the leitmotif of national ideology - the emerging power profile and the aspiration to a higher status in the international scenario - did not lead to a systematic review of foreign policy. The dubiousness of Brazil's plan to be a Great Power reveals a national ideal that was ambitious but vague, rooted in economic growth and associated with the repressive nature of the government. During the Medici government, for example, the Brazilian criticism of the international order remained restricted to multilateral forums and in no way confronted the preferences of the great powers<sup>39</sup> (Spektor 2004).

This government also points out the beginning of a more modest participation of Brazil in the global political arena. From then on, and for the next 18 years, Brazil avoided to expose domestic inhibitions (especially on issues such as human rights and the environment), which derived from the nature and the policy options of the regime itself, that could undermine its multilateral dialogue capacity.

The dominant view in the Foreign Ministry was that an eventual presence of Brazil in the UN Security Council during the Medici administration could lead to express positions that would deplete the ability to dialogue, which the country still had in the Group of 77 and in the Non-Aligned Group. The decision then, was to keep a policy of permanent presence through successive elections at the ECOSOC, where Brazil could act comfortably lines of action that approached it to the developing countries, due to the nationalist component of the military regime<sup>40</sup> (Seixas Correa 2006, 470).

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<sup>39</sup> In the original: "Embora [seja um] período de redirecionamento importante da política externa brasileira tradicional, o leitmotiv da ideologia nacional – o perfil de potência emergente e a aspiração a um status mais elevado no concerto internacional – não levou a uma revisão sistemática da política externa. O caráter dúbio do Brasil Potência revela um ideal nacional que era ambicioso mas vago, enraizado no surto do crescimento econômico e associado ao caráter repressivo do governo. Durante a gestão Médici, por exemplo, a crítica brasileira do ordenamento internacional manteve-se restrita aos foros multilaterais e de nenhuma maneira confrontou as preferências das grandes potências".

<sup>40</sup> In the original: "A visão dominante no Itamaraty era a de que uma eventual presença do Brasil no Conselho de Segurança da ONU a partir da administração Médici poderia conduzir a exteriorização de posições que levariam ao esgotamento da capacidade de diálogo que, bem ou mal, ainda restava ao país junto ao Grupo dos 77 e o Grupo Não-Alinhado. Optou-se por uma política de presença permanente, através de eleições

Ernesto Geisel's government (1974-1979) faced an extremely dynamic economic environment and, during his term, foreign policy was a key piece in the strategy of international participation and promotion of the country. The foreign policy, named by Geisel himself "Ecumenical and Responsible Pragmatism" (Spektor 2004), was shaped by the understanding that it should serve to look for areas that could offer advantages to Brazil in the international environment (pragmatism) and should, in order to make effective this purpose, expand international partnerships (ecumenism), but without compromising the traditional ideological alignment of Brazil (responsibility).

Throughout Geisel's rule Brazil diversified its exports, which came to be composed, more than half, by manufactures. International partners have also diversified, in great part due to the necessity for relations with the Arab countries, responsible for the oil supply, and the dozens of new international actors emerged from the decolonization process, especially in Africa. The former Portuguese colonies independences also made room for Brazil to launch the foundations of the future special relationships the country would try to establish with these countries. The landmark of Brazil's new policy direction toward Africa involved the detachment from Portugal. Formally, this occurred in 1974 when Brazil recognized the independence of Guinea Bissau without previously consulting Portugal. This Brazilian attitude broke the terms of the 1953 Friendship and Consultation Treaty and formally marked the Brazilian detachment from the Portuguese colonial regime and the approach to Africa, of which new states Brazil would recognize the Independence (Santos 2011, 15). In the case of Angola, for example, Brazil antagonized with Portugal in negotiation efforts for the country's independence, presenting itself as a neutral actor, able to balance Soviet influence that supported the presence of Cuban troops in Angola (Sato 1998). The pragmatic aspect of Geisel's government also led Brazil to recognize China and terminate relations with Taiwan.

This more complex political and economic agenda made impossible the election of a single country as the preferred partner to the Brazilian relations. Despite the Western alignment maintenance, the automatic engagement with the United States made no sense anymore. Brazil started to adopt a "qualified distance" in international discussions and negotiations which were directly linked to the Cold War traditional struggle for power, seeking thus ensuring a degree of autonomy in the international environment (Pinheiro 2000).

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sucessivas, no ECOSOC, onde o Brasil podia desenvolver confortavelmente, dado o componente nacionalista do regime militar, linhas de atuação que o aproximavam dos países em desenvolvimento”

The nuclear agreement Brazil signed with Germany in 1975 also reflects concerns for greater autonomy. The sector was seen as important not only for the strategic position of Brazil in the world but, more pragmatically, to reduce vulnerabilities in Brazilian's industry and society (Sato 1998, 21).

In the following government, João Figueiredo (1979-1985) had the task of operating the transition to democracy in an auto proclaimed "slow, gradual and safe form". In 1979 political opening started with the approval of the amnesty law and the gradual return of political leaders exiled abroad (Seixas Corrêa 2012, 453). Economically, however, the heavy external debt and the financial crisis - exacerbated by the oil crisis which reached all Latin America - motivated Brazil to approach its demands to the ones of developing countries<sup>41</sup>. Although foreign policy had little influence on this economic situation, Brazil expressed - in unprecedented tone - an incisive critique of the distorted and uneven international structure which remained between the developed and the developing world. For Brazil, this unfair structure was increased by the energy crisis, as a consequence and not a cause itself. Brazil did not intended a confrontation with the Western bloc – such a relationship the government did not wish domestically or internationally - but wanted to register dissatisfaction with an order that the country recognized not able to change.

**Table 5 - Synthesis of Brazilian foreign policy profile of the military regimes**

Government	Period	Foreign policy profile
Humberto Castelo Branco	1964-1967	Strong alignment to the United States, which resources were expected to modernize and industrialize Brazil in return for the country's commitment to fight communism.
Artur da Costa e Silva	1967-1969	Alignment to the Western bloc with skepticism regarding what could be expected from the United States in terms of aid for development. First essays of national developmentalism with military inspiration in Brazil.
Emilio Garrastazu Médici	1969-1974	Consolidation of national developmentalism with military inspiration. Brazil ambitions to be a major power led it to keep itself away from Third World countries. Brazil launches a low profile participation in international political forums but still denounces systemic economic injustices in the international system.
Ernesto Geisel	1974-1979	Ecumenical and Responsible Pragmatism. More complex economic agenda as a result of the country's needs and the impact of the oil crisis and the process of decolonization. Brazil tries to find its place out the central themes of Cold War agenda. Brazil break the Treaty of Friendship and Consultation with Portugal.
João Figueiredo	1979-1985	Transition to democracy. External debt and financial crisis approach Brazil to other developing countries which also perceived the international order as unfair.

Source: Author's own elaboration.

<sup>41</sup> "The Minister of External Relations, Guerreiro, demands in original and unequivocal terms, the release of all territories taken by force and the recognition and implementation of the rights of the Palestinian people to self-determination, independence and sovereignty" (Seixas Corrêa 2012, 454). Our translation.

In summary, over the military regimes East-West opposition gave way to the North-South contrast in Brazil's foreign policy agenda. Despite the strongly Americanist tone of the first military government, Brazilian government resented the absence of a feedback from United States by its commitment to fight against communism. These circumstances led to the perception that the focus of policy - including foreign policy - should be the economic development more than ideological issues.

### **1.3.3 The democratization and the 1990s**

Jose Sarney assumed the presidency in 1985, after the death of Tancredo Neves, first elected president of Brazil after the military regime. It fell to Sarney (1985-1990) lead the institutionalization of the democratic order in the country, following the work of the National Constituent Assembly, which established the institutions of democratic rule of law in Brazil. It was up to him also leading the process of new presidential elections to consolidate the formal democracy. Economically, Brazil was no exception to the Latin American reality: it faced a whirlwind of huge inflation and foreign debt, although it was the only country in the region to show real rates of GDP growth (Seixas Correa 2006, 477). On the global scenario, USSR's crisis and the strategic and economic growth of United States and Europe sent the message that the ideological struggle was giving way to a more economic nature of dispute between countries.

Return to democracy offered conditions for Brazil to recover its international dialogue capacity without constraints. Relations with Cuba were restarted and UN Human Rights covenants signed. Restrictions on the Apartheid South African government have been strengthened (Hirst 2006, 97). Brazil approached Argentina, also recently democratized, and signed with it covenants which would be the future Mercosur's embryo. Despite trade frictions, at the end of 1980s United States recovered the rank of major economic Brazil's partner and market - position lost in the 1970s for Latin America considered jointly (Seixas Correa 2006, 489).

Brazilian return to the international arena as a 'global trader' (Sato 1998) was crowned with its return to the UN Security Council after 18 years of absence.

USSR's dissolution and capitalism's victory as economic model signaled that, for Brazilian foreign policy, did not serve nor a pro-Americanist strategy nor a strategy to transform the world order via Southern countries. In economic terms one could not say that

there was plenty of room for alternative projects because “the links held both in the investments’ field and in the financial and commercial transactions were permanently subject to liberalizing US pressures”<sup>42</sup> (Hirst 2006, 68).

On the one hand, Collor de Mello’s government (1990-1992) experienced the growing external economic vulnerability of the country (high degree of exposure to currency crises and marginalization in world trade system), on the other, Brazil renewed its regional and global political agenda. In 1991, the signing of the Treaty of Asuncion – which constituted MERCOSUR regional economic bloc - strengthened the partnership with Argentina, and Uruguay and Paraguay were added to the process. Globally Brazil inaugurated, in 1991 Children's Conference, a decade of active participation in international conferences. Brazil realized that if there was anything to be done regarding the rules of world order, the path to it would be international organizations. In 1992 the country hosted the Climate Conference (Rio-92) and its diplomatic effort was successful in both avoiding cleavage of the South and exposing its position that environmental protection was not irreconcilable with development and could not sacrifice it (Arraes 2006). Pinheiro points out that the aspiration for autonomy, traditionally nurtured by Brazil, would be expressed in the 1990s by country’s negotiations on the access to international regimes, so that it could increase the access to financial and technological resources to foster its development. This leads the author to say that the beginning of 1990s inaugurated the ‘pragmatic liberal institutionalism’<sup>43</sup> in Brazilian foreign policy. (Pinheiro 2000, 314).

Collor de Mello’s impeachment by corruption scandal involvement lead the vice president, Itamar Franco, to rule the country for a two years mandate (1992-1994). Franco’s foreign policy had a clear continuity profile. Under Franco Brazil joint UN peacekeeping missions and international regimes of non-proliferation of weapons – distancing itself from US positions at the UN General Assembly although it continued converging to US positions in the Security Council (Hirst 2006, 108). Brazil continued also demonstrating a conciliator and consensus builder profile in international conferences on Human Rights, in 1993, and the Cairo conference on Population, in 1994 (Arraes 2006).

Franco’s government highlight would be, however, the Real Plan. Since 1980s Brazil’s economy suffered with hyperinflation - or inertial inflation. Between 1986 and 1994 no less than five economic plans were launched in an attempt to stabilize Brazilian currency.

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<sup>42</sup> In the original: “tanto os vínculos mantidos no campo de investimentos como das transações financeiras e comerciais passaram a estar sujeitos permanentemente às pressões liberalizantes dos EUA”.

<sup>43</sup> In the original: “institucionalismo liberal pragmático”.



Good performance in the first months of the Real Plan, whose paternity was credited to Fernando Henrique Cardoso, Franco's Minister of Finance, qualified Cardoso to the presidential candidacy.

With Fernando Henrique Cardoso's government (1995-2002) Brazilian economy grew again. In the global political arena the country continued to perform an active participation and a consensus builder role, specially mentioning its participation at Women's Conference, in 1995, and the conference and against Racism, in 2001 (Arraes 2006). At the same time, Brazil recognized that the dominant US power during the 1990s diminished its possibilities on international forums. Despite this limitation, the perception that economic competition was guided by the rules of an international system that needed to be reviewed was reflected in Brazil's concern to participate more in international politics. In fact, during Franco's government, by the occasion of the fiftieth anniversary of the UN's preparations, Brazil rehearsed its desire to occupy a permanent seat in the UNSC. Brazil then introduced its demand expressing its comprehension about the necessity to reform the UN Charter and to update the Security Council's composition (Seixas Corrêa 2012, 684).

Shortly before Cardoso's election, Ministry of External Relations Celso Amorim formally expressed Brazilian demand for occupying a Security Council permanent seat<sup>44</sup> (Amorim apud Seixas Corrêa 2012, 699-710). During Cardoso's mandate, however, Brazilian movements were cautious although they emphasized the country's willingness to serve in case it was called to assume the responsibilities inherent to permanent UNSC members (Seixas Corrêa 2012, 750, 765, 781). Caution was related also to the perception that the permanent seat required increasing responsibilities - and resources - in peacekeeping missions (Sato 1998). After the 2001 attacks, Brazil once again highlighted its request for a UNSC permanent seat.

During his mandate, Cardoso personally took on the implementation of foreign policy to himself, giving to Brazil's international actions a strong tone of presidential diplomacy. The presidential performance "becomes a valuable mean to increase the high level public relations with industrialized countries and to consolidate Mercosur"<sup>45</sup> (Hirst 2006, 98). The dose of realism that tends to exist in Brazilian diplomacy was related to Brazil's interest in

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<sup>44</sup> No discurso de abertura à 49ª Reunião Anual da AGNU o chanceler Celso Amorim colocou nesses termos a reivindicação brasileira: "O Brasil tem participado ativamente do debate sobre a ampliação do Conselho de Segurança. Temos deixado clara nossa disposição de assumir todas as responsabilidades inerentes aos países que se credenciarem a ocupar assentos permanentes." (Amorim apud Seixas Corrêa 2012, 708)

<sup>45</sup> In the original: "se torna um valioso meio para incrementar as relações públicas de alto nível com os países industrializados e para consolidar o Mercosul".

Mercosur, where it could compete better with its less industrialized neighbors. At the same time, Brazil tried to restrain the creation of the Free Trade Area of the Americas (FTAA), which would expose the domestic industry to open competition with the usually more competitive US industries.

**Table 6 - Synthesis of Brazilian foreign policy profile of the democratization and the 1990s**

Government	Period	Foreign policy profile
José Sarney	1985-1990	Difficulties with high inflation and foreign debt. Country's democratization. Subscription of international human rights regimes and condemnation of the apartheid regime in South Africa. More close to Argentina at the regional level. US overcomes the joint Latin America as Brazil's main trading partner.
Fernando Collor de Mello	1990-1992	Treaty of Asuncion (creation of Mercosur) deepens regional integration. Active participation in international conferences and firm position on defending development.
Itamar Franco	1993-1994	Brazil keeps the conciliator profile in international conferences. Real Plan stabilizes economy. Brazil announces its intention to have a permanent seat in the UNSC.
Fernando Henrique Cardoso	1995-2002	Brazilian presidential diplomacy spending great attention to the partnership with Argentina via Mercosur. Economic growth retaken. Subtle maintenance of the candidacy to the permanent seat of the UNSC. Claim for the UNSC permanent seat retaken in 2001.

Source: Author's own elaboration.

Summarizing, this thesis is developed in a panorama in which the achievement of political and economic autonomy (Pinheiro, 2004) and the finding of a substantial role in international politics (Valencia and Carvalho, 2014) are recognized by the academic literature as the projected efforts of the Brazilian foreign policy during the twentieth century. Having a place alongside the great powers in the international policy-making spaces, in order to have a seat and an effective voice in drawing the rules of the international system, has been perhaps the most important part of political autonomy's strategy. It was formalized especially in Brazil's candidacies to the permanent seats of the greatest international organizations of the twentieth century, namely the Council of the League of Nations and the United Nations Security Council. Economic autonomy, in turn, seem to oscillate in the twentieth century, in a pendulum motion of confidence, frustrations, renewed confidence and new frustrations regarding the contribution that United States could afford to help Brazil's modernization and industrialization. However, neither the Second World War efforts neither the engagement in the fight against communism during the military regime led the United States to channel economic aid to enable Brazil's industrialization in the same terms it was doing in Europe. In the last 15 years of the twentieth century, with high inflation and growing foreign debt, development came to be understood primarily as a matter of financial stability. Achieved this, the country faced again the asymmetries which consolidated inequalities in the international

order. By the end of the century, even with Brazil's actions in international conferences and its compromise to international regimes during the 1990s, it did not seem to be possible to change the relation of power that separated Brazil and the great powers.

Finally, the pursuit of a role in international politics, which would be done, for example, through a role of conciliation and consensus-building, is a more subtle aspect of Brazilian foreign policy's effort in the twentieth century. Its nuances will be tested in the episodes involving economic sanctions analyzed in this thesis.

The Brazilian behavior for economic sanctions investigated in this text is based mainly on documents produced by different agencies of the Brazilian Ministry of External Relations (also known as Itamaraty). Therefore, it is important to mention that the Brazilian literature on international relations often refers to Itamaraty as a rather hermetic institution (Ribeiro 2006, 149). In literature, this characteristic appears related to the quality, professionalism and strong hierarchy of the diplomatic corps (Botto 2007, 90 - specially analysing commercial negotiations in the early 1990s, de Almeida 2012, 33 - specially referring to the period previous to the Lula government). These factors, in addition to relatively isolate this Ministry, probably contributed to the diplomatic decision making process to conquer greater autonomy in relation to other state institutions in Brazil.

## 1.4 METHODOLOGY

This section summarizes the methodological profile of the thesis. I start by presenting the theoretical framework chosen and the analytical procedure adopted. Then, it follows a list of the explanatory factors investigated in order to understand continuities and ruptures in Brazil's behavior toward economic sanctions. I then briefly discuss the choice of considering all UNSC economic sanctions' cases until 2000s to analyze the Brazilian foreign policy. Finally, data sources are presented and justified.

### 1.4.1 Theoretical framework: Mid-range theory analysis and analytical procedures

This research finds itself between the micro and macro approaches to the international studies field. It means, for instance, that it does not look for the micro foundations of economic sanctions or for an exhaustive description of Brazilian behavior related to one single economic sanction case. I consider the microtheories do not detect possible long-term

continuities and ruptures which are important in studies that intend to analyze foreign policies in middle and long terms timeframes.

This research also does not aim to offer a macro theory of middle powers behavior. A macro theory should be general and abstract enough to encompass the different events taken under the term (Bures 2007, 429). This dissertation does not seek to individuate a general and abstract behavior that states, or that a category of states, adopt to address economic sanctions in general. I consider such research a virtually impossible task, considering the fundamental divergences between what defines an event as an economic sanction and, more importantly, the blurred lines that define categories of states such as small powers, middle powers and great powers in different environments.

Considering the limitations of micro and macro theories to address individual states' behavior in a given area, a mid-range theory seems to be the most adequate to explain Brazil's behavior toward economic sanctions imposed by the UNSC. This approach, focused on "issue-oriented puzzles, [...] analyzes particular classes of puzzles that are tied to specific categories of issues, temporal domains, and spatial domains" (Lepgold 1998, 48). Their proximity to specific policy problems is in the middle range between the "general theory" analysis, which "aims to subsume under a coherent explanation a broad array of empirical phenomena [and] it is typically not attached to specific categories of issues, time periods, or geographic regions" analysis and the specific "case oriented" explanations, which "seeks to explain certain types of policy-relevant events or situations" (Lepgold 1998, 49).

In order to address this mid-range theoretical approach, which "work[s] like a bridge across the various levels of analysis" (Bures 2007, 430), this research used both techniques of deductive and inductive reasoning. For instance, factors such as humanitarian concerns, or the strategic importance of the target to Brazil were listed as they presented themselves in the course of the research as factors that influenced Brazil's behavior in single cases – an inductive approach. On the other side, general theoretical assumptions regarding the more permanent goals of middle powers<sup>46</sup> such as multilateralism promotion, consensus building and prestige increase were listed by an initially deductive approach, as they seemed to be part of the explanatory factors for Brazil's behavior in economic sanctions cases analyzed.

In sum, I define fundamentally qualitative factors to explain Brazil's behavior to

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<sup>46</sup> As stated in previous sections Brazil has traditionally been classified as a middle power, both during post-World War II world (Glazebrook 1947, Wood 1990), the 1990s (Neack 1992) and the last 15 years (Flemes 2007, Lechini 2007, Lopes, Casarões, and Gama 2013). This thesis considers some general assumptions regarding this category of countries – the middle powers – and verify if they contribute to understand Brazil's behavior toward this specific issue.

economic sanctions. Although I make an intense use of a constructivist methodology – based on speech-acts found in official documents, discourses and other statements – the analysis looks for an essentially rationalist causal explanation to make general assumptions on which factors might be relevant to understand Brazilian behavior in the UNSC regarding economic sanctions.

#### **1.4.2 Explanatory factors**

In order to investigate the ruptures and continuities in the Brazilian behavior to the UNSC economic sanctions, two set of factors are considered. The first one takes into account the political and institutional scenario that involves the economic sanctions episode under analysis by dealing with specific characteristics of the sanction's case itself and the effects of the Brazilian position in the case considering particularly important partners to Brazil's international relations. The second set of explanatory factors deals with middle powers' traditional interests – *eg.*, their more permanent goals that seem to guide Brazil's foreign policy too.

This division between the context-specific factors and the more permanent middle power characteristics separates in two different set of variables (i) the ones that more specifically address the comprehension of Brazilian behavior toward the specific issue of economic sanctions and (ii) the ones that generally and broadly describe the middle powers more permanent goals. These set of variables address the two research questions defined in this research and do not exclude each other. They are, eventually, complementary. For instance, the more permanent factor 'multilateralism promotion', defined in (ii) is usually - but not always - present in cases were 'concerns with unilateral tendencies', defined in (i), is observed. It is to observe that the pro-multilateralism action is also calibrated in each case, depending on other factors than only the observation of the 'concerns with unilateral tendencies' itself. Therefore, despite their connections, they are not the same.

#### **Contextual factors**

The contextual factors take into account the cases' specific characteristics and the influence of the Brazilian position in the case on other particularly important actors in Brazil's international relations. They can limit a state possibility to maneuver and influence<sup>47</sup> and,

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<sup>47</sup> "Influence means the modification of one actor's behavior by that of another... Power means capability; it is

therefore, they can potentially motivate or shape the state's behavior. In issues related to economic sanctions and considering the cases analyzed in this thesis, it was possible to individuate as contextual factors the unilateral movements of individual states, humanitarian concerns, the strategic importance of the target to Brazil, the economic interests threatened by the imposition of an specific economic sanction and the importance of particular actors in the Brazil's foreign policy at the time.

*Concerns with unilateral tendencies.* This explanatory factor is related to other countries tendency to deal with the issue at stake ignoring or violating the international law or UNSC resolutions. Unilateral tendencies were considered as a contextual factor because it emerged, in different cases analyzed, that Brazil considered these tendencies as affecting the legitimacy of the UNSC or the UN. In sum, when these tendencies were in place Brazil attempted to refrain them in order to preserve legitimacy of the institution responsible for the norms that were been ignored. Considering the theory, it is widely accepted that middle power states, whether they are traditional or emerging middle powers, tend to reinforce institutions - especially international organizations - because they are interested in the stability and order of the system (Jordaan 2003, Flandes 2007).

*Strategic importance of the case to Brazil.* This factor refers to the Brazilian interest on the economic sanction specifically considered because of linguistic affinities, a common historical background, a shared interest in shaping in some way the international institutions, etc. This factor is related with the gaining of an overall or a long-term advantage that are not restricted to the economic interests.

*Economic interests menaced by the sanctions.* The economic effects of an embargo, a boycott or other financial sanctions harm, by their own nature, the existing economic ties between the target and other states. Thus, as a general and even intuitive rule, it is expected that a state with economic interests menaced by the imposition of a specific sanction will act in order to avoid its imposition. Considering the importance of the economic element in the economic sanctions tool, this factor is analyzes separately from the other interests, covered by the previous factor.

*Humanitarian concerns.* I individualized this factor to look at Brazil's concerns with the humanitarian costs of some UNSC economic sanctions. High humanitarian costs emerged

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the aggregated of political resources that are available to an actor... Power may be converted into influence, but it is not necessarily so converted either at all or to its full extent. Although those who possess the greatest power may also exercise the greatest influence, this is not logically necessary" (Painchaud 1966, 35).

especially from comprehensive economic sanctions episodes and were emphatically reported especially on Iraq and Haiti cases (Moret 2014, Garfield 1999).

*Importance of particular actors to Brazil's foreign policy in an enlarged scenario.*

This factor was defined to observe the influence of particular actors in Brazil's foreign policy toward UNSC economic sanctions. It is related to Brazil's sensitivity to relations with states or group of states (other than the target of the sanction, already contemplated by the strategic importance of the target to Brazil) to Brazilian foreign policy at the time.

### **Brazilian more permanent goals**

Archetypical middle power behavior is conceived by literature as oriented toward multilateralism promotion, consensus building, and prestige increase. Brazilian behavior will be analyzed on Brazil's intentions to achieve or not these traditional middle power goals in the episodes of economic sanctions adopted by the UNSC.

*Multilateralism promotion.* Traditional middle powers' behavior promote the multilateral arena as a primary channel for negotiations to ultimately prevent great powers from using unilateral measures. They are "multilateral entrepreneurs" (Cooper 2011, 330). Multilateralism, especially those actions carried on in institutions, restrict most powerful states through already existing rules and procedures and provide space to meet other states and to build coalitions in order to suggest and affect emerging norms (Hurrell 2000, 4, Sennes 2000). As a typical middle power behavior would be described "Brazil does not try to affect world governance by itself but works through coalitions of like-minded states and multilateral institutions" (Spanakos and Marques 2014, pos.5183)

The promotion of multilateralism appears in the middle powers' tendency to promote observance of international law, respect for international organizations decisions, and interest on the effective operation of international bodies. The institutions themselves are perceived as instruments to the middle powers' soft balance against great powers (Flemes 2007). When institutional shifts are in place, their interest embodies also the non-disruptive reform of institutions because middle powers act both as norm-makers and enforces (Manicom and Reeves 2014). As Hurrell points, "so intermediate states will seek to use international institutions either to defend themselves against norms or rules or practices that adversely affect their interests or, even in optimistic moments, to change dominant international norms in ways that they would like to see" (Hurrell 2000, 4). Brazil's participation in the BRICS New Development Bank, its demands to change the voting rules at Monetary International

Fund and the recent talks on the BRICS' own rating agency – instead of negating the ratings agencies relevance to international economy - are recent examples of middle powers willing of non-disruptive reform of institutions.

Regarding this factor, it is expected, then, that Brazil's action regarding the economic sanctions imposed by the UNSC will (i) respect and defend the observance of the rules for the adoption and lifting of such sanctions, (ii) require the compliance with the terms of such norms and resolutions, and (iii) try to keep the sanctioning power under the multilateral control. All this behaviors tend to reinforce the said multilateral promotion pursued by middle powers as the traditional theory states.

*Consensus building.* It is accepted in the literature that, regardless the proposed subdivisions of middle powers in different categories, these states share an interest in building consensus on multilateral issues and supporting conflict mediation (Flemes 2007, 11, Spanakos and Marques 2014). Through joint strategies and uniting forces with other countries, unilateral tendencies of the great powers can be limited while these do not abandon the collective decision-making. That is why one of the expected behaviors of a middle power is the *tendency to favor and/or promote the formation of consensuses*. This makes middle powers not inclined to block decisions in global forums, and if they do it, it will be in specific situations or very specific areas (Uziel 2010, 30).

*Prestige increase.* It has been described as the middle powers attempt to validate and improve their status in the international hierarchy (Spanakos and Marques 2014, pos.5196). As middle powers have limited resources, when they decide to play an active role, directing resources in a given issue, they expect to be recognized for the mediatory rule when they choose to perform it. This variable relates to the notion of international citizenship. Although it's a difficult definition, prestige can be seen as the condition that could help the country to be admitted to unite more selective groups, achieve some sense of protection from criticism in an specific area, and would help to elect its nationals to international key posts (Cooper 2000, 17-18).

Although the limited resources comparing to great powers, middle powers have a greater availability of diplomatic resources comparing to small powers and this is an important difference between these two group of countries. As a consequence of these more significant diplomatic resources and due to a self-identification as a country that has something to say in international arenas (in Brazilian foreign policy literature this is described as the pursue of autonomy in foreign policy, as described in section 1.3), middle powers have



larger willingness and conditions to pursue a more autonomous foreign policy. This special middle power characteristic influence in shaping the middle power more permanent goals and, consequently, their behavior.

The next chapters will address the specific cases to access Brazilian behavior regarding economic sanctions voted by the UNSC. Such analysis will follow a *modus operandi*: (i) an introduction to the case is given; (ii) Brazilian behavior is presented; and finally, (iii) explanatory factors and outcomes are verified.

After proceeding in this way to all the cases, I will verify if a foreign policy pattern emerges and if Brazil promoted the traditional middle power goals when dealing with economic sanctions imposed by the UNSC. The causality between Brazilian behavior and conclusions reached will be ensured by primary and secondary sources.

### **1.4.3 Number of cases**

In order to have a broad panorama of Brazilian behavior at UNSC all economic sanctions imposed during the 20<sup>th</sup> century were analyzed.

Throughout this timeframe, from an international systemic level point of view, one can distinguish the influence of international politics in Brazil's behavior in two key, and remarkably different, international frameworks: during the Cold War (bipolar system) and after its end (under US preeminence in the 1990s). Said differently, this distinction makes possible to assess the Brazilian behavior in different international power's structures.

In terms of domestic policy, by looking at all these cases, one goes through dictatorial and democratic periods in Brazil. The characteristics of the respective governments that had place in Brazil were discussed in length in the previous section regarding the Brazilian foreign policy during the 20<sup>th</sup> century. Consider this factor allows to evaluate the Brazilian behavior in these two internal institutional arrangements and to assess eventual influences over Brazilian interests, strategies and behaviors.

**Table 7 - Brazil's mandates at the UNSC until the present, general structure of the international system and domestic political regime until 2000s<sup>48</sup>**

Brazil's mandate at the UNSC	International system	Domestic political regime
1946 – 1947	Bipolar	Democratic
1951 – 1952	Bipolar	Democratic
1954 – 1955	Bipolar	Democratic
1963 – 1964	Bipolar	Democratic/Dictatorship
1967 – 1968	Bipolar	Dictatorship
1988 – 1989	Bipolar	Democratic
1993 – 1994	US Preeminence	Democratic
1998 – 1999	US Preeminence	Democratic

Source: Author's own elaboration.

Limits to the research here are that (i) most recent international scenarios, which suggest Brazilian rise in international scene in the first years of 21<sup>st</sup> century and especially after 2008 economic crises, and (ii) the period that Brazil has been ruled by the leftist party Partido dos Trabalhadores (PT) are not addressed. In the first case, a different position of Brazil on the international level could explain the country's vote against an UNSC's economic sanction on Iran for its nuclear energy program. In the second case, it does not allow to analyze possible changes on the relations between the executive power and the traditionally hermetic and conservative diplomatic Brazilian body and its influence on the formulation and execution of Brazilian foreign policy. However, these limits, mostly imposed by access to confidential documents, time, and budget constraints, are a motivation to continue the current research in the following years.

#### 1.4.4 Data

In order to address this dissertation's main question I firstly used the literature's assumptions to delimitate the potential influential factors that can explain Brazilian behavior in the economic sanctions imposed by UNSC. Secondary sources, especially books and articles from the academic literature on Brazilian foreign policy and on middle powers, were especially important at this stage.

When specific economic sanctions' cases were addressed, secondary sources such as academic literature were collated and examined with official UNSC's documents, such as resolutions and reports, and with official documents from the Brazilian Foreign Ministry, such as diplomatic communication. Mostly documents from the Brazilian Foreign Ministry were

<sup>48</sup> In the 21<sup>st</sup> century Brazil would be a non-permanent member of the Security Council in 2004-2005 and in 2010-2011.

only recently available to academic research (Brazilian Access to Information Federal Law nº 12.527/2011 - Lei nº 12.527/2011).

The confidential sources constitute an original contribution to the study of Brazilian foreign policy and allowed to individuate further factors when the first ones delimited by academic literature were not enough to explain Brazilian behavior in the single cases analyzed. As historical, political and economic context are important to understand the strategies chosen and behaviors adopted, material from historical, economic and political sources have been considered. Newspapers' and magazine's reports which outline key events have also been used.

Some cases clearly contain more information than others do. This is especially true on emblematic South Africa, Iraq or Haiti cases. On one side, it can be considered a bias toward these cases. By the other side, this reflects the importance of these economic sanctions cases to the international society, to the evolution of economic sanctions regime and to the Brazilian foreign policy itself.

## 2 COLD WAR CASES

In this chapter all 10 UNSC economic sanctions' imposed during the 1990s are analyzed. The presentation of each case is composed, firstly, by a brief overview, in which the main actors in the conflict and their interests were presented. The UNSC resolutions adopted were also presented at this moment too. Secondly, Brazil's interests, concerns and diplomatic behavior were presented. Finally, the summary notes compiled the main explanatory factors and outcomes for each specific case.

### 2.1 SOUTHERN RHODESIA

Southern Rhodesia was the first country to have mandatory economic sanctions imposed on it by the UNSC. Brazil was a non-permanent member of the UNSC when the sanctions were adopted and during their term it held two mandates in the UNSC.

#### 2.1.1 An overview of the case

The Security Council's first use of economic sanctions as an autonomous tool to ensure collective security arose only during the Cold War period, two decades after the UN's creation, when they were imposed against the white minority government of Southern Rhodesia.

On November 2<sup>nd</sup> 1965, the Southern Rhodesian white minority unilaterally declared independence from British rule. They feared a black majority government would take power in the course of the country's independence process (Galtung 1967). In addition to the sanctions imposed by the British government, the Security Council adopted, on 20<sup>th</sup> November, a resolution recommending member states to voluntarily sever economic relations with Rhodesia. The white minority government, led by Ian Smith, remained resistant to calls for the establishment of a democratic government, which would possibly be based on an African majority. As a result, in December 1966, the Security Council adopted a resolution to restore international laws that the UNSC deemed to have been violated by the white minority government.

The December 1966 sanctions were the first mandatory economic sanctions imposed by the Security Council in the history of the UN. UNSC Resolution 232, 16 December 1966,

was approved by 11 votes to 0, with 4 abstentions (Bulgaria, France, Mali and the USSR). The Security Council Resolution: a) determined that the proclamation of independence by illegal authorities in Southern Rhodesia constituted a threat to peace and security; b) determined also that all member states should prevent the import of raw materials such as iron ore, chrome, pig-iron, sugar, tobacco, copper, leather, among others; c) condemned the assumption of power by a white minority; d) reminded member states that they were obliged to implement the resolution by force of Article 25 of the UN Charter; e) reiterated the inalienable rights of freedom of the people of Southern Rhodesia in accordance with the Declaration of the General Assembly on the Granting of Independence to Colonial Countries and Peoples, 1960; f) reaffirmed that even countries not members of the UN were called to act in accordance with that resolution<sup>49</sup> (Security Council 1966).

During the initial period of the Rhodesian sanctions a number of academic studies highlighted the weaknesses of the economic sanctions mechanism then in progress. Johan Galtung, in 1967, denied the effectiveness of this pressure mechanism at an economic level and even at a moral level. Galtung interviewed several people from the business world of

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<sup>49</sup> Resolution 232 (1966): “[The Security Council] Acting in accordance with Articles 39 and 41 of the United Nations Charter, 1. Determines that the present situation in Southern Rhodesia constitutes a threat to international peace and security; 2. Decides that all States Members of the United Nations shall prevent: (a) The import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of the present resolution; (b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Southern Rhodesia for the purpose of such activities or dealings; (c) Shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution; (d) Any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia; (e) Any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly, or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia; (f) Participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia; notwithstanding any contracts entered into or licenses granted before the date of the present resolution; 3. Reminds Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation Article 25 of the United Nations Charter; 4. Reaffirms the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations; 5. Calls upon all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia; [...] 7. Urges, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution”.

Rhodesia who supported Ian Smith's government. Their statements portray the resilience of people (especially the white elite) in dealing with the sanctions. Economically they acted to substitute and smuggle products targeted by the sanctions. They also obtained commercial advantages by conducting business with governments that did not comply with the sanctions imposed. According to Galtung, these people did not even consider themselves to be morally confronted. They held the view that the expressions of support for the sanctions by the Queen of England were given under pressure. The interviewees expressed their admiration for the Queen as they presented themselves for interview. The Rhodesian whites believed, that despite appearances, the Queen "was with them"<sup>50</sup> (Galtung 1967).

Throughout their term, the sanctions were reaffirmed and intensified in order to increase international pressure on the government of Ian Smith.

In 1968 Resolution 253 of 29 May 1968, was approved unanimously. It extended the Rhodesian sanctions regime. By force of this resolution, economic sanctions were expanded not only on the side of commodities imports by other countries but also of all other products exports to Southern Rhodesia. In 1968, then, the economic sanctions were increased to "total and comprehensive sanctions resulting in Southern Rhodesia's complete economic isolation" (Security Council 1966-1968, 208).

Despite the sanctions regime imposed, it seems that a confluence of factors accumulated since 1975 contributed to the effective collapse of Ian Smith's regime. In 1975, Mozambique achieved its independence. In 1976, the disruption of train traffic between Rhodesia and South Africa removed access to the sea that landlocked Rhodesians needed. In 1977, the country was hit hard by high oil prices (for which they were already paying a high price due to the sanctions regime) and the global crisis. This crisis reduced demand for commodities. In the same year, military spending to contain the internal resistance movements reached unsustainable levels and international support for the resistance increased the isolation of the country. The foregoing set of circumstances led to negotiations that culminated in elections under British supervision and the transfer of sovereignty to an African

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<sup>50</sup> Johan Galtung went to Rhodesia and interviewed members of the white elite who supported the unilateral declaration of independence. The following passage is revealing of how little pressure sanctions applied in 1967: "Q[question]: But Queen Elizabeth, whom you say you greatly admire, and pay allegiance to, declared herself in favor of the sanctions.. A[answer]: Do you really believe that? Oh no, that was because she was forced to do so, and by whom do you think, by that same Wilson [British Prime Minister Harold Wilson]. He told her to do so. But you know what, some of us who watched television very closely saw a twinkle in her eye; that was a secret signal to us that she is really in favor of us, she is with us" (Galtung 1967, 400)

majority government. Within a month of the elections and transfer of power the Security Council lifted the sanctions imposed on Rhodesia<sup>51 e 52</sup> (Abler 2008, 15-16).

During the sanctions regime against Rhodesia, when the first comprehensive sanctions in UN history were adopted<sup>53</sup>, it was decided that the decisions of UNSC were binding on both members and non-members of the UN<sup>54</sup>, but the power dynamics of the Cold War froze most of Security Council's substantial resolutions. However, the context for the application of new mandatory economic sanctions during the Cold War would be found once again in Southern Africa.

### 2.1.2 Brazilian behavior

In the early 1960s, before the political crisis in Southern Rhodesia had been unleashed, economic sanctions had not been used by the Security Council. However, within the General

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<sup>51</sup> In the "Second Report" presented and discussed in the Upper House of the Parliament of the United Kingdom between 2006 and 2007, the period when Rhodesia was under sanctions was summarized as follows: "Following the unilateral declaration of independence (UDI) by the white minority regime in Rhodesia on 11 November 1965, Britain imposed an escalating set of economic sanctions, which culminated in a total ban on Rhodesian exports to and imports from British territories, and an embargo on all financial dealings of British subjects with Rhodesia. The Commonwealth and other countries followed Britain's lead. The United States (US) and France imposed oil embargoes in December 1965, and France restricted the imports of tobacco and sugar. The UN voted to impose mandatory sanctions on 16 December 1966, which by 1968 comprised a total ban on Rhodesian trade (except for a few humanitarian items), an embargo on capital dealings, and the severance of all communications. Following the outbreak of guerrilla warfare in 1972, and the collapse of the Portuguese empire in 1975, the white regime of Ian Smith surrendered, and Robert Mugabe became prime minister of an independent Zimbabwe on 18 April 1980. Security Council sanctions were lifted on 21 December 1979. Economic sanctions were not decisive in ending UDI. Rhodesia was able, with difficulty, to adapt its economy to the situation, and to organize "sanctions busting" through South Africa and the Portuguese colonies of Angola and Mozambique. The US also made an exception for imports of chrome ore, because otherwise it would have had to import it from the USSR. Nevertheless, sanctions did play a part in bringing about "regime change". In the particular circumstances of white minority rule, the humanitarian suffering which sanctions caused did not strengthen the legitimacy of the regime. Instead, it caused a sharp escalation in the level of guerrilla warfare. Sanctions combined with intensifying guerrilla warfare eroded white morale, and there was a flight of white settlers after 1975. The withdrawal of South African support for UDI in 1976 was probably decisive. Even if economic sanctions helped to create a situation that eventually ended the rebellion, the ability of 250,000 white settlers to defy the international community for 15 years is hardly striking testimony to their efficacy" (House of Lords 2007)

<sup>52</sup> Resolution 460, 21 December 1979, terminated the sanctions program against Rhodesia and dissolved the Committee established to implement them. (Security Council 1979)

<sup>53</sup> Resolution 253 provided in addition to the total interruption of economic flows with Rhodesia, restrictions related to international travels and restrictions to airlines which could be connected to Rhodesians' companies (Security Council 1968)

<sup>54</sup> Resolution 232 (1966): "[The Security Council] Acting in accordance with Articles 39 and 41 of the United Nations Charter, [...] 3. Reminds Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation Article 25 of the United Nations Charter" (Security Council 1966).

Assembly, the Afro-Asian Group<sup>55</sup> had discussed the Rhodesian problem and called for an international response to discriminatory movements that had been rehearsing in that territory.

At that time, in the apex of the decolonization movement, the disintegration of the Federation of Rhodesia and Nyasaland and the independence of these territories from England were clearly present on the horizon as inevitable<sup>56</sup>. The demands of black majorities, within Southern Rhodesia, and the Afro-Asian Group, within the UN General Assembly, were that Britain and other countries should not recognize any declaration of independence by Southern Rhodesia whilst its government was controlled by the white minority, led by Ian Smith. In essence, they demanded Britain to not recognize as sovereign a country that excluded blacks from the political process<sup>57</sup>.

In this period of political disruptions in southern Africa, Brazil monitored with particular attention the course of events in Rhodesia. In 1963 and 1964, Brazil exercised its fourth mandate as an UNSC non-permanent member. At the beginning of this period, João Goulart was the President of Brazil and his foreign policy gave ideological continuity to the Independent Foreign Policy (PEI – in Portuguese: “Política Externa Independente”), inaugurated by his predecessor, and deepened it. During João Goulart’s government, Brazilian foreign policy maintained a stance of : contributing to the preservation of peace with decisive and active support to the UN; supporting and cooperating with other Latin American countries and recognizing common interests and aspirations with African and Asian countries; struggling against underdevelopment and looking for the expansion of foreign trade; reaffirming the principles of non-intervention and self-determination, and giving support against colonialism (Dantas 1962, 5-14). Goulart’s PEI represented a new orientation of Brazilian foreign policy. The country started to develop a new axis of external relations - South-South and South-East - beyond the traditional North-South axis (Vizentini 1999). As a member of the UNSC and guided by multilateralization of its foreign policy, Brazil started to follow more closely the movements in the South and East.

Regarding the political situation in Southern Rhodesia, Brazilian embassies in Lisbon and Cape Town and the Brazilian delegation at the United Nations (DELBRASONU) often

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<sup>55</sup> This group had been forming since 1955 with the decolonization process and it was composed of more than 100 members in 1962.

<sup>56</sup> After independence processes, Northern Rhodesia became the state of Zambia and Nyasaland became the state of Malawi. In 1980, after economic sanctions were lifted, Southern Rhodesia became the state of Zimbabwe.

<sup>57</sup> In addition to people and territory - objective elements - the existence of an independent state in international society demands also the presence of a more subjective element - the recognition of other states. All received recognition that contributed to the affirmation of sovereignty, but for every state that was formerly connected to a metropolis by colonial ties, the main recognition is the one prevented from ancient metropolis.



sent reports to the Ministry of External Relations (MER – in Portuguese: Ministério das Relações Exteriores). The Brazilian delegation at the United Nations reported, on April 2<sup>nd</sup> 1963, the work and findings of a subcommittee of the United Nations Decolonization Special Committee, which was investigating the situation in Southern Rhodesia. The subcommittee, also known as the Fourth Commission or the Committee of 24, reported that if measures were not taken soon, the situation could be a threat to international peace and security in the short term. For this reason, the report stated that although remote, there was the possibility of the subject matter being placed on the agenda of the UNSC (DELBRASONU 1963a).

Brazil was slightly concerned about discussing this issue at the UNSC because it would expose contradictions between its anti-segregationist speech and a contractual relationship with Portugal. On the one hand, inspired by the guidelines of the Independent Foreign Policy since Quadros, Brazil held an anti-colonialist discourse. On the other, it was limited in its international action by the terms of the Friendship and Consultation Treaty (in Portuguese: Tratado de Amizade e Consulta) signed with Portugal in 1953. This treaty stipulated that there should be prior consultations between Portugal and Brazil on all matters of foreign policy and mutual interest. The exceptions would exist only for issues related to American and Iberian spaces (Santos 2011, 10) <sup>58</sup>. The duty of mutual consultation stipulated by the treaty – and the practical support to a colonialist Portugal - would diplomatically be a high price to pay in the multilateral space and a constant fact limiting Brazilian actions related to the Portuguese decolonization process, especially in Africa.

The contradictions in Brazilian foreign policy became more apparent as the African states applied pressure to put the Rhodesian issue on the UNSC's agenda. These contradictions emerged from the contrast between the anti-colonial stance of Brazil's Independent Foreign Policy and the consultation and cooperation commitments with colonialist Portugal. Portugal had a strong relationship with Rhodesia through the Portuguese colony of Mozambique. The Afro-Asian group denounced Mozambique for its economic support to Rhodesia. To remain not condemning the Portuguese position - contrary to UN

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<sup>58</sup> Luiz Cláudio Machado dos Santos, considering the work of Manoel Luis Salgado Guimarães, explains that the absolute value of trade with Portugal would not be enough to explain the preferential treatment that Brazil gave to the Portuguese. According to the author, that special status "had its foundations in an ethnic ideology that sought to exalt and identify Portugal and the Portuguese living here as unique value elements, donors of the most genuine and proper culture that flourished in Brazil. Hence the absolutely leading position of Portugal in the group of nations and the privileged position enjoyed by the Portuguese. The Brazilian elite, jealous of its European origin, proud to have created 'the only predominantly white tropical civilization of the world' and willing to move away from the heterogeneous and mixed masses without their own origin and destination, found in the link with Portugal the path to assert its specificity, its difference, its particular hegemonic, upper and natural place in Brazilian society". (Santos 2011, 136-137) Our translation.

action in the case of Rhodesia - would require a considerable amount of Brazilian diplomatic engineering.

Brazil attempted to prevent the issue of Rhodesia being discussed at the Security Council. The diplomatic correspondence gives clues to the Brazilian position. In a telegram dated August 2, 1963 DELBRASONU informed the Ministry of External Relations that Africans states were putting political pressure on the Security Council to have the question of Rhodesia on its agenda. According to the document, the ambassador of Ghana would request an immediate UNSC's meeting to consider the issue of Southern Rhodesia. Brazil gathered the impression that the council members, while agreeing that the meeting could be requested, considered it premature (DELBRASONU 1963e).

Brazil had been approached by Britain, which requested to and was granted by the Brazilian representative, Carlos Alfredo Bernardes, to "make the [UNSC] President feel the possible disadvantages of this meeting when it comes to fixing its date"<sup>59</sup> (DELBRASONU 1963e). This behavior served to respond positively to a request from a permanent member - what was always recommended for a country that wanted to be accepted in the major multilateral forums - and prevented Brazil from exposing in the Security Council the contradictions involved in its discourse and its foreign policy toward the Portuguese decolonization in Africa. It would like to avoid this because it was important not to displease the Afro-Asian Group, whose numerical strength could support Brazilian applications in the same multilateral spaces.

While avoiding discussions that could expose Brazilian inconsistency on the issue of decolonization, Brazil's performance would not go so far as to sacrifice relations with African and Asian countries. PEI appreciated these countries as connections for new axes for Brazilian external relations and it was exactly these states that supported Brazilian candidacies to other organs, committees and commissions of the organization. In addition, the Brazilian position during this period did not diverge from a position that would reveal cooperation and liaison with other Latin American countries, forming a set of relationships that began to form a regional identity that favored cooperation for the benefit of the collective good (Pinheiro 2000, 318).

Even dealing with ambiguities, the Brazilian preference for African, Asian and Latin American countries can be perceived in the report sent by DELBRASONU to the Ministry of

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<sup>59</sup> In the original: "façam sentir ao Presidente [do CS] quando da fixação de data para a reunião, dos eventuais inconvenientes que vêm na mesma".

External Relations on 11 September 1963. The report advised of a draft resolution proposed by Ghana, the Philippines and Morocco to the UNSC, which primarily invited UK to not recognize any sovereign attribute or provide military equipment or men to Southern Rhodesia. This aimed to prevent minority political groups controlling the colony thereby reinforcing the repression of the black majority. The report also advised that to vote in favor of the resolution would mean to vote with the sponsors (Ghana, Philippines and Morocco) and also with the Soviet Union, China and perhaps Venezuela. It also mentioned that, if there was no veto, the responsibility to approve or not the resolution would stay with Brazil and Norway (DELBRASONU 1963c).

The position for Brazil suggested by DELBRASONU in the report reveals the sensitivity at that time. Brazil, following its preference for a multilateral foreign policy, did not want to jeopardize its ties with the African, Asian and Latin Americans: "We cannot, I believe, fall short of the position taken by Brazil in the previous discussions on the subject, the position of the four Latin American countries members of the Committee of 24 and the Committee of 24's own position"<sup>60</sup> (DELBRASONU 1963c). The report also considers the difficulties of abstaining because, if Brazil did, it would have to be consistent in voting that same way at the General Assembly. At the UNGA, the Brazilian representative had no doubt that the conclusions of the Committee would be approved with strong Hispanic support, and concludes that the

[...] Brazilian point of view is that abstention would represent a serious political risk because it would considerably erode our prestigious position with Asians and Africans, which we were able to preserve even in the case of the Portuguese territories. It could not be invoked in relation to Southern Rhodesia, as a reason for weakening of our anti-colonial position, no special ties with the colonial power [British]. I emphasize that the maintenance of key positions we achieved in diverse Councils, bodies and Organization's Committees were due to our firmly held support for the Afro-Asian bloc. To the renewal of these mandates and to the defense of these political, economic and financial ties fundamental to Brazil, the support of this bloc seems to be indispensable (DELBRASONU 1963c).

The project was voted on by the Security Council and received the British veto, abstentions from France and the United States and the favorable vote of the other members, including Brazil (DELBRASONU 1963f). Despite the favorable vote affixed to the project, Brazil was carefully monitoring the Afro-Asian bloc. It feared that these countries (almost half of the UN members) would no longer distinguish between Britain and the other two

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<sup>60</sup> In the original: "Não podemos, creio eu, ficar aquém da posição tomada pelo Brasil quando das discussões anteriores no assunto, da posição dos quatro países latino-americanos membros do Comitê dos 24 e da posição do próprio Comitê dos 24".

countries accused of colonialism: Portugal and South Africa (BRASEMB\_Londres 1963a). This would expose the ambiguous international position of Brazil that supported the anti-colonialist discourse but was connected, by contractual obligations, to a colonialist Portugal, which refused to cooperate with the demands of isolation and condemnation of the Rhodesian regime because of the economic ties it had through its Mozambique colony.

Despite fearing that the intensification of Afro-Asian demands could overflow in claims against Portugal, the Rhodesian case offered less risk than would be involved in the South African case that followed. The Rhodesian case allowed greater autonomy for the Independent Foreign Policy to adapt with the global South. So, on October 3, 1963, the Brazilian representative requested authorization to co-sponsor with Afro-Asian and other Latin American countries (Chile, Uruguay and Venezuela), a UNSC resolution draft on the same terms as the resolution recently vetoed by Britain (DELBRASONU 1963b). In a telegram, the Brazilian representative was given permission to co-sponsor it on the condition that other Latin Americans did so (SERE 1963h).

The October 9, 1963, a speech of the 4th Commission on the issue of Southern Rhodesia is also revealing on how Brazil coordinated its position with the global South during the PEI. In its speech Brazil emphasized that, since 1962, it had been voting in favor of the Rhodesian resolutions and it hoped that the United Kingdom would take all steps to ensure that black people could participate in the administration of Rhodesian territory. Brazil reinforced the calls for UK's political wisdom in order to resolve the issue and stated that this country could not refute the responsibility it had in an area in which it allowed to be instituted, since 1923, a discriminatory and non-representative system. It was also emphasized that Brazil, as a multiracial nation, could not do anything but support the initiatives that sought to prevent the emergence of a nation with apartheid policies. Finally, it strengthened and repeated the request that the United Kingdom desist from recognizing the independence of Southern Rhodesia whilst government control by a white minority persisted (DELBRASONU 1963g).

While Brazil reinforced coalitions with Latin American and Afro-Asian states and reaffirmed its position in the UN, the response to activism from these countries was one of the few themes around which the United States and the Soviet Union would join positions during the Cold War. In coordinated action, the two giants of the bipolar regime organized to reduce the power of the General Assembly - a body in which Latin American and Afro-Asians formed a large majority and could thereby direct the content of the resolutions adopted.

Regarding this initiative by the great powers to reduce the power of the UNGA and related interests, Brazil's mission to the United Nations, on April 7, 1964, alerted the Ministry of External Relations:

I am afraid that what is being prepared is a large and complete maneuver to substantially reduce the power of the General Assembly, which would come to have equal interests to those of the United States, the United Kingdom, France and the Soviet Union [...] Through the automatic application of Article 19 of the Charter, as requested by the 'Aide Memoire'<sup>61</sup>, the West would ascribe to the Soviet Union the responsibility for reducing the power of the General Assembly, what the Soviet Union could accept as compensation would be its proportionately inverse increase in power at the Security Council. In this case, the only real hurt suffered would be by the middle and small powers, who use the General Assembly as the means par excellence to affirm their interests<sup>62</sup>(DELBRASONU 1964a).

The international integration project was part of Brazil's multilateral strategy. But Brazil found itself in the dilemma that to recognize the group that it drew its support from (in order to integrate itself into the multilateral organization in various bodies) was the same group to which the great powers were not keen to recognize a greater participation in international politics.

At the time the UNGA powers were being drained Brazil found itself internally convulsed by the military coup. After the interim presidency of the president of the Chamber of Deputies, Ranieri Mazzilli, Marshal Humberto de Alencar Castelo Branco took office. The Brazilian position to the problem of divesting the power of the UNGA vis-à-vis the imposition of economic sanctions, however, seemed to be already defined. Brazil's position was maintained that the sanctions should be decided by the UNSC. Brazil's rationale was that, in the limit, the non-observance of the UNGA decisions would damage the legitimacy of the UNGA itself. Therefore, the UNSC, as the only body empowered to decide on mandatory measures and to bind the entire international community, was the right forum to address the issue of sanctions. This position, formulated within the Brazilian diplomacy in the early 1960s, previously to the military regimes, was sustained during the military governments and still remains as the Brazilian position regarding sanctions imposed by the UN. It seems,

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<sup>61</sup> Aide-memoire: a technical term of the diplomatic world used to refer to a proposal or text of an agreement circulating informally among delegations to encourage discussion and gather perceptions on the subject. It is not binding on those who drafted or received it.

<sup>62</sup> In the original: "Estou temeroso de que esteja se preparando uma grande e completa manobra de esvaziamento substancial da Assembleia Geral, na qual viriam a estar igualmente interessados os Estados Unidos da América, o Reino Unido, a França e a União Soviética, através da aplicação automática do artigo 19 da Carta, tal como pedida pelo 'Aide-Memoire', os ocidentais debitarium à União Soviética a responsabilidade pelo esvaziamento da Assembleia Geral, o que a União Soviética poderia aceitar, em vista das compensações que teria com o fortalecimento inversamente proporcional do Conselho de Segurança. Nessa hipótese, os únicos reais prejudicados seriam as médias e pequenas potências, que tem hoje na Assembleia Geral o meio por excelência para afirmarem seus interesses".

though, this is connected more to the Brazilian position in the international scenario than with a particular profile of foreign policy decided by a particular president or a political regime. In face of a possibly disruptive movement that could incentive great powers to abandon the multilateral forum, Brazil would opt for reinforcing some patterns of distribution of institutional powers that privileged them.

During the first military government in Brazil, the situation in Southern Rhodesia deteriorated. On November 2, 1965, there was a unilateral declaration of independence by the white minority. On November 20<sup>th</sup> the Security Council approved the first sanctions against Rhodesia. Initially they had the status of a recommendation and it would take over a year to approve the mandatory ones. These came on December 16, 1966, when Resolution 232 imposed a ban on some products<sup>63</sup>. The Brazilian delegation, which assumed the rotating seat at the UNSC in 1967, just two weeks after the approval of Resolution 232, struggled to develop the practice and discourse of the new orientation of the BFP under the military government.

President Castelo Branco reinforced interdependence and alignment with the Western bloc unlike the preference for independence and neutrality of the former PEI. In multilateral forums, this policy reflected a rejection of the political alignment with Afro-Asian and Latin American states, and the adoption of a strong link with the political positions of the United States and Europe. That is to say that the more autonomous movements reflected in the construction of votes and their justifications together with Afro-Asian and Latin American states lost ground to a consistent and permanent alignment with the Western bloc. Brazilian Foreign policy would be characterized therefore by a strong pro-American ideological component.

The realignment with the United States, argues Eiiti Sato, is explained by the view of the military that, in addition to fighting the Communist threat, it was necessary to invest in a project to transform Brazil into an international power. The military saw modernization and industrialization as essential to this project. To finance it, the United States was the only option on which Castelo Branco could rely. He expected that United States support would be given because of the pro US politico-strategic position that Brazil assumed during the Cold War (Sato 1998, 15-16).

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<sup>63</sup> Resolution 232 was mandatory and determined that all member states should prevent the import of raw materials such as iron ore, chrome, pig-iron, sugar, tobacco, copper, leather, among others (Security Council, 1966).

Even with this new strategy, BFP did not fail to seek the promotion of Brazilian exports. They sought to promote trade with Africa in a difficult chess play that tried to conciliate the mandatory mutual consultations with Portugal, the question of the Portuguese territories in Africa, the condemnation of apartheid regimes and the attempt to expand trade on the continent.

In Rhodesia's case, as it was a British colony, (Brazil was not directly bound to its colonial ruler by contractual obligations as in the case of Portugal), and as sanctions would not make a significant impact on the Brazilian economy, it was not difficult to condemn Ian Smith's regime and demonstrate agreement and compliance with the Security Council's decisions. In the first week of 1967, at the launch of Brazil's 5th term in the UNSC, the head of the Brazilian Division to United Nations suggested that it would be highly desirable that Brazil responded as soon as possible to the Secretary-General's consultation on Rhodesia. He also proposed to proceed immediately with the implementation of Resolution 232 because

At the moment, there is no obstacle to proceed with this implementation: Brazil does not recognize the current government of Rhodesia; not supply it with military weapons, equipment or material, or with oil or its derived products; [Brazil] does not import from Rhodesia any of the mentioned products [...] in Resolution 232 (1966) over which bear the sanctions imposed by the mentioned resolution<sup>64</sup> (SERE 1967l).

The Brazilian representative was authorized to respond to the UN Secretary-General on the implementation of sanctions against Southern Rhodesia and informed him

[...] that the Brazilian government, which does not recognize the government of Southern Rhodesia and does not provide it with arms, equipment and military material or with oil and petroleum products, shall comply with the relevant provisions of Security Council Resolution 232 (1966) in accordance with article 25 of the United Nations charter (SERE 1967k).

On February 15, 1967, the Ministry of External Relations asked the Brazilian representative to inform the Secretary-General that Decree 60.172 /1967, which imposed Resolution 232 on the country, had been published (SERE 1967e). It is clear, therefore, that the absence of Rhodesian colonial links and the absence of any significant trade made it easy to reconcile Brazilian commercial and economic interests with its foreign policy political alignment with Western bloc during the period. It is important to note that, precisely because

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<sup>64</sup> In the original “No presente momento, nenhum obstáculo existe para que se proceda a essa implementação: o Brasil não reconhece o atual governo da Rodésia; não o provê com armas, equipamento ou material militar, nem com petróleo ou produtos dele derivados; não importa da Rodésia nenhum dos produtos mencionados [...] na referida Resolução 232 (1966) e sobre os quais incidem as sanções impostas pela mesma”.

of its insignificant commercial relations with Rhodesia, it cannot be inferred from Brazilian behavior to Rhodesia that politics superseded economic factors in determining Brazilian foreign policy toward economic sanctions.

With new BFP guidelines drawn up under the military government, and without direct interests - economic or political - that were affected by the implementation of economic sanctions, it was not difficult for Brazilian diplomacy to present the country as a reliable actor of the multilateral system. Brazil was proactive in complying with Resolution 232, by internalizing its rules. Moreover, Banco do Brazil Export's Portfolio (CACEX – in Portuguese “Carteira de Exportação do Banco do Brasil”) was frequently consulted on exports and imports of Brazilian companies to and from Rhodesia<sup>65</sup>. The bank also made a statement about the comprehensiveness of the sanctions regime when confronted with a potential breach by a Brazilian company<sup>66</sup>.

On 29 May 1968, the UNSC unanimously adopted Resolution 253, which extended the sanctions regime to all products, thereby determining the economic isolation of Rhodesia. Economic sanctions increased from those introduced in Resolution 232 to “total and comprehensive sanctions resulting in Southern Rhodesia's complete economic isolation”. (Security Council 1966-1968, 208).

**Table 8 - Relevant UNSC voting records on mandatory economic sanctions regarding Southern Rhodesia's case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Southern Rhodesia	Resolution 253 29 May 1968 Total and comprehensive commercial sanctions	15 Algeria, Brazil, Canada, China, Denmark, Ethiopia, France, Hungary, India, Pakistan, Paraguay, Senegal, UK, US, USSR	0	0

Source: Author's own elaboration.

Despite the absolute terms, the approved sanctions did not provide for the total isolation of the country since they did not address sanctions for communications. That being said, these were the first economic sanctions applied to all products commercialized with or by a country in UNSC history. Brazil's position was reflected not only in voting to approve the resolution but it had also made declarations regarding the desirability of intensifying the

<sup>65</sup> As an example, the Adjunct Office for Economic Affairs of the Ministry of External Relations requested from CACEX information about chrome and ferrochrome imports by the company “Aço Villares” from São Paulo (SERE 1967j).

<sup>66</sup> As in the cases when Banco do Brazil Export's Portfolio questioned the Ministry of External Relations about the possibility of “Caterpillar Brasil” exporting spare parts of their products [19.04.1967]



economic sanctions' regime. It even suggested the adoption of more drastic means against the Smith regime:

At the 1408th meeting on March 1968 [which approved resolution 253], the representative of Brazil stated that the Security Council should tighten the economic pressure on Southern Rhodesia. This could be done through a broadening of the trade embargo. In applying selective sanctions to Rhodesia, the Council had not even partially utilized the entire range of economic measures which it could take under the Charter; furthermore, economic sanctions were only one of the many kinds of sanctions, short of the use of force, available to the Council under Article 41 (Security Council 1966-1968, 209).

Subsequently the work of Brazilian diplomats was concerned with the requirement of maintaining compliance with the multilateral system and the procurement of international trade with Africa. Even the disclosure of data regarding commercial transactions prior to comprehensive sanctions was eliminated in order to prevent embarrassment to Brazilian delegations in the United Nations and in South Africa. This was the concern of the diplomat Jorge D'Escragno Taunay, from the Brazilian legation in South Africa, who reported that

[...] the newsletter 86, from 8 May of the current year, registers Southern Rhodesia as one of the buyer countries of Brazilian shoes, in 1967 - adding that the country is among those that tripled their purchases of Brazilian shoes, comparing to 1966. Considering the application of economic sanctions voted by the UN against Rhodesia, with Brazilian support, and considering that the nature of such publications can create awkward situations for the delegation of Brazil at the United Nations and for this Legation, I allow myself to suggest - given the inability to control sales made to Rhodesia by South Africa and Mozambique - the news regarding any kind of business with Rhodesia to be completely eliminated from the news published by the Information Division<sup>67</sup> (BRASLEG\_Capetown 1968a).

Although trading in shoes was not prohibited by Resolution 232 (1966), the Brazilian State Office for External Relations (SERE - in Portuguese "Secretaria de Estado das Relações Exteriores") considered Taunay's suggestion opportune and decided to omit from the Newsletter any mention of Brazilian products reaching Rhodesia (SERE 1968d). There was interest in maintaining trade as it was seen as key to push forward the Brazil-power project, which depended on modernizing and industrializing. Nevertheless, there was no reason to

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<sup>67</sup> In the original: "O 'Boletim Informativo' nº86, de 8 de maio do corrente, consigna entre os países compradores de sapatos brasileiros a Rodésia do Sul, em 1967 - acrescentando mesmo que aquele país figura entre os que triplicaram suas compras de sapatos no Brasil, com relação a 1966. Tendo em vista a aplicação de sanções econômicas votadas pelas Nações Unidas contra a Rodésia, com o apoio do Brasil, e considerando que a natureza de tais publicações pode criar situações embaraçosas para a Delegação do Brasil nas Nações Unidas e para esta Legação, permito-me sugerir - diante da impossibilidade de controlar as vendas feitas à Rodésia através da África do Sul e de Moçambique - que as notícias referentes a quaisquer espécie de negócios com a Rodésia sejam totalmente eliminadas dos noticiários publicados pela Divisão de Informações".

publicize data that, even if not irregular, could cause discomfort to the actor's committed position to the rules of the multilateral game.

Meanwhile, in the UN, Afro-Asian states insisted on the use of armed force against Salisbury (DELBRASONU 1967). At the General Assembly, in order to justify Brazil's objection to written condemnations and sanctions against Portugal - who refused to restrain trade relations that Rhodesia had with the colony of Mozambique - the Brazilian representative at the UN advised abstention on these proposed resolutions with a justification anchored in juridical arguments. Thus, justification for Brazil's abstention on UNGA was rooted in law - it would be said that Brazil's abstention was founded on the recognition that any measure based on the application of chapter VII of the Charter is the sole responsibility of the UNSC. Proof of this understanding and recognition would be given by the fact that the country was complying with all sanctions already approved by the UNSC <sup>68</sup> (DELBRASONU 1968).

Concerns about juridical reasons and an explanation of its position with reference to the rules of the UN, was not just a convenience. It served to give coherence to a movement that would conciliate the unrestricted alignment with the Western bloc, enhancement of multilateral forums, respect for the Friendship and Consultation Treaty with Portugal, and preservation of trade possibilities with African countries. Thus in April 1968, the Ministry of External Relations guided the Brazilian delegation at the UN about the Brazilian stance on British objections to the resolution proposed by Afro-Asian states on the issue of Rhodesia. In a good technical communication, the Ministry of External Relations deliberated on the impossibility of agreeing with some matters regarding issues of jurisdiction, more specifically his lack of means to suppress domestic residents' trade abroad. In the same communication, however, it revealed the political constraints on Brazil during the relevant period to fully stand for the Portuguese position, pointing out that "in no way, however, do we agree with the condemnation of Portugal enclosed in paragraph 13" and "If the condemnation of Portugal exists in the text, we would have to abstain from voting whilst explaining our position" <sup>69</sup> (SERE 1968a).

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<sup>68</sup> Brazil complies with the UNSC provisions publishing in 12 July 1968 the Decree to execute internally the Resolution 253/1968. On 8 October 1968 the Ministry of External Relations inform about the Decree that extinguished Brazilian consulate in Salisbury – which had never been opened (SERE 1968g).

<sup>69</sup> In the original: “de nenhum modo, entretanto, poderíamos concordar com a condenação de Portugal contida no parágrafo 13” e “Se a condenação a Portugal subsistir no texto, teríamos que nos abster com explicação de voto”.

The early Brazilian military governments through their deference to the 1953 treaty gave Portugal greater degree of comfort and leverage in its international politics. It felt at ease in requesting Brazilian intervention with other Latin American states in support of its cause. On June 20, 1969, under the government of Costa e Silva, a memo from the embassy of Portugal in Rio de Janeiro announced that the Afro-Asians had submitted a draft resolution to the UNSC in which censure and a regime of comprehensive sanctions were demanded to be put in force against Portugal. The reason was always the relations Portugal-Rhodesia maintained via the colony of Mozambique. Portugal requested Brazilian intervention with the Latin American members of the UNSC as follows:

As both Paraguay and Colombia are members of the UNSC, the Portuguese government would appreciate the valuable intervention of the Brazilian Government with the governments of Asuncion and Bogota in order to seek instructions to be sent to their respective delegations in New York to vote against the draft resolution. We would also be grateful if the Brazilian delegation at the United Nations could approach delegations of the two countries regarding the same goal <sup>70</sup> (PTEMB\_Rio\_de\_Janeiro 1969).

From the moment it left the Security Council at the end of 1968, Brazil continued to follow events in Southern Rhodesia, but without entanglements that would result in unnecessary political friction. One of the last reports on the economic sanctions imposed during the 5<sup>th</sup> Brazilian mandate was delivered in August 1968, when the Brazilian representative said it was his perception that Rhodesia would not be able to stop the increase of Zambia soldiers on its territory due to the pressure of economic sanctions.

In the early 1970s, Brazil was gradually moving away from its alignment with the United States. The momentary paralysis of the East-West conflict, the oil crisis and the increasing complexity of Brazil's exports agenda laid the foundation for president Ernesto Geisel to plan new independent steps in BFP. Although keeping Brazil aligned with the West, Geisel adopted a qualified distance in the discussion and negotiation of the main themes of the Cold War, to ensure a minimum autonomy (Pinheiro 2000). Therefore, a measure that was required was to leave the Security Council itself.

Under the Geisel government and until re-democratization, in 1988, Brazil did not return to the UNSC. Thus, when by Resolution 460 of 1979, economic sanctions on Rhodesia

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<sup>70</sup> In the original: "Sendo Paraguai e a Colômbia ambos países membros do CSNU, o governo Português muito agradecerá a valiosa intervenção do Governo Brasileiro junto dos governos de Assunção e Bogotá afim de procurar obter que sejam enviadas instruções ás suas respectivas delegações em Nova York no sentido de votarem contra o referido projeto de resolução. Igualmente se agradecerá que a Delegação Brasileira nas Nações Unidas pudesse agir junto das delegações daqueles dois países com o mesmo objetivo".

were lifted, Brazil had no seat at the UNSC. Concerns about economic sanctions against Rhodesia were limited to passively monitoring the ferrochrome market – Rhodesia was the biggest supplier of ferrochrome to the Western bloc countries and prices for the commodity rose constantly during the sanctions period. This was an important input for the growth of Brazilian industrial economy, which was already compromised by oil shocks.

Thus, throughout the period of economic sanctions against Rhodesia, Brazil was under the command of military governments. Given the lack of colonial ties or significant economic relations between Brazil, the former colonial ruler (Britain), and Rhodesia, which could be affected by the application of economic sanctions, Brazil positioned itself favorably to them. However, the Brazilian position toward Rhodesian sanctions was cautious when Portugal was involved. The elevation of relations with Portugal by the military governments and the strict compliance with the Friendship and Consultation Treaty of 1953, any proposal for economic sanctions against Portugal for its support of the Rhodesian government could not rely on Brazilian support. Nevertheless, Brazil's position would not be combative, but rather it would be expressed in its abstention. Finally, and especially at the beginning of the sanctions regime, Brazil would try not to expose commercial links eventually existent with Rhodesia even if they were not irregular or intentional in order to not to raise any questions regarding its alignment and fidelity to the international system of rules.

## 2.2 SOUTH AFRICA

South Africa was the second country to have mandatory economic sanctions adopted against it by the UNSC. This was the first case of UNSC sanctions being imposed on a UN member state. Brazil was a member of the UNSC when voluntary sanctions against South Africa were adopted. These sanctions were introduced during Brazil's 1963-1964 mandate. Thus during Brazil's 1967-1968 mandate these voluntary sanctions were already in place. Mandatory sanctions on arms exports to South Africa were approved by Resolution 418, of November 4<sup>th</sup> 1977. When Brazil returned to the UNSC for its 1988-1989 mandate, mandatory sanctions against South Africa were still in place.

### 2.2.1 An overview of the case

South African independence preceded by a number of decades the great wave of independence movements that began on the African continent during the 1950s. These independence movements were responsible for significantly increasing the number of independent states in the world<sup>71</sup>. In the south of Africa, after a series of disputes between British and Afrikaner<sup>72</sup> colonists that fought for gold and diamond riches in those lands, a peace treaty in 1902 confirmed the British victory. Few years later, “in 1910, the British formally recognized that Afrikaners outnumbered them and established a British dominion known as the Union of South Africa”. The dominion had more autonomy than a colony and was allowed to hold a sovereign parliament, even if it remained under the British Empire. In this system, Afrikaners were governing the country through the Parliament “only a few years after fighting [against British] for the losing Boer forces”. In 1931, the Statute of Westminster recognized the autonomy of the South African Parliament. This, in turn, enabled the adoption in 1934 of "The Status of Union Act", an enactment confirming the independence of South Africa. In 1936 the Parliament approved “The Representation of Natives Act”, which was the first of a series of laws to diminish the voting rights of non-Whites in the Cape Province. Under the British rules of the Cape Colony, the government “actually allowed blacks to vote for representatives”, even if some “property qualifications [...] obviously favored white voters”. The 1936 law excluded this possibility. Finally, the Parliament dominated by

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<sup>71</sup> In 1960, Africa had 9 independent states. In 1980 this number rose to 51 (Mazrui 2010, 876; 1051). This growth in independent African states, and also the process of Asian decolonization, was a decisive factor in the increased weight of Third World countries in the UN General Assembly. This increased representation of new independent states resulted in them challenging the United States and the former colonial powers in the multilateral arena. The change in the composition of the General Assembly made it a disinteresting space for Western powers and they managed to shift the UN decision-making process into the Security Council. It is worth remembering that, a few years earlier, the United States drew on the massive support of the majority of the General Assembly in order to adopt, in 1950, Resolution 377. This resolution, based on the force and representativeness of the majority, allowed the formation of a UN international force to intervene in the Korean conflict despite Franco-Soviet disagreement. This resolution, also known as resolution Acheson, was based on the force of Article 24 of the Charter, which ranks as principally but not exclusively the responsibility of the Security Council on issues concerning world peace and security. (Pereira 2007a) After the decolonization movement, the US lost the support it had previously gathered from the General Assembly, and initiatives such as resolution Acheson became almost impossible.

<sup>72</sup> “Descendants of Dutch, German and Swedish settlers landed by the Dutch East Indies Company at the Cape of Good Hope, South Africa, in 1652, and of French Huguenots (Protestant refugees) who arrived in 1688. They evolved Afrikaans, a version of Dutch spoken by master and slave, and took the name Afrikaners or Afrikanders (the people of Africa). They were also called Boers (from boer - Afrikaan for farmer). Trekboers (graziers and nomadic farmers) advanced deep into the countryside. Britain occupied the Cape in 1806 and introduced 4,000 British settlers who diluted the established Boer culture. Britain's emancipation of the slaves in the 1830s prompted the voortrekkers to undertake the Great Trek to the interior. Two Boer republics, the Transvaal and the Orange Free State resulted” (HistoryToday 2013).

European descendants also introduced regional segregation laws as well as travel and residency restrictions for the black population (Kende 2009, 21).

South Africa supported the Allies during the Second World War. In this context, in 1943, the African National Congress (ANC) - a party formed in 1912 by several African black voters who opposed racial discrimination and the accompanying deprivation of political rights - issued a document in which it: (i) declared its hope that the principles of democracy and human rights contained in the Atlantic Charter would apply everywhere, not just in Europe; and (ii) defended the right to vote for all adults, access to justice and freedom, promotion of socio-economic rights and access to education and health (Kende 2009).

Despite the publicity surrounding acts of resistance, it would take three years after the ANC's statement for any country to formally criticize the segregation rules of South Africa at the UN. India was the first to do so in 1946, at a General Assembly meeting, although this did not affect the continuity of South African segregationist policies at that time. The Afrikaans National Party "won" the parliamentary elections in South Africa in 1948 and the apartheid regime was formally institutionalized with the approval of discrimination and racial segregation laws in favor of the white minority (Kende 2009, 23).

In the 1960s, influenced by the decolonization and self-determination movements that dominated the General Assembly discussions and that led it to the preparation of documents recognizing the right to self-determination, the Security Council adopted Resolution 134 of 30 March 1960, in which it invited the South African government to abandon discriminatory policies and racial segregation and to promote racial harmony (Security Council 1960). In the following years, the Security Council adopted Resolution 181 of 7 August 1963 and Resolution 191 of 18 June 1964. These resolutions invited the member states to ban the export of arms and ammunition to South Africa as well as related material for manufacture and supplies of this nature<sup>73,74</sup>. These were therefore voluntary and commercial economic sanctions, in which member states were invited to restrict, by their own will, the export of arms and related material to South Africa.

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<sup>73</sup> Resolution 181 (1963): “[The Security Council] 2. Calls upon the government of South Africa to abandon the policies of apartheid and discrimination, as called for in Security Council resolution 134 (1960), and to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid; 3. Solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa” (Security Council 1963)

<sup>74</sup> Resolution 191 (1964): “[The Security Council] 12. Reaffirms its call upon all States to cease forthwith the sale and shipment to South Africa of arms, ammunition of all types, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa” (Security Council 1964)

In 1970, the South African government's violent repression of internal resistance to apartheid increased as the domestic and international fight against apartheid gained momentum. To some extent, it was the government's use of violence in the repression of internal resistance that led to a more effective international response. Resolution 282 of 23 July 1970 and Resolution 311 of 4 February 1972 called on member states to strengthen and observe the arms embargo against South Africa (Security Council 1972). Resolution 392, of 19 June 1976 condemned the massacre of hundreds of black Africans, including children and students, and Resolution 417 of 31 October 1977 reinforced UNSC concern about the massive violence perpetrated by the government (Security Council 1977a). Finally, acting on the authority of Chapter VII of the UN Charter, the Security Council decided, in Resolution 418 of 4 November 1977, that the apartheid regime was a threat to international peace and security. In the same resolution it approved mandatory economic sanctions banning exports of arms and related materials to South Africa<sup>75</sup> (Security Council 1977c). These were the first mandatory economic sanctions against a UN member state. On 9 December of the same year, Resolution 421 was adopted. It approved the creation of a Committee to implement the sanctions imposed (Security Council 1977b).

In 1983, the government revised the constitution to establish a parliament with representation for whites, indigenous and "coloreds"<sup>76</sup>, but not for blacks. The black people exclusion of the political process made opposition parties to reject the bizarre design proposed and to mobilize for international economic pressure:

[They] pressured the government through street protests and advocating for international economic sanctions. Activists began lobbying large institutions internationally, such as American universities, to divest their holdings from South African companies<sup>77</sup> (Kende 2009, 28)

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<sup>75</sup> Resolution 418 (1977): "[The Security Council] 2. Decides that all States shall cease forthwith any provision to South Africa of arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, para-military police equipment, and spare parts for the aforementioned, and shall cease as well the provision of all types of equipment and supplies and grants of licensing arrangements for the manufacture or maintenance of the aforementioned" (Security Council 1977c)

<sup>76</sup> "In South Africa, the term means someone of mixed race" (Kende 2009, 121).

<sup>77</sup> Others argued it would be better to work cooperatively within a pattern of conduct: "Others responded that major institutions could better change apartheid through engagement, not withdrawal, as long as the companies complied with the humanitarian Sullivan Principles, named after the American Reverend Leon Sullivan. These principles obligated companies doing business in South Africa to require non-segregation in eating, comfort and work facilities; to provide equal pay regardless of race; to increase the number of blacks and non-minorities in management and supervisory positions, and the like. The Sullivan proponents, however, could not hold back the bursting dam of divestment" (Kende 2009, 28-29).

The crisis in southern Africa connected different territories. Between 1983 and 1984, South Africa invaded Namibia<sup>78</sup>. It was another chapter of a series of incursions of South Africa since 1915, when it invaded Namibia for the first time during the First World War. In 1920, the League of Nations granted South Africa a mandate to govern the South West Africa (later named Namibia). Later, in 1946 the UN refused South Africa claim to annex this territory. By its turn, South Africa refused to place it under UN trusteeship. In the early 1960s, the opposition organizes to confront South African presence. Following the African independences, the UNGA demanded South Africa to terminate the mandate, renamed the territories as Namibia and recognized the party that opposed the South African mandate (South West Africa People's Organization - SWAPO) as the legitimate representative of that people.

SWAPO was not a Marxist organization, but it had to rely on the Soviet Union to support its struggle for independence “since the West had refused to do anything about Namibian independence – except talk” (Lulat 2008, 125). In this context, the South African incursion of 1983-1984 into the Namibian territory may have been connected to circumstances favored by the political scenario of the Cold War and by economic sanctions’ regime. The Soviets were making significant weapon provisions to the insurgents in Namibia. At the same time, South Africa was lacking weapons supplies due to the mandatory sanctions on place and it was not fearing an American reaction against a group supported by the Soviets. These circumstances may have contributed to South Africa’s invasion of Namibia (Abler 2008, 47).

In 1980<sup>79</sup>, 1984<sup>80</sup>, 1985<sup>81</sup> and 1986<sup>82</sup> the arms embargoes against South Africa were reaffirmed and expanded to include among the declared objectives the collapse of the

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<sup>78</sup> In the following years South Africa would also commit acts of aggression against other independent states of southern Africa, including Angola, Lesotho and Botswana.

<sup>79</sup> Resolution 473, of 13 June 1980, invited all states to apply Resolution 418 (1977) (Security Council 1980).

<sup>80</sup> Resolution 546, of 6 January 1984, called all states to fully implement the arms embargo imposed on South Africa by Resolution 418 (1977) (Security Council 1984a). Resolution 558, of 13 December 1984, reaffirmed Resolution 418 (1977) and required its implementation by all states (including non-UN members) (Security Council 1984b).

<sup>81</sup> Resolution 569, of 26 July 1985, called for the implementation of broader economic restrictions against South Africa: “[The Security Council] Urges Member States of the Organization to adopt measures against the Republic of South Africa, such as the following: (a) Suspension of all new investment in the Republic of South Africa (b) Prohibition of the sale of krugerrands and all other coins minted in South Africa; (c) Restrictions in the field of sports and cultural relations; (d) Suspension of guaranteed export loans; (e) Prohibition of all new contracts in the nuclear field; (f) Prohibition of all sales of computer equipment that may be used by the South African army and police” (Security Council 1985a) In 1985 Resolution 571, of 20 September 1985, and Resolution 574, of 7 October 1985, adopted, on the basis of complaints presented by Angola and Botswana in face of the persistent attacks by South Africa, and reaffirmed the arms embargo on the country and called all States to implement Resolution 418 (1977) (Security Council 1985b).



apartheid regime and the guaranteed independence of neighboring countries from Pretoria's (South Africa's) aggressions.

In addition, in the 1980s, the United States, the European Union and Japan, the most important trading partners of South Africa, imposed unilateral economic sanctions on the country (Hefti and Staehelin-Witt 200x, 1). In the United States, these measures derived from popular pressure and influenced similar positions adopted by the United Kingdom:

In the United States, attitudes began to change when leading civil rights activists, politicians and movie industry figures engaged in a campaign of civil disobedience to draw attention to apartheid. (Karns and Mingst 2004, 443).  
[...] sanctions against South Africa proved enormously satisfying to domestic political constituencies in Europe, the United States, and Canada in the late 1980s e 1990s" (Hufbauer et al. 2009, 54).

In the early 1990s, apartheid was officially ended and a democratic government was installed in 1994. On this occasion, the African National Congress won 62,6% of the votes, almost the two thirds necessary to change the constitution (Northwestern University 2014). To this votes corresponded 252 seats in the parliament, which first measure was to elect Nelson Mandela as president. After the first multiracial elections Resolution 919, of 25 May 1994, terminated all restrictions imposed on South Africa and dissolved the Committee<sup>83</sup>.

### **2.2.2 Brazilian behavior**

Before the Security Council adopted any recommendation or decision to impose economic sanctions against the segregationist regime of South Africa, Brazil was following closely what happened at the General Assembly. João Goulart was President of Brazil from 1961 to 1964. During his government, the Independent Foreign Policy, that rejected the general automatic orientation to US policies and approached Brazil to the developing world and the Soviet Union, was converted in effective action. In the United Nations, Brazil has

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<sup>82</sup> Resolution 591 of 28 November 1986 reaffirmed the previous resolutions and reinforced the call for implementation of Resolution 418. (Security Council 1986).

<sup>83</sup> Resolution 919 (1994): "[The Security Council] 1. Decides, acting under Chapter VII of the Charter of the United Nations, to terminate forthwith the mandatory arms embargo and other restrictions related to South Africa imposed by resolution 418 (1977) of 4 November 1977; 2. Decides also to end forthwith all other measures against South Africa contained in resolutions of the Security Council, in particular those referred to in resolutions 282 (1970) of 23 July 1970, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986; 3. Decides further to dissolve the Committee of the Security Council established by resolution 421 (1977) concerning the question of South Africa, in accordance with rule 28 of the provisional rules of procedure of the Security Council, effective from the date of the adoption of the present resolution" (Security Council 1994c).

played an active role at the General Assembly meetings (sustaining the “3 Ds” – disarmament-decolonization-development) and has had a mandate in the Security Council from 1962 to 1963. It was in this period that the country outlined its foreign policy response to economic sanctions.

In 1962, the UN General Assembly adopted Resolution 1761 requesting UN member states to interrupt air and sea traffic, break diplomatic relations and totally suspend trade with South Africa. Brazil was concerned about preparing a coherent speech to respond to the proposed sanctions regime, which could give support to its positions in different forums. That year, in diplomatic correspondence, the third secretary Luis Brum de Almeida e Sousa, positioning himself favorably to the Brazilian export of ropes and plant fibers to South Africa, noted that Brazil had abstained from voting in the UNGA Resolution 1761 recommending the suspension of trade with South Africa.

Brazilian justification for abstaining in voting favorably on Resolution 1761 was based on its perception that member states would not be able to implement economic sanctions effectively and, since they were deemed to be ineffective, the measure would eventually weaken the organization itself thereby risking and jeopardizing the fight against racial discrimination in South Africa. However, Brazilian concern seemed to be also connected to the fact that sanctions would harm Brazilian trade with South Africa, that being the most important trade with the African continent at the time. Figures indicate that, in January 1962, Brazilian export licenses to that country represented trade worth US \$ 3,367,397. South Africa in terms of trade volume was the 20<sup>th</sup> best destination for Brazilian exports at that time<sup>84</sup> (SERE 1963e).

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<sup>84</sup> The international dimension of the South African economy was probably the biggest impediment not only for Brazil, but also for major powers to resist the implementation of economic sanctions. One 1964 UN study estimated the damage that the sanctions imposed on South Africa would cause in different countries. "It was verified that England would lose an investment of \$ 250 million, and a market of US \$ 480 million annually for their products that could hardly be sold in other countries, and that the adverse effects on the balance of payment would be of the order of \$ 420 million annually. US exports to South Africa represented 35% of total exports to Africa, totaling 438 million dollars. As Imports rose to \$223 million, thus, there was a surplus of \$213 million. Moreover, US inversions are in the order of \$ 600 million dollars, with the fab yield close to 17% per year. Other countries, Brazil, Canada, Greece, Denmark, Italy, Germany, Japan, Norway and Sweden, responded to the United Nations stating that they would face losses if the sanctions were applied. According to a study published by the South African Foundation, which transcribed an US study carried out by Carnegie Endowments, "military operations that would be necessary to impose economic sanctions would cost the United Nations the annual sum of US \$ 1.128 billion. Today, with large investments of foreign capital made in this country since 1964, on the basis of 420 million dollars in 1965, and with the gradual increase in South African imports, the measures proposed by Afro-Asian countries are even more difficult to apply. Nevertheless, long cabinet meetings, concluded by the Verwoerd government deciding to give absolute priority to the oil supply problem, the truly Achilles heel in the struggle in South Africa to render ineffective economic sanctions. The government decided to give the greatest possible facilities for those interested in exploring and researching oil on land or underwater platform, freeing them from taxes, granting

Brazilian diplomacy would firmly support the official justification for that abstention. The difficulty of applying economic sanctions and the possibility that the United Nations would itself be weakened, were also mentioned when Brazil was called to provide information on the implementation of resolution 1761 (AG / 1962) by the Chair of the United Nations Special Committee Against Apartheid (originally called the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa) (SERE 1963a). Finally, for legal and political reasons, Brazil abstained from voting on General Assembly Resolution 1761 of 1962.

The reasoning for justifying its behavior was reinforced by the Brazilian Embassy in London when questioned by the Secretary of the Anti-Apartheid Movement, based in London, on Brazilian policy toward South Africa.

It is a well-known fact that under the UN Charter only the Security Council may take decisions such as those, which were included in the resolution, and voted on by the General Assembly. However, the Brazilian Government is opposed to any resolutions which by not being implemented would only bring discredit upon the UN and we feel that the sanctions which are mentioned (and only the UNSC can vote such sanctions) will not be put into effect since 90% of the countries that trade with the Republic of South Africa were against that resolution. Politically, the voting on sanctions only strengthens internally the country against whom they are voted (BRASEMB\_Londres 1963b, 2).

The response also stressed that Brazil had always been against any racial discrimination; that there was no discrimination in Brazil, be it discrimination against black or white; that Brazil considered the possibility of South Africa's expulsion – which was suggested by the Afro-Asian group - from the United Nations would enable the government to feel free of all obligations under the UN Charter (BRASEMB\_Londres 1963b, 2).

The space that Brazil wanted to preserve on the multilateral board discouraged any rapprochement with South Africa that was not strictly necessary for the maintenance of trade relations. To ensure the support of other African countries on the multilateral board, and by the practical difficulties that segregation brought in specific relationships between the two countries, Brazil did not consider it convenient to make any rapprochement to South Africa. Therefore, the Ministry of External Relations guided the Brazilian mission in Pretoria to act as follows in relation to the relationship between the Brazilian and South African navies:

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loans, facilitating imports; are taking advantage of the facilities the California Asiatic Oil Company, Texaco Overseas, Caltex and Esso. Government defined also the purchase of five new oil ships, as an initial step to make the country self-sufficient in terms of oil transportation; yet, as an urgent measure, the government ordered the companies that distributed oil to significantly increase their oil reserves in the country and spread throughout the territory of the Republic their deposits [...]” (BRASLEG\_Capetown 1966).

You will seek to discourage any invitation for visits of Brazilian naval units to South African ports [...] It does not seem appropriate now to strengthen relations between the two naval forces. [...] In addition to the political loss that could result from such an initiative in the African context, we would expose our crews to the unpleasant contingencies of "apartheid" [...] Difficulties regarding the available budget may be submitted as a reason for our elusion<sup>85</sup> (SERE 1963g).

When the discussion of economic sanctions against South Africa comes to the Security Council by the hands of Afro-Asian states, the Brazilian delegation to the UN has been allowed to support the strong condemnation of apartheid and the embargo on arms exports to the country (SERE 1963f). Even as opposed to more drastic measures, Brazil was not willing to sacrifice its relationship with the Afro-Asian group:

While Brazil does not favor extremely drastic measures, we must not in our intervention seem to be worried or fearful with the application of such measures [...] we should not expose ourselves in any diplomatic management, even informal, toward language softening in the project resolution to be presented by Afro-Asians<sup>86</sup> (SERE 1963c).

This Ministry of External Relations response tried to calm the Brazilian delegation at the UN. The delegation had been concerned that the increasing pressure over South Africa could spill over into a draft resolution demanding sanctions against Portugal (DELBRASONU 1963d). Portugal still had colonies in Africa that had political and specially economic ties with South Africa, like the neighboring Mozambique, and these relations were seen as supportive to the government of South Africa. Being constrained by the commitments established in the Friendship and Consultation Treaty signed with Portugal in 1953, which effectively prevented Brazil from acting against Portugal, Brazil would necessarily be exposed in case a penalty against Portugal was required.

When the fear of 'violence' of the Afro-Asian draft effectively materialized, in their requirement for imposing a comprehensive sanction on all goods, the Ministry of External Relations stated clearly Brazil's position:

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<sup>85</sup> In the original: "Vossa senhoria procurará desencorajar qualquer convite para visitas de unidades navais brasileiras a portos sul-africanos [...] Não nos parece conveniente, no momento, intensificar as relações entre as duas forças navais. [...] Além dos prejuízos de ordem política que a iniciativa poderia acarretar no contexto africano, exporíamos nossas tripulações às desagradáveis contingências de "apartheid" [...] dificuldades de ordem orçamentária poderão ser apresentadas por vossa senhoria como razão para nossa esquivança".

<sup>86</sup> In the original: Conquanto o Brasil não favoreça medidas extremamente drásticas, não devemos em nossa intervenção parecer preocupados ou temerosos com a aplicação de tais medidas [...] não devemos desgastar-nos em qualquer gestão diplomática ainda que informal no sentido do abrandamento de linguagem do projeto de resolução a ser apresentado pelos afro-asiáticos.

The text that was released to me contains a paragraph 3 asking for the "boycott" of all goods, including strategic supplies and other materials that enable the manufacture of arms and ammunition. According to the guidelines we gave to Your Excellency, such paragraph is unacceptable and we must abstain from it and from the entire text if it is kept. As Your Excellency knows, we will only support an arms embargo and, if necessary, an oil embargo. I will not hide from Your Excellency that for us the best solution would be to vote paragraph by paragraph and the removal of the paragraph referring to "boycott", which would allow us to vote for the text in its totality<sup>87</sup> (SERE 1963b).

Thus, even though Brazil wanted to avoid the implementation of economic sanctions, it wished to be seen as a supporter of the Afro-Asian group demands against racial segregation. On the multilateral board, the East-West division and the alignment with the Western bloc, at the time, seemed not to be as crucial as the relationship with Afro-Asians. This issue was not so critical because also the UNSC permanent members of the Western bloc plus China adopted the same position as Brazil. Brazil's bilateral relations with South Africa revealed its concern with the maintenance of trade.

From the diplomatic documents it is not possible to conclude that the Brazilian abstention was due to an alignment with the United States. However, when the newspaper "Le Peuple" of Algiers reported the abstention votes against the resolution that would impose broad economic sanctions against South Africa, the Brazilian abstention was condemned as subservient to the United States. In the article, the position of Brazil and that of the other five members of the Security Council that prevented the adoption of a broad boycott, was described as votes that "amputated" the Afro-Asian resolution because they withdrew precisely the paragraph regarding the economic boycott that was considered essential. Speculating on the reasons for the abstention of Brazil, the paper suggests - wrongly, if we consider the Brazilian diplomatic documents of the time - it resulted from the fact that Brazil did not dare to vote against the US (BRASEMB\_Argel 1963).

In fact, when the South African issue was considered by the Security Council, Brazil adopted a clearly passive and cautious attitude. In November 1963, given that the matter remained covered by the Security Council, the Ministry of External Relations sent the Brazilian delegation at the United Nations guidelines recommending they refrain "from any

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<sup>87</sup> In the original: "O texto que me foi comunicado contem parágrafo 3º que pede "boycott" de todas as mercadorias, inclusive materiais estratégicos e outros que sirvam à fabricação de armas e munições. De acordo com a linha geral que demos à vossa excelência, esse parágrafo é inaceitável e teremos de abster-nos a respeito dele, e do conjunto, se for mantido. Como vossa excelência sabe, iremos apenas no embargo de armas e, se for necessário, do petróleo. Não esconderei a vossa excelência que, para nós, a melhor solução seria o voto parágrafo por parágrafo e consequente queda parágrafo relativo ao "boycott", o que nos permitiria votar a favor do projeto em seu conjunto".

initiative in the matter, eventually voting in favor of projects that reach the extent that we are willing to go for now, that is, arms and oil embargoes"<sup>88</sup> (SERE 1963d).

Thus, since João Goulart's presidency - when Brazil moved from symbolic gestures to effective action in its 'Independent Foreign Policy', rejecting the automatic orientation toward US positions - an apparent ambiguity in BFP toward economic sanctions against South Africa was delineated. This ambiguity emerged from the fact that the country assumed an emphatic discourse against racial segregation but at the same time opposed economic sanctions against South Africa, as requested by other African states, as to do so would damage Brazil's own trade with that country and furthermore, according to Brazilian argument, it would weaken the organization itself as sanctions approved by the General Assembly would lack the authority to be enforced.

Regarding the first facet - the strong position in the discourse against segregation - Brazil's strong point was the argument that it was itself a 'racial democracy'. Thus, it could legitimately condemn the Apartheid regime but also shield itself from the criticism that its stance was derived from a shared ideological position with the South African apartheid regime.

Regarding the second facet - the opposition to impose broad economic sanctions against South Africa - Brazil justified its opposition at the General Assembly by asserting the ineffectiveness of adopting a measure that would not be implemented by the majority of members. Brazil assigned the competence to deal with the issue to the Security Council. When the Security Council seized the matter, Brazil adopted an attitude of concordance with the economic sanctions against the apartheid regime provided they would not completely cut off trade flows with South Africa and that they were kept limited to products specifically linked to the violence perpetrated - arms and weapons ammunition.

So, when the Security Council adopted Resolution 181 of 7 August 1963 and Resolution 191 of 18 June 1964, inviting the member states to ban the export of arms and related material to South Africa, Brazil was comfortable to vote in favor of both resolutions<sup>89</sup>,<sup>90</sup>. These non-mandatory and partial sanctions did not harm the entire South African commerce and this selectivity - that were in the limit of the economic sanctions that would be

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<sup>88</sup> In the original: "de qualquer iniciativa na matéria, votando eventualmente a favor de projetos que cheguem até o limite a que estamos dispostos a ir por ora, ou seja, embargos de armas e petróleo".

<sup>89</sup> Resolution 181 of 7 August 1963 was adopted by 9 votes to none with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland) (Security Council 1963).

<sup>90</sup> Resolution 191 (1964) of 18 June 1964 was adopted by 8 votes to none, with 3 abstentions (Czechoslovakia, France, Union of Soviet Socialist Republics) (Security Council 1964).

supported by US - allowed Brazil to manage the simultaneous interests of aligning with the great Western power in the Security Council, sheltering the sympathy of Afro-Asian bloc, and following its interest in maintaining the existing and potential commercial lines with South Africa.

The difficulties that emerged from managing such intricate set of interests required a skilled diplomacy with a consummate knowledge of procedures. Maintaining consistency and avoiding unnecessary exposure involved working in a very technical and “non-purposeful” manner. The effort was valuable because Brazil: i) demonstrated its concern for racial justice and for the preservation of multilateral forums - a highly valued issue for the Afro-Asian group; ii) preserved the Security Council’s authority, which pleased its members and preserved the power of a body that Brazil intended to join permanently; iii) ensured the support of Afro-Asian states for Brazilian candidatures in other multilateral organizations<sup>91</sup>; iv) delivered to South Africa the message that it was not going to adopt extreme measures that might bitterly interfere in the country’s economy, what could contribute to the maintenance or perhaps the expansion of Brazilian business in the country. However, this relative ambiguity raised some doubts for African and Asian states about Brazil’s position. It also made South Africa’s government suspicious about the potential of the partnership it could establish with Brazil.

This apparent ambiguities and these diplomatic efforts would continue during successive Brazilian mandates as a non-permanent member of the Security Council whilst Brazil was under the command of the military regimes.

In 1964 the South African government received the news that a military coup d’état had taken place in Brazil. This was understood as the emergence of a new conservative government, which would support the South African regime. As informed by the Brazilian legation in South Africa, the understanding of South Africa was that, despite the speech denouncing apartheid, Brazil would not take any steps that would practically harm South Africa:

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<sup>91</sup> The ambiguity of Brazilian politics allowed the country, besides looking for the support of Afro-Asian states, to look also for the vote of the South African state itself. Thus, on February 14, 1964, the Brazilian legation in Pretoria informed the Ministry of External Relations that when Brazil asked South African to vote for the Brazilian candidacy for the vice-presidency of the UNCCD Conference (UNCTAD), South Africa was sympathetic but the legation was informed that South Africa "intends to vote only for those countries that are unwilling to support the anti-South African "turmoil" during the Conference" (BRASLEG\_Pretória 1964b).

It was disclosed to me by the same senior official [an official of South Africa's Ministry of Foreign Affairs] that the Brazilian revolution was considered here a major indication of the new conservative wave, thereby justifying the optimism of Verwoerd's regime. I seized the occasion to tell him that our new government, was on the one hand combatting demagogic excesses and communist infiltration and entertaining the most friendly intentions toward South Africa, whilst on the other hand, it was not reactionary or abdicating Brazil's deep conviction toward racial equality [...] the important thing, in his view, was that Brazil recently abstained from voting against South Africa at the United Nations. The Brazilian delegate speech denouncing apartheid was considered to be merely words<sup>92</sup> (BRASLEG\_Pretória 1964a).

This interpretation was articulated even though Brazil, already under military rule, had stated seven days before that it backed economic sanctions:

[...] the two reports before us suggest the adoption by the Security Council of economic sanctions against the Government of South Africa. The appointment of an expert committee to study the logistic of sanctions appears to my delegation to be an appropriate course of action, at this stage of the question, so that the Council – without too much delay – may be able to reassess the situation in South Africa and recommend to the membership specific sanctions that may be advisable and feasible (DELBRASONU 1964b).

During 1967 and 1968, South Africa made a number of approaches to Brazil in strategic economic and military areas. Both the Castelo Branco and Costa e Silva governments refused these approaches, refusing to be bound in any area not specifically linked to trade. The episode involving the intention of General Fraser, commander in chief of the South African army, to visit Brazil demonstrated the resistance to closer ties in the military area. The Brazilian Ministry of External Relations commenting on the proposed visit stated:

In the present context of our relations with all African countries, and in view of the achievement in the current month and in May of the Special Session of the United Nations General Assembly, convened to discuss the southwest African problem, it would be highly inconvenient for us to be visited by General Fraser, commander in chief of the army of this country. [...] I beg Your Excellency to postpone such a visit. Without offering a new date, the possible visit will demand a subsequent clarification. Your Excellency can say that the new government is forced to request this postponement because it feels unable to dispense the due attention to the necessary arrangements. If necessary, Your Excellency may resort to circumstances such as the recent replacement of the National War College Commander and the

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<sup>92</sup> In the original: “Revelou-me o mesmo alto funcionário [um dos chefes de departamento do Ministério dos Negócios Estrangeiros da AS] que a revolução brasileira era considerada, aqui, um importante sintoma da nova corrente conservadora, justificando, portanto, o otimismo do regime Verwoerd. Aproveitei o ensejo para dizer-lhe que nosso novo governo, se por um lado combate desmandos demagógicos e a infiltração comunista e se entretém os mais amistosos propósitos para com a AS, por outro lado, não é reacionário nem abdicou das profundas convicções brasileiras de igualdade racial [...] o importante, a seu ver, é que o Brasil se absteve de votar contra a África do Sul na ONU recentemente. O discurso pronunciado pelo delegado brasileiro denunciando o apartheid são meras palavras”.



commitments, in my particular area, resulting from the meeting of the American presidents and from the activities that will follow it<sup>93</sup> (SERE 1967m).

After receiving this response, General Fraser personally visited the Brazilian representation and, after stating that he could understand the difficulties, he proposed that his visit could be done on a private basis (BRASLEG\_Pretória 1967e). Regarding this new proposal, the Brazilian Ministry of External Relations stated:

Your Excellency will tell General Fraser that the same administrative reasons that led me to ask you to postpone his trip to Brazil do not recommend his visit at this time, even on a private basis. [...] I anticipate that I do not desire to consider this visit, at least in the near future<sup>94</sup> (SERE 1967n).

It is important to note that not even the intervention of the United States ambassador, who noted the importance of General Fraser's proposed visit, made any impact on Brazil's decision not to receive the South African general. The United States ambassador made known that:

The General Fraser, based on his visit to Brazil, would go to the United States in May to talk to the Chief of Staff of the United States Army and to senior Pentagon authorities. I [Brazilian diplomat] am informed that the South African General will at the same time, officially visit Portugal and unofficially visit Britain<sup>95</sup> (BRASLEG\_Capetown 1967c).

However, this intervention did not have any effect. Brazil was struggling with the contradictions in its foreign policy toward Africa. Anyway, the Ministry of External Relations replied that the South African chargé d'affaires had in the meantime visited the Assistant of the Secretary General of his department and asked him about the best time for General Fraser to travel to Brazil. He was told that the matter would be examined in due course, but that

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<sup>93</sup> In the original: "No presente quadro de nossas relações com o conjunto dos países africanos, e em vista da realização, no corrente mês e em maio, da Sessão Extraordinária da Assembléia Geral da ONU, convocada para tratar do problema do sudoeste africano, seria altamente inconveniente para nós a visita do Gal. Fraser, comandante-em-chefe do exército desse país. [...] Rogo a vossa excelência conseguir o adiamento de tal visita. Sem oferecer nova data, cuja eventual escolha deverá ficar dependendo de entendimento posterior. Vossa excelência poderá dizer que o novo governo se vê forçado a solicitar esse adiamento por sentir-se impossibilitado de dispensar aos preparativos necessários a atenção devida. Se preciso, vossa excelência poderá lançar mão de circunstâncias como a recente substituição do Comandante da ESG e os compromissos, em minha área específica, decorrentes da reunião dos presidentes das repúblicas americanas e as atividades que se lhe seguirá".

<sup>94</sup> In the original: "Vossa excelência dirá ao Gal. Fraser que as mesmas razões de ordem administrativa que me levaram a solicitar-lhe o adiamento de sua viagem ao Brasil, desaconselham sua visita no momento, ainda que em caráter particular. [...] Adianto que não desejo cogitar dessa visita, pelo menos em futuro próximo".

<sup>95</sup> In the original: "Gal. Fraser, com base na sua visita ao Brasil, iria aos EUA em maio próximo, para conversar com o chefe do Estado-Maior daquele país e com altas autoridades do Pentágono. Estou informado de que o militar sul-africano visitará, na mesma ocasião, oficialmente Portugal e oficiosamente a Grã-Bretanha".

nothing was possible to predict at that moment because the National War College was about to begin an extensive tour of various Brazilian states. The chargé d'affaires also revealed that General Fraser was still interested in visiting Brazil but that he had stated it would not be possible to make the visit that year. The Brazilian Ministry of External Relations added: "This circumstance facilitates, at least regarding the time factor, our position on the matter"<sup>96</sup> (SERE 1967o).

This episode demonstrates how Brazil's foreign policy had to avoid acts that revealed ostensive connections with the discriminatory government of South Africa thereby maintaining the weight and importance of Brazil's political image in the international community. On the other hand, the Brazilian position of effective and factual support to Portugal in colonial issues discredited the good intentions of Brazilian diplomatic rhetoric.

South Africa maintained an active approach in pursuing closer ties with Brazil. In February 1967, the Ministry of External Relations was informed by the Brazilian legation in South Africa that the South African government would vote in favor of the Brazilian candidate for the position that would re-elect Brazil to the Directing Committee of the IX International Hydrographic Conference (BRASLEG\_Pretória 1967c). In March of the same year, the same source reports that the new Minister from the diplomatic service of South Africa in Brazil was one especially chosen because he was a close collaborator of the Minister of Foreign Affairs of South Africa and in order to "demonstrate the interest of his country in strengthening its friendship ties with Brazil"<sup>97</sup>(BRASLEG\_Pretória 1967d).

Therefore, since 1967, with the Costa e Silva government, the orientation would remain the same: do not cooperate with South Africa except in the commercial sector, and do not actively condemn the country either. In addition, Brazil continued to struggle to keep its behavior within the rules of the multilateral system - which meant, essentially, that it struggled for respect for the decisions of the Security Council, to which it belonged until the end of 1968.

The opportunity to test practically these positions came at the beginning of the Costa e Silva's government. In March 1967, the Ministry of External Relations responded to an invitation from South Africa to the heads of missions to visit South West Africa as follows:

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<sup>96</sup> In the original: "Essa circunstancia facilita, pelo menos quanto ao fator tempo, nossa posição sobre a matéria".

<sup>97</sup> In the original: "demonstrar o interesse de seu país para estreitar os laços de amizade com o Brasil".

As you well know, one of Brazil's policy guidelines has been to accept and honor the United Nations decisions. [...] The invitation of the South African Government, made at the same time that the Committee [Ad Hoc Committee for South West Africa] meets, seems to me, ultimately, to aim to divide the Ad Hoc Committee and possibly even discredit the United Nations. For these reasons, you should, in a way that looks best to you, decline the mentioned invitation<sup>98</sup> (SERE 1967f).

In addition, Costa e Silva continued to avoid deepening political ties with South Africa that were not linked to commercial interests. In the diplomatic field, for example, South Africa tried, but failed, to raise the category of South Africa's diplomatic representation in Brazil. Directly answering the formulated proposal, the Ministry of External Relations replied to the Brazilian chargé d'affaires in South Africa:

[...] I clarify that I consider it is not appropriate to consider elevating the category of diplomatic missions between Brazil and this country [South Africa]. Although there exists in Rio de Janeiro, in addition to the South African Legation only communist countries' legations, the government will have to understand the powerful reasons that lead Brazil to not want to elevate the category of this diplomatic mission<sup>99</sup> (SERE 1967h).

Preparing the ground for the commercial potential of bilateral relations, the Brazilian chargé d'affaires argued for a position contrary to the reply he received. He argued for the objective benefits of trade expansion that Brazil could benefit from with increased exports:

As I see it, the analysis of the elevation of the category of diplomatic missions between Brazil and South Africa must be carried out in a realistic perspective and reflect a global orientation of Brazilian foreign policy. South Africa will take political advantage of the transformation of Legations in Embassies; if we adopt a commercial expansion plan in this country - quickly and efficiently - we can greatly increase our exports. It is my view that it is within this scheme that we must examine the South African proposal"<sup>100</sup> (BRASLEG\_Capetown 1967b).

<sup>98</sup> In the original: "Como é do conhecimento de vossa senhoria, uma das diretrizes da política brasileira tem sido a de acatar e prestigiar as decisões das Nações Unidas. [...] O convite do Governo sul africano, formulado no momento em que se reúne o Comitê acima referido [Comitê Ad Hoc para o Sudoeste Africano] parece-me, em última análise, ter como objetivo dividir o Comitê Ad Hoc e, eventualmente, até, desprestigiar as Nações Unidas. Por essas razões, vossa senhoria deverá, da maneira que lhe parecer mais apropriada, declinar do convite em apreço".

<sup>99</sup> In the original: "[...] Adianto que não julgo oportuno cogitar-se da elevação das missões diplomáticas trocadas entre o Brasil e esse país. Ainda que no RJ só haja, além da Legação sul-africana, legações de países comunistas, esse governo terá de compreender as poderosas razões que levam o Brasil a não desejar a elevação dessa missão diplomática".

<sup>100</sup> In the original: "No meu entender, o exame da elevação da categoria das representações diplomáticas do Brasil e da AS tem de ser realizada de um ponto de vista realista e que reflita uma orientação global da política exterior brasileira. A AS tirará vantagens políticas da transformação das Legações em Embaixadas; nós, se adotarmos um plano de expansão comercial nesse país – ágil e eficiente – poderemos aumentar enormemente as nossas exportações. Dentro desse esquema, parece-me, é que devemos examinar a proposta sul-africana".

This reference to this potential for improving business was reinforced by the new Minister of South Africa in Brazil when he visited the Brazilian Ministry of External Relations. On that occasion, justifying the proposal for elevation to embassy category the missions that South Africa and Brazil exchanged, he presented the following arguments: "(a) its [South Africa] country is running a new policy on Latin America in order to strengthen its ties with the region, especially the economic and commercial fields and particularly with respect to Brazil"<sup>101</sup> (SERE 1967g).

It was not, however, only about trade. Brazil had a seat in the Security Council and realized that obligations rose from that position. In addition to comply with the UNSC resolutions, one of the expected behaviors was not to enhance relations with a country whose policy was being condemned by the body. This position also prevented an increase in friction with other African countries.

Therefore, during the same visit, the Brazilian Under-Secretary-General for West European and African Affairs said, amongst other things, that:

Brazil is following with attention the new efforts of South Africa in its relations with Latin America and in particular with Brazil and, for its part, [Brazil] also wants to increase its exchange with South Africa, particularly in the commercial field, that is the reason why it has created in this Legation in Pretoria, a trade promotion division<sup>102</sup> (SERE 1967g).

This was the limit beyond which the Brazilian government could not go because, as the Secretary emphasized on the same occasion, it would not be possible to go beyond it because of the commitments necessitated by Brazil's position at the UN. These commitments required caution on addressing the problems directly connected to South Africa and the relationships it had with other countries on the African continent, reasons that would lead Brazil to hesitate going beyond the gesture, already quite significant, that it had appointed a Plenipotentiary Minister to the Legation (SERE 1967g).

Although not indicating so by moving to a formal partnership and the greater intensity in their relationship which that would imply, Brazil nevertheless wanted to increase trade relations with South Africa and was willing to ally itself with the country in such matters in

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<sup>101</sup> In the original: "(a) seu país está executando uma política nova em relação à AL, no desejo de estreitar seus laços com a mesma, especialmente no campo econômico e comercial e particularmente no tocante ao BR".

<sup>102</sup> In the original: "O Brasil está acompanhando com atenção os novos esforços da África do Sul em suas relações com a América Latina e, em especial, o Brasil e, de sua parte, deseja também incrementar seu intercâmbio com a África do Sul, particularmente no campo comercial, razão pela qual vem de criar nessa Legação, em Pretória, um setor de promoção comercial".

order to preserve economic interests. Thus, when both countries would be affected by a new policy of the European Economic Community (EEC) Council that would hinder or even prevent the import of citrus that had been submitted to diphenyl to preserve and conserve fruit, the Brazilian Ministry of External Relations asked the Brazilian legation in South Africa to verify with that country that both countries would act together (SERE 1967i). After a South African proposal to make a joint representation before the EEC (BRASLEG\_Pretória 1967b), the Brazilian MRE said Brazil would be willing to participate in joint efforts with South Africa in order to remove the restrictions on imports of citrus treated with diphenyl (SERE 1967d).

In the same pragmatic way as it dealt with the diphenyl restriction, Brazil would negotiate with South Africa for a Johannesburg - Rio de Janeiro - New York flight route for South American Airlines (SAA). Despite the UN Apartheid Committee's request to the United States and Brazil to prevent that air service from being launched, Brazil considered of greater economic importance that the airline have the route to facilitate both the increase of exports and the number of South African tourists that could visit Brazil. The SAA Johannesburg route would have one flight per week (BRASLEG\_Pretória 1968a).

Relations with other African States, however, could not be damaged. Brazil needed the votes of these countries to ensure its place in international organizations. African states were responsible for supporting the presence of Brazil in these institutions and Brazil signaled that trade relations with South Africa could not depend on the sacrifice of this support. Therefore, the Brazilian government authorized SAA to explore the regular business airline, but the Ministry of External Relations informed the Brazilian legation in South Africa that negotiations took place under a secrecy commitment of South Africa:

[...] South African aviation authorities have agreed themselves, by letter, not to disclose the results of these negotiations before 1 October 1968, in order to avoid possible repercussions among African states in the XVI ICAO General Assembly, in which Brazil requested to be elected to the council<sup>103</sup>(SERE 1968b).

The Brazilian chargé d'affaires in South Africa, Jorge D'Escragnole Taunay, insisted on the commercial potential of the relations that Brazil could establish. For him, the great powers would not support any coercive measure - whether economic or the use of force -

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<sup>103</sup> In the original: “as autoridades aeronáuticas sul-africanas se comprometeram, por carta, a não divulgar os resultados dessas negociações antes de 1º outubro 1968, tendo em vista evitar eventuais repercussões entre os países africanos por ocasião da XVI Assembléia Geral da OACI, em que o Brasil postulava eleição para o conselho”.

against South Africa because there were the interests involved of these countries that they themselves would preserve. D'Escragnolle emphatically requested that Brazil considered the opportunity to demonstrate more political will to South Africa in order to benefit from the economic gains that could arise:

USA, England, France and Germany will not take any measure to impose economic sanctions or war measures because they would be contrary to their own interests. They verify every day that South Africa offers good deals in a highly competitive market. [...] No one wants to lose the sources of strong currencies provided by South African imports; [...] No one wants to create problems for their own interests on the Cape Route, today a strategic position of the highest relevance. [...] I am therefore perfectly comfortable to say to Your Excellency that if we wish to enhance our exports, we have to pay more attention to our political relationships. Of course, trade with this country is not or will not be so important that it will force us to modify our position against apartheid and colonialism; what is needed is to avoid useless gestures. According to my information, the purpose of which is to underpin the formulation of Brazilian policies, I start with two axiomatic assumptions: (a) Brazil has no means to modify the internal policy or the foreign policy of South Africa; (B) Brazil does not need to prove or to demonstrate that it opposes apartheid [...]. Considering all this, I request Your Excellency to order the accurate examination of the close correlation that exists in this country between the political phenomenon and the economic fact, with overall prevalence of the former over the latter<sup>104</sup> (BRASLEG\_Capetown 1967a). Emphasis in the original.

The Brazilian diplomat requested that Brazil stopped ignoring the country's economic potential and, in order to take advantage of it, recognized the predominance of the political phenomenon over the economic fact. What the diplomat could not understand at the time was that the economic fact was important to Brazil, but it could not request sacrifice of the multilateral participation. That is, as well as for South Africa, also for Brazil, the political fact, which is the Brazilian participation multilateral in the multilateral arena of the UN, prevailed over the bilateral economic fact involving Brazil and South Africa. It was enough for Brazil to pay the price for unconditionally supporting Portugal. The result was an apparently ambiguous international relations pattern: every step toward the further

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<sup>104</sup> In the original: “EUA, Inglaterra, França e Alemanha não tomarão qualquer medida para impor sanções econômicas ou tomar medidas de guerra por contrárias ao seu próprio interesse. Verificaram cada dia mais que a AS oferece bons negócios em um mercado extremamente competitivo. [...] Ninguém deseja perder as fontes de divisas fortes proporcionadas pelas importações sul-africanas; [...] ninguém mais deseja criar problemas para os próprios interesses na Rota do Cabo, hoje de posição estratégica da mais alta relevância. [...] Sinto-me, portanto, perfeitamente à vontade para dizer à vossa excelência que, se pretendemos intensificar nossas exportações, temos que dar maior atenção às nossas relações políticas. Evidentemente, nem o comércio com esse país é ou será tão importante que nos obrigue a modificar nossa posição frente ao apartheid ou ao colonialismo; o que é necessário é evitar o gesto inútil. Nas minhas informações, que objetivam fornecer subsídios para a formulação da política brasileira, parto de duas premissas axiômáticas: (a) o Brasil não tem meios de modificar a política interna ou externa da AS; (b) o Brasil não necessita provar ou demonstrar que é contra o apartheid [...]. Diante de tudo que foi dito acima, rogo a V.E. mandar examinar detidamente a íntima correlação que existe nesse país entre o fenômeno político e o fato econômico, com total predominância do primeiro sobre o segundo”.

development of trade relations with South Africa corresponded to an active discouragement of political cooperation with other African states.

The above situations show such a dynamic, but also demonstrate the Brazilian tendency in the United Nations:

We promoted along with Latin American states the Resolution that established the UN Council for South West Africa, but, in order to safeguard our relations with South Africa, we did not participate in the said council, as, indeed, for the same reason we had avoided previously to integrate with the Committee of 14 and the Committee on Apartheid. We maintain our relations with the South African government and we want to increase our trade with this country, observing, however, the limits imposed by our international commitments and interests"<sup>105</sup> (SERE 1967a).

To maintain this delicate balance between preserving relations with the segregationist South African state and other African anti-Apartheid states each concession was made only to the necessary extent: Brazil voluntarily observed the embargo called on arms and related materials; in the bilateral political field, it dealt with the South African request to increase the category of its diplomatic missions by postponing answers and giving all kinds of excuses to derail the proposed visit of General Fraser; in favor of anti-Apartheid African states, Brazil agreed to vote for the implementation of economic sanctions, with a limit on the sanctions of an arms and oil embargo – and only if the issue was addressed at the Security Council; Brazil also supported projects for the creation of councils that put South Africa under the observation of the United Nations; and when verbal condemnation of apartheid lost significance, cash contributions were allowed – such as that for the United Nations Fund for Apartheid victims, in the amount of \$ 3,000, and in light of other Latin American contributions (SERE 1967p).

Overall, Brazilian behavior could seem to be ambiguous to an external observer. On the one hand, it did not give in to South African attempts to visit Brazil and other ostensive approaches; on the other hand, Brazil had not abandoned the perception that South Africa could be a relevant market for Brazilian products. An example of this can be seen in an episode when Brazil offered South Africa synthetic rubber. When the Ministry of External

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<sup>105</sup> In the original: “Patrocinaamos junto com os países latino-americanos a RES que institui o Conselho da ONU para o Sudoeste Africano, mas, com vistas a resguardar as nossas relações com a AS, não quisemos participar da composição do referido órgão, como, aliás, pela mesma razão, evitamos, anteriormente, integrar o Comitê dos 14 e o Comitê sobre o Apartheid. Mantemos relações com o governo sul-africano e desejamos incrementar as nossas relações comerciais com esse país, com observância, porém, dos limites impostos pelos nossos compromissos e interesses internacionais” [1967, jun.30 - Da SERE à LegBR na AS. - 2633-2634].”

Relations was informed about the difference between the production and consumption of synthetic rubber in South Africa (5 thousand tons per year), which were imported from Europe or the US, it made it known that a Brazilian firm would be able to supply the product, with immediate delivery, at a price of 40 cents per kilo and requested the Brazilian legation to check the possibilities of this business (SERE 1967c). Considering the positive answer from the Brazilian Legation in South Africa (BRASLEG\_Pretória 1967a) the Ministry of External Relations provided information on the prices and delivery conditions that the Pernambuco Company of Synthetic Rubber would be able to offer to the South African authorities (SERE 1968e).

In 1968, Brazil continued the same pattern of activity. Not wanting to be regarded as a political supporter of South Africa, Brazil avoided symbolic gestures of political commitment with South Africa. Thus, before the organization of the International Night Campos-Johannesburg, which would occur both in Brazil and in South Africa, the Brazilian Minister of External Relations informed the Brazilian Legation in Pretoria: "[...] I do not intend to accept the invitation in question, should I receive it. Under these conditions, it is desirable that your Excellency refrain from attending the ceremony in question"<sup>106</sup> (SERE 1968c).

Although the South Africans received successive negative responses, they could not simply interrupt relations with Brazil because of their difficulty in strengthening relations with other important South American players. Taking Argentina, for instance, which could be an important partner in the South Atlantic route. Due to the Malvinas' question, Argentina needed the support of the Afro-Asian group in the United Nations even more than Brazil:

I must say that the South African government accepts the Brazilian government position and considers important our desire to increase bilateral trade; several times the foreign minister told me that 'good business makes good friends'. He informs me that he does not believe there is an articulated Argentinian movement to strengthen political relations with South Africa because (a) Argentina needs (the support of) Afro-Asian states in the United Nations for the Malvinas' issue; (b) Argentinian sales to South Africa have fallen appreciably<sup>107</sup> (BRASLEG\_Capetown 1968b).

Brazilian foreign policy then, although ambiguous, is comprehensible: it sought to maintain the conditions that enabled Brazilian participation in international multilateral fora –

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<sup>106</sup> In the original: “[...] Não tenciono aceitar o convite em questão, caso venha a recebê-lo. Nessas condições, conviria que vossa excelência se abstinésse de comparecer à solenidade em apreço”.

<sup>107</sup> In the original: “Devo dizer que o governo sul-africano aceita posição do governo brasileiro e dá importância ao nosso desejo de aumentar o comércio bilateral; diversas vezes o ministro do exterior disse-me que ‘good bussiness make good friends’. Informa não acreditar que exista desejo definido da Argentina em estreitar relações políticas com a África do Sul porque (a) a Argentina necessita dos afro-asiáticos nas Nações Unidas para a questão das Malvinas; (b) vendas da Argentina para a África do Sul tem decaído de forma sensível”.



this necessitated paying due attention to the demands of the Afro-Asian group. Support for this group was limited, however, by the Friendship and Consultation Treaty signed with Portugal. Moreover, until the Geisel government (1974), although the search for business partners was considered important, it would not test pragmatic moves toward countries in a spectrum beyond that of those states aligned with the Western bloc.

It is within these margins that relations with South Africa were established. Therefore, when invited to participate in the International Fair of Johannesburg in 1969, the Ministry of External Relations refused the invitation extended to Brazil, but it indicated Brazil's interest in increasing trade relations:

Based on conclusions reached by the competent Foreign Ministry sections, Brazil will not participate in the International Fair of Johannesburg in 1969. However, this measure does not require finishing the policy measures that have been adopted concerning the promotion of exports to this area. The data provided by your Excellency [...] seem to indicate even the convenience of an intensification of efforts. Therefore, considering the great interest perceived during the last fair in relation to our machinery for the plastics industry, I would be grateful if your Excellency could privately provide me a list of up to three selected local importers linked to the sector, in order to invite them to visit the Brazilian Industrial Park in 1969. For your Excellency's exclusive information, I clarify that, while privately paid by the Foreign Ministry, the invitation should come from a private firm - Alcântara Machado Trade and Entrepreneurship [in Portuguese: Alcântara Machado Comércio e Empreendimentos] - in order to avoid any possible political linkage to the initiative<sup>108 109</sup> (SERE 1968f).

Meanwhile, in the General Assembly, Brazil maintained its position condemning apartheid, abstaining on items that referred to the recommendation of economic sanctions, condemnation of other countries and disengagement from South Africa (SERE 1968h). When, in 1969, under the XXIII General Assembly, a resolution was proposed suggesting the expulsion of South Africa from UNCTAD the Brazilian approach was to vote against it. The

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<sup>108</sup> J.J. Allman, Carst & Walker e Drury Wikman, all of them with headquarters in Johannesburg, were the 3 major machinery importers for the plastic industry in South Africa (BRASLEG\_Pretória 1968b).

<sup>109</sup> In the original: “Com base em conclusões a que chegaram os setores competentes do Itamaraty, o Brasil não deverá participar da Feira Internacional de Johannesburgo em 1969. Entretanto, tal medida não pressupõe a solução de continuidade do enfoque que se vem adotado com relação à promoção de exportações para essa área. Os dados fornecidos por vossa excelência [...] parecem indicar, mesmo, a conveniência de uma intensificação de esforços nesse sentido. Assim sendo, e considerando o grande interesse notado durante a última feira com relação a equipamentos para a indústria de plástico, muito agradeceria à vossa excelência fornecer-me reservadamente uma relação selecionada de até três importadores locais vinculados ao setor, a fim de que sejam convidados a visitar o Parque Industrial Brasileiro, em 1969. Para exclusivo conhecimento de vossa excelência, esclareço que, conquanto pago confidencialmente pelo Itamaraty, o convite deverá ser feito por firma privada – Alcântara Machado Comércio e Empreendimentos – a fim de se evitar qualquer possível vinculação de caráter político ao empreendimento”.

concern was that the measure could weaken the organization itself and that it could spill over into a similar claim against Portugal:

[...] 1) the South African expulsion from UNCTAD, as proposed in the project, would hardly reverse the policy of apartheid; the expulsion would, however, present the "double disadvantage of a weakening UNCTAD and serve as a precedent which would be invoked certainly soon, against the presence of Portugal in the same organization. Moreover, because of their own ineffectiveness, the measures that are now being proposed by the African countries will be followed by others, more radical (like expulsion from the United Nations, use of the military force, etc.), which Brazil could not, in any way, support. Considering these conditions, your Excellency should vote against the project proposed by the 32 countries and explain our votes using juridical arguments and pointing out our principled position to be contrary to the exclusion of any country from any organ of the United Nations[...] <sup>110</sup> (SERE 1968i).

In the interstice between the 1967-1968 and 1988-1989 Brazilian mandates, the 20 years in which Brazil was out of the Security Council, the stance of Brazilian politics to South Africa concerning the regime of economic sanctions can be described as a movement soaked in inertia. During those two decades, Brazil always informed the Security Council that it was, as requested, fully complying with the resolutions adopted<sup>111</sup>. It stressed, that it was always necessary to demonstrate its lack of political support for the apartheid regime and that it was not building strategic partnerships with South Africa. Thus, in 1970, for example, in the United Nations Special Committee Against Apartheid (originally called the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa) Brazilian Ambassador Araújo Castro presented the various reasons why Brazil condemned apartheid. In addition, he dismissed the speculation that Brazil was negotiating with South Africa, Portugal and Argentina a South Atlantic organization treaty and he reaffirmed on several occasions that Brazil formally and categorically rejected these speculations. He also reported on Resolution 282/1970, which strengthened the call for voluntary sanctions, that Brazil had copiously complied with its text [an invitation to member states to ban all exports

<sup>110</sup> In the original: "...1) a expulsão da AS da UNCTAD, como proposto no projeto, dificilmente reverteria a política de apartheid; a expulsão teria, porém, a "dupla desvantagem de enfraquecer a UNCTAD e de servir de precedente, que seria invocado, certamente, em breve, contra a presença de Portugal na mesma organização. Acresce o fato de que, em virtude de sua própria ineficácia, a medida ora proposta pelos países africanos será seguida de outras, mais radicais (tentativa de expulsão das Nações Unidas, emprego de força militar e etc), com os quais o Brasil não poderia, de forma alguma, se associar. Nessas condições, V.E. deverá votar contra o projeto dos 32 países e explicar nossos votos USndo argumentos de caráter jurídico e assinalando nossa posição de princípio contrária à exclusão de qualquer país de órgão das Nações Unidas [...]".

<sup>111</sup> DELBRASONU informed the president of the Security Council that "acting upon instructions received from my government I should like to state that Brazil shall fully comply with the of RES 282 (1970) and that appropriate internal measures are being adopted in order to ensure the implementation of the decision of the UNSC" (DELBRASONU 1970a).

of arms and ammunition to South Africa]. He finally observed that the studies the Special Committee would pursue on trade relations between South Africa and the rest of Africa, South Africa and Latin America and South Africa and Asia should also include the major trading partners of South Africa - a clear attempt to ensure that it wasn't only the trade of developing countries with South Africa that was to be questioned (DELBRASONU 1970b).

In the early 1970s with the end of dollar-gold convertibility (1971), the first oil shock (1973) and the fall of the Salazar regime (1974), Brazil began making moves toward the reinforcement of relations with African states. The Responsible Pragmatism approach to Brazilian foreign policy, adopted by President Geisel, wanted to overcome the anachronistic worldview of previous military governments, which was strongly attached to the East-West dichotomy. One way to do this was to try to re-establish ties with the promising African market. African states, however, resented the Brazilian position of supporting colonialist Portugal, which affected independence movements and racial equality in Africa. Santos points out that, in an effort to counterbalance the bad experiences left by the Brazilian behavior derived from the fidelity to Portugal, Brazil started an intense program of state visits and embassy openings. "In mid-1976, Brazil would diplomatically reach the whole of Africa" (Santos 2011, 310).

In 1977, when Resolution 418 imposing mandatory economic sanctions that prohibited the sale of arms and related material to South Africa was adopted, Brazil provided for its internalization - a procedure that ensures the application of the restrictions imposed by the Security Council within Brazilian territory. Interestingly, when Resolution 418 was internalized, by means of the Decree No. 91.524 of August 9, 1985, Brazil not only restricted the sale of arms and related material of all types to South Africa, but it extended the prohibition to the export of oil and fuels to this country and to the territory of the illegally occupied Namibia. The preamble of the decree indicates the legal basis of the act and also explicitly condemns the regime of racial segregation in South Africa; it mentions Security Council's resolutions 473 (1980), 558 (1984), 566 (1985) and 569 (1985), which called on States to pursue voluntary sanctions against South Africa; and it recalls that Brazil was already scrupulously respecting the ban on arms sales to South Africa (BRASIL 1985).

When Brazil returned to the Security Council, during the Brazilian democratization period and during the disintegration of the Apartheid regime in South Africa, there was no longer any attempt to send positive signs of cooperation with the discriminatory regime in

South Africa and Brazil just followed strict compliance with the terms of the imposed economic sanctions.

During its 1993-1994 Security Council mandate, Brazil continued to comply with mandatory sanctions. This was evidenced in a series of briefings sent by the Brazilian Delegation at the United Nations to the Ministry of External Relations on the negotiation for the sale of the Pilatus aircraft by Switzerland. The Sanctions Committee decided that the sale would be a violation of the sanctions regime. Switzerland, in response, stated that the planes were not equipped with weapons or military equipment (DELBRASONU 1993c). The Brazilian representative urged Switzerland to comply with the embargo, which he was authorized to do. However, later he was alerted to "regulate the degree of Brazilian involvement in the matter"<sup>112</sup> (SERE 1993i).

When the Sanctions Committee met, the United States, France and the United Kingdom agreed that the sale was contrary to the sanctions. Brazil complied with them, and remembered that impartiality and universality when applying sanctions were necessary conditions for any United Nations sanctions regime to be effective. Russia agreed to the condemnation and sent a letter about the sale to the observer of the Switzerland mission. Russia, however, disagreed with the president of the committee's suggestion to bring the matter before the Security Council (DELBRASONU 1993b).

The representative of South Africa sought the Brazilian delegation to reaffirm the non-military purpose of the aircraft purchase. The South African representative also remembered that his government hoped to solve the question without bringing it to the Security Council. If the matter went to the Security Council all the bidding documentation would have to be revealed. Among those documents the representative presented a letter from 1992, in which the Brazilian Minister of Aeronautics authorized the superintendent of EMBRAER, the Brazilian Aeronautics Company, to "negotiate, propose and sell these aircraft (Tucano T-27) to the SAAF"<sup>113</sup> since they were deprived of military components and could not be used for military operations (DELBRASONU 1993a). This approach was intended to remind Brazil that it had authorized the participation of a Brazilian company (as two other states in the Security Council had also done) under the same conditions that Switzerland was negotiating. The Brazilian representative had simply recalled the Security Council consensual decision

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<sup>112</sup> In the original: "dosar o grau de envolvimento brasileiro na questão".

<sup>113</sup> In the original: "negociar, propor e vender os referidos aviões (Tucano T-27) à SAAF".

that that sale violated sanctions in place. He did not commit to any action to be taken by Brazil because of the visiting South African representative (DELBRASONU 1993a).

In 1994, in order to benefit from the economic opportunities that would arise after the elections, the Ministry of External Relations organized a Brazilian Business Mission to South Africa. The objectives would be to "expand economic cooperation and bilateral trade flows as well as identify opportunities for joint ventures and partnerships in this and neighboring markets"<sup>114</sup> (SERE 1994r). The mission proved to be a success and soon afterwards in the same year a new mission was organized, with the presence of large Brazilian companies from the construction, rubber, granite, metal-mechanical and other sectors (SERE 1994s).

**Table 9 - Relevant UNSC voting records on mandatory economic sanctions regarding South Africa's case with Brazilian participation**

Case	Resolution and content related to mandatory economic sanctions	In favor	Against	Abstention
South Africa	None with Brazilian participation	-	-	-

Source: Author's own elaboration.

### 2.3 SUMMARY NOTES

During the Cold War, Brazil was an elective member of the Security Council in six biennia (1946-1947, 1951-1952, 1954-1955, 1963-1964, 1967-1968 and 1988-1989), and the Security Council approved mandatory economic sanctions against Southern Rhodesia and against South Africa (in 1966 and 1968, and in 1977 respectively).

In both cases, the reason for imposing sanctions was the condemnation of racial segregation imposed by white minorities. At those times, the condemnation of racial discrimination was one of the few subjects that received the support - or at least the absence of formalized objection - from international actors with veto power within the Security Council.

The Brazilian government has guided its performance during this period aware of the peripheral position it occupied in the international system, and oriented by the perception that international trade was an important tool for the country's development. Thus, during the Cold War, Brazil performed a passive role on the construction of the economic sanctions regime that was been created in the United Nations and especially at the Security Council.

<sup>114</sup> In the original: "expandir a cooperação econômica e os fluxos de comércio bilateral, bem como a identificação de oportunidades para formação de empreendimentos conjuntos e parceria nesse e em mercados vizinhos".

Facing the possibility of the General Assembly to adopt economic sanctions against South Africa, Brazil understood that such measure would affect its trade with that country (at that time the most significant of Brazil with an African country) and weaken the multilateral system – both contrary to the Brazilian interests.

Between the clearly opportunistic reason (the preservation of trade) and the one that could be presented as more altruistic (the preservation of the multilateral system), Brazil chose to justify its position supported by the second. The reasoning developed by Brazil was that the body itself (the General Assembly) and even organization (the United Nations) would come out weakened if measures that might not necessarily be implemented were adopted. That is, to be effective, the measures should be concretely implemented and, as only the Security Council could adopt measures with binding force to the states, the Security Council was the appropriate forum to deal with sanctions at the United Nations. This position preserved the institutional *status quo* at the United Nations – one Brazil was not satisfied with, as it considered it had not received the status it deserved by its participation in the 2nd World War -, but had the advantage of preserving the multilateral system. It has been Brazil's position since the creation of the United Nations that is better to be in a multilateral system, even in a lower position, and contribute to perfect this same system, than rely on the power dynamics of bilateral relations and alliances strategies.

This acceptance of a lower status in order to preserve the multilateral system was not new in Brazilian foreign policy. It had already guided Brazil before, when the country opted for being one of the original members of the United Nations. This form of participation was accepted despite Brazil's delusion for not having been integrated as a permanent member of the Security Council because of the "opposition of USSR, hesitant support from United States and the decisiveness of France in keeping the status of a Great Power" (Seixas Corrêa 2012, 38).

The Brazilian systematic opposition to the adoption of economic sanctions by the General Assembly had a threefold effect: (i) it avoided discussions that could concern the end of the most significant commercial flow of Brazil in Africa; (ii) in addition, it avoided discrediting the multilateral arena by adopting a measure which would not be implemented; (iii) Finally, Brazil avoided to be involved in a possible dispute for power between the General Assembly and the Security Council. To articulate all these interests, Brazil founded a justification anchored in the legal structure of the organization itself. As a matter of speech, Brazil's opposition to the application of economic sanctions by the General Assembly lied in

the fact that the UN Charter attributed only to the Security Council the power to adopt resolutions that can be mandatorily imposed on its members. This position was articulated for the Brazilian vote in the 1962, during the vote process of Resolution 1761 in the General Assembly, and has guided the Brazilian position on the issue since then.

Brazil built a position that preserved the authority of the Security Council, what interested the permanent members and especially those interested in disrupting the activism of the General Assembly. It also conveyed the message that Brazil was a reliable (and eventually desirable) partner, what I consider as a matter of prestige. Interestingly, this position was conceived during the period of the Independent Foreign Policy, when there was a greater tendency in Brazil to approach to the Afro-Asian and Latin-American groups. That is, even during the period of greatest autonomy in the conduct of Brazilian foreign policy it is possible to observe the will to preserve the multilateral space (even when this means concentrating power in the Security Council), and a non-revolutionary attitude by not confronting the established hierarchy of power.

When the Security Council dealt with the economic sanctions, Brazil had no difficulties in following other UNSC members to impose the economic sanctions as they had been proposed. In the case of Rhodesia, the imposition of comprehensive sanctions did not affect directly any Brazilian commercial or political interest, so that the complete condemnation of the Salisbury regime, following all other Council members, was the natural path to take. In the case of South Africa, Brazil was not part of the UNSC when sanctions were adopted, but the diplomatic documents reveal the strict observance of economic sanctions imposed on the country. Brazil was concerned in staying away politically from South Africa, although it wished to preserve economic ties with the country.

The fact that the UNSC sanctions to South Africa were not comprehensive sanctions, such as those voted in the General Assembly, facilitated the Brazilian position. As the permanent members made it clear, they would not approve such sanctions against South Africa. Brazil took advantage of this and avoided exposing to the members of the Afro-Asian group its own resistance to a heavier sanctions' regime. The result, in the eyes of the observer, was the Brazilian concern for complying with the rules of the sanctions regimes and the rules of the international system as a whole, ensuring it a position of loyalty in relation to the organization. This behavior suggests – as some have argued - some Brazilian altruism, although I will later argue that it rather had realistic and systemic causes. But it is also interesting to note that, as these sanctions did not compromise the Brazilian commercial

interests, they did not harm the Brazilian opportunistic aspirations regarding the trade with South Africa.

The relations with the Afro-Asian and the Latin-American groups were reduced in the overall framework of Brazilian foreign policy of military regimes, but Brazil maintained its concerns not to displease those countries - especially the Afro-Asians - in which Brazil could obtain much of the support for its candidacies to other UN boards and organizations. The possibility of displeasing the Afro-Asian group seems to have been the touchstone of Brazil's caution to deepen political ties with South Africa during the Cold War, even though racial segregation issues have sometimes been pointed out as the reason for it. And, as the Brazilian *chargé d'affaires* in South Africa noticed, this resistance was reflected in the failure to exploit totally the existing trade potential between the two countries. The Brazilian government, however, recognized that maintaining and increasing trade ties with South Africa was Brazil's interest, but this was not more important than the support that Brazil withdrew from the Afro-Asian group to insert itself in the multilateral arenas.

Brazilian attitudes to gain the Afro-Asians support, in turn, found two limits. First, it could not jeopardize the multilateral system in which Brazil sought to establish a position for itself. This required, during the Cold War, not directly confronting the two super powers so that they could find it more interesting to act unilaterally than multilaterally. It was a Brazilian concern, though, not to devaluate the decisions taken in the multilateral forum when addressing international conflicts. Initially this concern was reflected in not making the GA decisions ineffective and discredited. Later, it also reflected in the concern of not delegitimizing the solution via the UNSC, because the only escape route would be, then, a unilateral solution. That is why the Afro-Asian support should be calibrated with the preservation of the Security Council's power and legitimacy, where the great powers of the period had two permanent seats. Furthermore, the solution to address the economic sanctions to the Security Council's decisions allowed Brazil to follow the interest of the Western bloc, especially the United States, which did not support comprehensive sanctions on South Africa, while Brazil's coincident interests (not to impose a comprehensive sanction on South Africa) were also preserved.

Second, Brazilian attitudes to gain Afro-Asian support in multilateral forums found in the Friendship and Consultation Treaty with Portugal another limit. Although existing since before the military regime, these governments gave a new breath to the enforcement of the treaty terms, making it impossible to align with the Afro-Asians when any conviction or



penalty to Portugal (colonialist and with economic and political ties with the South African regime) was considered. In 1974, the end of the Portuguese authoritarian regime also signaled the end of this treaty. Brazil was relieved from this heavy tie with its ex-metropolis, and the coordination of positions with Portugal would not limit Brazilian operations anymore. The effects for the sanctions regime could hardly be noticed as the Security Council would not return to impose economic sanctions until the 1990s, after the Cold War and after the consolidation of the independence of the Portuguese colonies in Africa.

### 3 1990S CASES

This section addresses the mandatory economic sanctions imposed by the UNSC during the 1990s. After a long period of inertia, the UNSC imposed five times more economic sanctions in the 1990s than in previous 45 years.

#### 3.1 IRAQ

From 1990 until 2003, Iraq was subjected to the largest episode of comprehensive sanctions in the history of the United Nations. During this time, the terms of Resolution 661 sharply restricted all Iraqi foreign trade. Their long-term duration, their comprehensiveness and the high humanitarian costs they implied had significant consequences for the future of the UN sanctions policy. The United States (US) and the United Kingdom (UK) were the two main architects of the sanctions policy against Iraq.

Brazil was not a member of the Security Council, neither when the sanctions were approved by resolution 661 (1990), nor when the terms of the cease-fire and the conditions to lift the sanctions were decided (1991). However, during the two Brazilian mandates in the 1990s, in 1993-1994 and in 1998-1999, a permanent friction unfolded in the sanctions committee concerning the conditions to lift economic sanctions imposed against Iraq. The main disputes involved (i) the United Nations Special Commission (UNSCOM) and the Security Council on the one hand, and Iraq on the other; and, within members of the Security Council, (ii) the United States and Britain, on the one hand, and Russia, China and France on the other. Brazil tried to participate in order to conciliate positions and avoid the use of force, but this was not an easy task, since there were great interests in dispute, in addition to friction between the permanent members themselves.

##### 3.1.1 An overview of the case

On August 2, 1990, Iraq invaded and occupied Kuwait. On the same day, the Security Council adopted Resolution 660. This resolution condemned the invasion and demanded Iraq to withdraw its forces unilaterally and unconditionally (Security Council 1990a). Revealing a shared comprehension that such kind of aggression would not be allowed and would receive a strong and rapid response, only four days later the Security Council unanimously adopted

Resolution 661. It would prove to be one of the longest and most emblematic resolutions of the UN economic sanctions regime.

Resolution 661 was a mandatory instrument adopted in order to pressure Iraq to withdraw from Kuwait. The chosen instrument of pressure was economic as it imposed comprehensive sanctions that banned all trade, imposed an embargo on oil and weapons, froze Iraqi government assets and prohibited financial transactions. This resolution also suspended all international flights departing from or landing in the country. In order to monitor the implementation of the sanctions the resolution stipulated the creation of a sanctions committee (Security Council 1990b).

Exceptions to trade sanctions were allowed for supplies linked to medical purposes, and, in humanitarian circumstances, food. Nevertheless, “since the Security Council did not formally acknowledge the humanitarian emergency in Iraq until April 1991, food imports were also banned for the first several months” (Cortright and Lopez 2000, 39).

In the first years, the sanctions relied on a high degree of cooperation from Iraq’s neighbors to achieve their enforcement. Turkey and Saudi Arabia immediately cut off the shipment of oil (this measure remained in place until the launch of the Oil-for-Food program, the terms of which were accepted in 1996). Later, Jordan was allowed to import Iraqi oil as compensation for the economic burden it was experiencing with the economic sanctions and because it was cooperating with the Security Council (Cortright and Lopez 2000, 39).

On November 29, 1990, the request to Iraq to comply fully with the resolutions previously adopted was reinforced by the threat of the use of force previewed in Resolution 678. Iraq was given “one final opportunity, as a pause of goodwill” to withdraw before 15 January 1991. If Iraq frustrated the request then UN Member States were authorized “to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area” (Security Council 1990c).

The sanctions imposed and the threat of the use of military force embodied in the “all necessary means” expression were not enough to bring about Iraqi withdrawal<sup>115</sup>. On 16 January 1991, one day after the Iraqi deadline, a US-led coalition started a massive air

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<sup>115</sup> Cortright and Lopes argue that there was a good opportunity to make the sanctions more effective. However, there were two constraints to their greater effectiveness: 1 - the autocratic features of the government (in which opposition forces have no political space to put pressure on governments); 2 – In Resolution 661, the UNSC pursued an unconditional reversal of a military intervention and History showed that economic sanctions are a more flexible diplomatic instrument that can hardly achieve such great objectives (Cortright and Lopez 2000, 44).

campaign and an intense ground war. The Iraqis were expelled from Kuwait in February 1991 (House of Lords 2007).

The terms of the Gulf War's cease-fire were defined, after Operation Desert Storm, on April 3, 1991, in UNSC Resolution 687. Called "the mother of all resolutions" (Cortright and Lopez 2000, 42) its very long text (26 preamble paragraphs and 34 operative paragraphs) stipulated an extensive set of specific conditions for the lifting of sanctions. The resolution required Iraq to destroy its nuclear, chemical and biological weapons and to refrain from developing others; called for war reparations to Kuwait and Kuwait's territorial integrity and international borders; assumption of war costs to be paid through a compensation fund managed by the UN; repatriation of war prisoners; a pledge to repel any act of international terrorism; and the acceptance of a demilitarized zone along its border with Kuwait (Security Council 1991a).

Baghdad criticized resolution 687 but a week later the government of Iraq announced its acceptance. However, Iraq was deeply reluctant to implement the stated terms. The Iraq government considered the terms an aggression against Iraqi sovereignty and an intervention in its domestic affairs. Western leaders – especially from the US and UK – gripped tight for the full implementation of this resolution, but there were several controversies, especially regarding disarmament requirements. UN monitoring inspections found it difficult to achieve full cooperation from Iraq.

Iraq's resistance to fully cooperate should not be ingenuously seen as an irrational and evil insubordination. Iraq feared that even if it fully cooperated with UN requests it would not be saved from an international intervention. The written objectives of resolution 687, between other goals, highlighted the elimination of weapons of mass destruction, but "at various stages throughout the sanctions, it was often said by U.S. officials that the sanctions would not be lifted until the Saddam Hussein regime had gone" (Cortright and Lopez 2000, 56).

Reports from UN specialist agencies and commissions registered that by 1998 efforts to eliminate nuclear weapons and long-range ballistic missiles had been largely completed. Substantial achievements were also reached with regard to chemical and biological weapons, even if the dual nature of many elements for biochemical weapons prevented a more assertive assumption about the success of the dismantling projects (Millar et al. 2002, 23). The point seemed to be that the purpose of sanctions had changed and Iraq had no reasons to trust in the lifting of sanctions or in its security itself if it delivered fully the cooperation required.

In the meantime, famine and disease escalated in an Iraq that had been devastated by war bombing and that struggled with the comprehensive sanctions. The situation led to a huge humanitarian crisis.

Facing the rise of humanitarian needs, the Secretary General, Javier Perez de Cuellar, dispatched a mission to Kuwait and Iraq to assess the need for urgent humanitarian assistance. The report of the mission, led by Under-Secretary-General Martti Ahtisaari, dated 20 March 1991, described a terrifying scenario in Iraq, with huge destruction in the productive sectors of food and agriculture, the reduction of water, sanitation and health infrastructures and supplies, dysfunctions in the transport, communications and energy sectors, and a huge mass of refugees and other displaced civilians living under the worst conditions. In his words “Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology”. It was not a surprise that in such a scenario he recommended the immediate lifting of sanctions (Ahtisaari 1991).

Other UN agencies like UNICEF or international NGOs, like Human Rights Watch, reported on the critical situation in specific reports. Human Rights Watch, for instance, described that in northern and southern Iraq, where some cities had revolted against the central government, it was possible to account for tens of thousands of refugees and displaced civilians, lack of adequate food, hygiene and medical care (Goldstein and Whitley 1992).

Responding to criticism of the comprehensive economic sanctions program, the Security Council created the Oil-for-Food program. In Resolution 706, of 15 August 1991, UNSC allowed Iraq the sale of up to \$1.6 billion in oil over a six-month period. The cash inflows would be deposited in an UN escrow account to finance war reparations (30%), UN operations in Iraq and humanitarian imports (Security Council 1991b). The basic working structure of the Oil-for-Food program was established by Resolution 712 of 19 September 1991 (Security Council 1991c). Iraq rejected the terms of both resolutions.

In Resolution 778, of 2 October 1992, the Security Council called on member states to transfer Iraqi oil funds from the pre-Gulf crisis to UN escrow account. Cortright and Lopez point out the failure of this attempt because only two countries indicated they had assets that could be transferred. “The deposits of approximately \$100 million received in the escrow account were from the US (half of this amount) and voluntary contributions from Saudi Arabia and Kuwait” (Cortright and Lopez 2000, 49).

Despite its resistance to accept the terms of the Oil-for-Food program, Iraq accepted, in 1993, the creation of UN weapons monitoring facilities on its territory. In 1994, Iraq recognized the international borders and the sovereignty of Kuwait as settled by the UN Boundary Demarcation Commission and as requested by Resolution 687.

On 14 April, 1995, UNSC Resolution 986 established a new formula for the Oil-for-Food program that permitted the sale of up to \$ 1 billion in oil every 3 months and gave the Iraqi government primary responsibility for the distribution of humanitarian goods (Security Council 1995b). These terms were accepted by Iraq in May 1996 and came into force in December 1996<sup>116</sup>.

Since then, the UNSC passed resolutions extending and/or raising the limit of oil sales. For instance, Resolution 1111, of 4 June 1997, extended the program (Security Council 1997a). Resolution 1153, of 20 February 1998, extended the program again and raised the oil sales limit to \$5.25 billion every six months. It also permitted revenues to finance urgent development needs, particularly in the electricity sector (Security Council 1998b). The electricity sector was operating at only 40% of its prewar levels (Cortright and Lopez 2000, 50).

If on the one hand the Oil-for-Food program created conditions to address the most urgent humanitarian needs in Iraq, on the other it was never welcomed by the Iraqi government, which considered the program an international interference in Iraq's domestic affairs. Iraq's government was not comfortable with the huge control the UN kept on its oil revenues with the uncertainties regarding conditions and limits to its oil sales. These dissatisfactions led Iraqi authorities to cancel oil exports in different opportunities.

The extremely demanding conditions imposed by Resolution 687 created a situation in which the compliance of Iraq with the majority of the conditions imposed to lift the sanctions could not be easily reciprocated. During the 1990s, Iraq accepted the creation of monitoring facilities in its territory; recognized international borders and Kuwait's sovereignty; accepted the demilitarization zone; paid billions of dollars of compensation for the costs related to the invasion of Kuwait via a 30% deduction from the funds raised by the Oil-For-Food program oil sales; returned some properties it took from Kuwait; and claimed to have repatriated prisoners of war, although some disagreements exist on this question (House of Lords 2007).

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<sup>116</sup> The Oil-for-Food program was relevant to face the humanitarian crisis in Iraq but it faced some problems in implementation. In the items classification, some items were considered of dual use but in fact were necessary for the infrastructure (such as the water and energy supply); regarding distribution, it was reported that around ½ of the items were not arriving in hospitals but remained in warehouses (Cortright and Lopez 2000, 49).

This meant that Iraq complied with practically all the conditions required by resolution 687. And finally, after the 2003 invasion of Iraq, it would also be possible to verify that “in relation to what was widely seen as the most important issue, Iraq eliminated its Weapons of Mass Destruction (WMD) stocks and production programs unilaterally in 1991” (House of Lords 2007).

According to Cortright and Lopez, after the creation of the weapons monitoring facilities and after IAEA certified that no nuclear weapons capabilities remained in Iraq, Russia and other countries expressed the desire to lift the sanctions. However, the US had unilaterally moved the target from the general conditions of Resolution 687 to a different one: to remove Saddam Hussein from the government. In November 1997, Bill Clinton went as far to state that “sanctions will be there until the end of the time, or as long as [Saddam] lasts” (Cortright and Lopez 2000, 56).

What emerges is that, on the one side, Iraq was suspicious about the UN requirements and saw no reciprocation for its compliance with sanctions. In a vicious circle, this made Iraq more unwilling to fully cooperate, raising doubts with some UNSC members (especially the US and the UK) about hidden weapons. On the other side, despite the willingness of some countries to reciprocate Iraq’s compliance with sanctions, the US signaled that it would use its veto power to block the lifting of sanctions pressure on Iraq. More than this, the unilateral change of US intentions on sanctions – to take out Saddam Hussein – demonstrated the power of a single permanent member of the UN Security Council in international politics once a sanctions regime had been approved. Sanctions would be seen as easy to approve but virtually impossible to lift.

The result was that, at the end of the 1990s, China, Russia, France and, to a certain extent, even the UK distanced themselves from the US position on Iraq (Cortright and Lopez 2000, 58). The veto power allowed one single country to block the will of others not just about taking a decision of implementing one policy, but also in relation to ceasing or easing the terms of a much contested instrument. The UNSC was paralyzed and the organization was in US hands. Sanctions could not be eased or lifted. It was time to realize that once sanctions were in place, it could be very difficult to ease them and this would be an important lesson regarding the regime of economic sanctions.

In 1999 humanitarian concerns about the Iraqi population continued. These were highlighted in an independent study by Richard Garfield, which attributed  $\frac{3}{4}$  of child deaths to the consequences of economic sanctions (Garfield 1999). Political disagreements regarding

the Iraq sanctions regime were raised in the Security Council. The disagreements were fuelled by the humanitarian crisis and the intransigent position of US.

In January 1999, a French proposal opened a year of attempts to lift the oil embargo on Iraq. The French project resolution proposed to lift the embargo in exchange for a less intrusive weapons inspection program. This project was opposed by the US and the UK. In June, the UK and the Netherlands proposed a resolution in which the sanctions on Iraqi exports would be lifted in exchange for a new weapons inspection program and strict financial controls on Iraqi oil revenues. Russia and China preferred to recall the French plan, what was refused by the US (Cortright and Lopez 2000, 58). No evolution on the sanctions regime was possible.

On 17 December 1999, in a much less consensual decision than the unanimous resolutions from the early 1990s, the UNSC adopted Resolution 1284. It defined procedures for the completion of the weapons verification process and lifted the limit on the level of permitted oil sales. It also declared the Council's intention to suspend sanctions for a renewable 120-day period if Iraq cooperated with a new UN Monitoring, Verification and Inspection Commission (UNMOVIC), created also by the resolution. Four of the UNSC's members abstained (including France, Russia and China) (Security Council 1999d).

Disagreements regarding the monitoring commissions led to the 2003 invasion of Iraq because the US alleged that Iraq was developing weapons of mass destruction (it was subsequently proven that such weapons did not exist). With the fall of the Iraqi government on the 22<sup>nd</sup> of May, 2003, the UNSC approved Resolution 1483, which lifted the financial sanctions and the trade sanctions, except the arms embargo<sup>117</sup> (Security Council 2003b).

This resolution was amended by Resolution 1546 of 8 June 2004. Resolution 1546 stated that restrictions were lifted on arms or related material required by the government of Iraq or the multinational force (Security Council 2004).

But it would only be on 15 December 2010 that the Security Council would definitely end the remaining restrictions placed on Iraq. Resolution 1956 terminated UN supervised arrangements for the Development Fund for Iraq previewed to end from June 30, 2011; Resolution 1957 terminated measures imposed under resolutions 687 (1991) and 707 (1991),

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<sup>117</sup> “10. [The Security Council] decides that with the exception of prohibitions related to the sale or supply to Iraq of arms and related material other than those arms and related material required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply” (Security Council 2003).



by which Iraq was requested to destroy all weapons of mass destruction and long-range ballistic missiles, and not to acquire any nuclear weapons (Security Council 2010a); and Resolution 1958 terminated the residual activities of the oil-for-food program as soon as the remaining contracts established under the program were concluded (Security Council 2010b). Although not specified in any of these resolutions, the compensations that Iraq was due to pay Kuwait remained in place but it is expected that they will be completed in 2015.

### 3.1.2 Brazilian behavior

In 1993, when Brazil started its first mandate in the 1990s as a non-permanent member of the Security Council, the country soon noticed that unilateral movements were in course in the Iraqi case. For instance, despite the formal and informal consultations, which were carried on at the Security Council, the US, the UK and France did not notify the other members about important measures taken in southern Iraq. These measures related to a “no-flight zone” or to the “ultimatum” given to the Iraqi government to remove weapons in the aforementioned zone. Brazil noticed that, when these countries contacted the Iraq ambassador and the press to communicate about the rules to be observed in these areas, they did it by using the UN building, in order to give the idea that those measures were taken with UN approbation. Ambassador Sardenberg, the Brazilian permanent representative at the UN, observed that the US and other members of the military coalition were behaving as if they had received a comprehensive mandate from the UNSC: "Their relationship with the United Nations and the Security Council is characterized thus by their attempt to benefit from an aura of multilateral legitimacy, without resulting in submitting initiatives to the complexity of collective bodies' control, particularly by the Security Council"<sup>118</sup> (DELBRASONU 1993ab).

Furthermore, Brazil had additional signs that the Iraqi case was an issue in which the great powers at the UN had vivid interest. On January 12<sup>th</sup>, 1993, the Permanent Mission of Brazil to the United Nations (DELBRASONU) informed that there were strong rumors that the United States would take a military offensive against Iraq. The president of the Security Council, from Japan, was discussing this issue at that moment with the permanent members.

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<sup>118</sup> In the original: “Sua relação com as Nações Unidas e o Conselho de Segurança caracteriza-se, assim, pela tentativa de beneficiar-se de uma aura de legitimidade multilateral, sem que isso resulte em submeter as iniciativas empreendidas à complexidade do controle dos órgãos colegiados, em particular pelo Conselho de Segurança”.

The Brazilian representative mentioned that there was not any initiative from the president of the Council to call the non-permanent members for consultations (DELBRASONU 1993ac).

As the military front was evolving, the instruments and procedures of the economic sanctions regime would prove to be a disputed instrument for tightening the pressure on Saddam's regime. At that time, the UN Secretariat was inquiring the member states about the existence of Iraqi funds under their jurisdictions. The intention was to draw money to the escrow account. As almost all other countries, Brazil informed that "There are no funds of the government of Iraq, or its state bodies, corporations, or agencies that represent the proceeds of sale of Iraqi petroleum products, paid by or on behalf of the purchaser on or after 6 August 1990, in any financial institution authorized to operate in the exchange market in Brazil" (DELBRASONU 1993ad, SERE 1993l). What existed, instead, was an Iraqi debt with Brazilian Petroleum S.A. (Petróleo Brasileiro S.A. = Petrobrás) of US\$ 44 million (SERE 1993m). The UN intention was to use the funds in the escrow account to pay for UN costs in Iraq, war repairs, and Iraqi humanitarian imports. In the end, only two countries (US and Saudi Arabia) indicated that they had assets which could be transferred (Cortright and Lopez 2000, 49).

The sanctions committee against Iraq was dealing with another issue of the sanctions regime implementation. An important part of its work was to analyze the requirements for humanitarian exemption from the sanctions regime. Although the humanitarian imports (those destined to civil necessities) were exempted from the imposed economic sanctions, the sanctions committee should analyze each exception, case by case. The committee was formed by the same Security Council members, decided by unanimity (which gives a veto power for all members), on a more operational basis (concrete case analysis considering the resolutions approved), and deliberated confidentially.

During the committee meetings, in February 1993, Brazil was able to observe the objections from the US and the UK against the Iraqi request for importing some goods, such as knitting machines, textiles for making clothes, range hoods and wood. Brazil perceived a very restrictive interpretation of the humanitarian needs by some members of the Security Council:

USA, UK, Japan and France (by frequency order) systematically vetoed requests that, in their view, imply any input to the economy of Iraq. Morocco, followed sometimes by other countries from the non-aligned 'caucus', argues for a greater flexibility in the application of sanctions. Brazil, New Zealand, China and, more rarely, Spain, have intervened to point out that the resolutions adopted by the Security Council admit the exceptions for equipment and materials that meet the basic needs of civilians. Brazil, China and also New Zealand, Morocco and Djibouti

have stressed the importance of ensuring the coherence of the committee's decisions over time<sup>119</sup> (DELBRASONU 1993ae).

Despite the more operational profile expected from the sanctions committee decisions, it is possible to see that states were also reflecting the political dispute over a more restrict or a more flexible sanctions policy over Iraq. This dispute would continue during the 1990s. Facing the projection of interests of states as US and UK to interpret the sanctions regime in a more restrictive way than originally created, Brazil's strategy was to recognize and defend the legitimacy (and consequently the terms) of the Security Council decisions. Therefore, Brazil defended the implementation of UNSC resolutions in their extent and limits, by proposing that their rules had to be applied in accordance with the resolution's texts.

Nevertheless, the position adopted by Brazil did not imply an open defense of the Iraqi cause:

In the case of being questioned on the subject, the Brazilian delegation should, in principle, indicate that, given the nature of the procedures, it was not appropriate to motivate any debate. Brazil remained alert to the importance of being equally well justified the requests for the exceptions to the sanctions regime, based on meeting the basic needs of the Iraqi people and the objections that can be opposed to them<sup>120</sup> (DELBRASONU 1993ae).

Progressively, Brazil observed the reinforcement of the United States position against Iraq at the Security Council. In the financial sector, this process to impound Iraq financially started in 1991, when the escrow account was created. Until then, countries that had Iraqi funds under their jurisdictions used to allow their use to pay for Iraqi's imports approved by the committee. According to the rules of the escrow account, frozen funds originated from the Iraq's petroleum exports should be transferred to the escrow account and would be managed under UN's supervision. Resolution 718 (1992) defined that a deposit in a subaccount of the escrow account would be the only mechanism to authorize the use of Iraqi resources. The

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<sup>119</sup> In the original: "EUA, UK, Japão e França (pela ordem de frequência) vetam sistematicamente os pedidos de autorização que, na sua ótica, implicariam qualquer insumo à economia do Iraque. Marrocos, seguindo por vezes dos demais países do 'caucus' não-alinhado, argumentam em favor de uma linha de maior flexibilidade na aplicação das sanções. Brasil, Nova Zelândia, China e, mais raramente, Espanha, tem intervido para assinalar que as resoluções aprovadas pelo Conselho de Segurança admitem a exceção do regime geral para suprimentos e materiais para o atendimento das necessidades básicas de natureza civil. O Brasil, a China e também a Nova Zelândia tem, igualmente, com o Marrocos e Djibuti acentuado a importância de assegurar-se a coerência das decisões do comitê ao longo do tempo".

<sup>120</sup> In the original: "Na hipótese de vir a ser questionada sobre o assunto, a delegação brasileira deverá, em princípio, indicar que, dado o caráter das deliberações, não caberia alimentar qualquer debate, e que se mantém atenta à importância de serem igualmente bem justificados os pedidos de exceção ao regime de sanções, com base no atendimento das necessidades básicas da população iraquiana e as objeções que se lhes interponham".

authorization would also depend on the conditions stipulated by the sanctions committee (DELBRASONU 1993af).

Related to the financial sanctions, in June 1993, answering a request from the United States, the UN legal adviser issued an opinion regarding the Iraqi funds frozen in foreign countries. Until that time, the committee accepted that the governments could authorize the use of Iraqi resources if they were under that state jurisdiction to pay for medicines, food and other products approved by the committee. According to the legal opinion issued, since resolution 778 all frozen funds should be transferred to the subaccount created by the United Nations. To Ronaldo Mota Sardenberg, the Brazilian Permanent Representative at the UN, this juridical opinion clearly reinforced the US position because it forced Iraq to work with a subaccount in the escrow account and consequently it allowed a stronger control over Iraq (DELBRASONU 1993af).

With the opinion delivered by the UN legal adviser, it was confirmed that all use of Iraqi resources had to be performed through the subaccount of the escrow account. This worsened the Iraqi government's access to means of payment abroad, except for that originated from the exports of oil and managed through the subaccount.<sup>121</sup> In practice, as remarked by the Brazilian representative, "the so-called humanitarian exceptions become a dead letter if Iraq has no means to pay for its imports"<sup>122</sup> (DELBRASONU 1993ag).

In October 1993, after three years of comprehensive economic sanctions, including financial sanctions, and after a US effort to tighten even more the control over the financial sanctions, the Brazilian mission at the UN sent to the Brazilian Ministry of External Relations an extensive analysis on the situation of the Iraqi case and the Brazilian opportunities to mediate it.

The report first stressed that Iraq remained with extremely limited access to means of payment after the opinion of the UN legal adviser. Even facing a critical economic situation, Iraq showed no signal to be more flexible regarding the use of the escrow account (which Iraq did not accept as a way to manage Iraqi resources). By its turn, the US gave no signal of eventually accepting to suspend sanctions. Brazil believed - at that time and also later, on its second mandate in the UNSC in the 1990s - that it was possible to implement a more

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<sup>121</sup> O comitê aprovava a posteriori o histórico de fornecimento mensal de petróleo do Iraque à Jordânia, o que gerava um crédito de aproximadamente 20 a 30 milhões de dólares

<sup>122</sup> In the original: "as chamadas exceções humanitárias tornam-se letra morta se o Iraque não tiver como pagar as respectivas importações"

constructive approach, focusing on objective criteria to implement Iraq obligations and checking the conditions to lift the sanctions. Ambassador Sardenberg, analyzed at that time:

Brazil's persistent willingness to favor an objective and constructive road map for the Iraqi issue will probably be, in this context, the most suitable option regarding the compliance with sanctions. It would be valid, however, to explore possible areas of diplomatic activities in the SC regarding the periodic review of sanctions<sup>123</sup>.(DELBRASONU 1993ag)

The Brazilian mission recognized that, due to the severe tightening of means of payment to which Iraq was submitted, the latter "faced, in practice, an increase in the adopted sanctions." Moreover, Iraq did not have a mechanism in which the SC positively signalled the progresses reached. Brazil was also aware that after the lifting the sanctions "exporters would run to Iraq from all sides."<sup>124</sup> (DELBRASONU 1993ag) However, even with the perspective of commercial gains, Sardenberg did not recommend a more active pro-Saddam approach:

A possible option for a more active defense of Saddam's Iraq would have the immediate and vivid counterpart of both the US's and its allies' pressure, regardless of different degrees of reluctance that can exist among them. This can also result as a singularized action, as long as Iraq does not have access to means of payment and sanctions are not changed. The hypothetical option could not lead, in the short and medium terms, to a significant increase in Brazilian exports authorized to Iraq. It could, instead, promote more often, objections from other committee members to Brazilian export requests [...]. Therefore, it does not seem advisable to adopt an active stance in defense of Iraq. It should rather maintain, in regards to the compliance with the sanctions, the line of action taken so far, which is focused on the implementation of resolutions and on the support to the humanitarian exceptions contemplated<sup>125</sup> (DELBRASONU 1993ag).

The first part of this analysis could suggest that Brazil was somewhat concerned on how to promote commercial gains with Iraq. Brazilian foreign policy literature would support

<sup>123</sup> In the original: "A persistente disposição brasileira de favorecer um encaminhamento objetivo e construtivo para a questão iraquiana será, provavelmente, nesse contexto, a opção mais oportuna em relação ao cumprimento das sanções. Valeria, por outro lado, explorar eventuais espaços de atuação diplomática no CS no que respeita à revisão periódica das sanções"

<sup>124</sup> In the original: "o Iraque vê, na prática, ampliadas as sanções contra ele adotadas" and "exportadores acorreriam para o Iraque atraídos de todos os lados."

<sup>125</sup> In the original: "A eventual opção pela prática de uma defesa mais ativa do Iraque de Saddam teria por contrapartida imediata vivas pressões dos EUA e de seus aliados, independentemente dos variados graus de relutância que possam experimentar. Além de poder resultar singularizada, enquanto o Iraque não tiver acesso a meios de pagamento e as sanções não forem alteradas, a hipotética opção não poderia favorecer, no curto e no médio prazos, incremento significativo das exportações brasileiras autorizadas para o Iraque. Poderia, isso sim, despertar, com maior frequência, objeções de outros membros do comitê a pedidos de exportação brasileiros [...] Não parece recomendável, assim, a adoção de uma postura ativa na defesa do Iraque. Caberia, antes, manter, no que respeita o cumprimento das sanções, a linha adotada até agora, centrada na implementação das resoluções e no apoio às exceções de caráter humanitário nelas contemplados"

this inference as it frequently stresses that development based on the promotion of international trade is a main guideline of Brazilian Foreign Policy. However, the documents on the Iraqi case do not confirm this inference of Brazil making an option to maximize its commercial gains in the Iraqi case. In fact, by the analysis of the documents of late 1999, it is possible to see that Brazil had not fostered the trade under the program Oil-for-Food. According to ambassador Gelson Fonseca Jr., a report issued by a Brazilian engineer who participated as a monitor for the UN humanitarian program in Iraq informed that:

The presence of Brazilian companies that sell products to Iraq is reduced. A preliminary analysis of the approved contracts during [Oil-for-Food] program phase VI puts Brazilian exports (US\$ 6.5 million) on a rather distant level from countries whose economic importance or profile are similar to Brazil, such as India (US\$ 147 million), Spain (US\$ 28 million), Italy (US\$ 39 million ) or even Vietnam ( US\$ 33 million). Just for comparison effects, the volume exported by France amounts up to US\$ 154 million; Russia, US\$ 110 million; and China, US\$ 60 million. Brazilian exports to Iraq are mainly of sugar, paper and spare parts for tractors and for the Iraqi oil industry<sup>126</sup> (DELBRASONU 1999n).

Regarding Brazil's requests, in 1993, Brazil presented to the sanctions committee a request from Massari company to export to Iraq tanks for transportation of drinking water, tanks for transportation of oil, type "frame-bug", discharge tanks and others (DELBRASONU 1993cb). From another company, Cobrasma, Brazil presented a request to export wagons to transport grain, multipurpose wagons, tank-wagons and parts and spare parts (DELBRASONU 1993cc). US, France and UK objected the requests but later agreed that Brazil presented further data regarding the goods to be exported (DELBRASONU 1993bx, 1993bz, 1993ca). Regarding the Cobrasma request, US, UK and France decided they would approve the export of wagons to transport grain and multipurpose wagons, maintaining the objections regarding the wagons for transportation of oil (DELBRASONU 1993ah). Throughout the decade, Brazil had a very low participation in trade with Iraq. The Brazil-Iraq trade flow within the Oil-for-Food program was lower than that of many countries with similar economic profile or dimension, as will be seen below.

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<sup>126</sup> In the original: "A presença de empresas brasileiras que vendem produtos ao Iraque é bastante reduzida. Uma análise preliminar dos contratos aprovados apenas durante a fase VI do programa coloca as exportações brasileiras (US\$ 6.5 milhões) num patamar bastante distante de países com peso econômico e/ou perfil semelhantes ao do Brasil, tais como a Índia (US\$ 147 milhões), a Espanha (US\$ 28 milhões), a Itália (US\$ 39 milhões) ou mesmo o Vietnã (US\$ 33 milhões). Apenas para termos de comparação, o volume exportado pela França equivale a US\$ 154 milhões; pela Rússia, US\$ 110 milhões; e pela China, US\$ 60 milhões. As exportações brasileiras para o Iraque resumem-se a açúcar, papel, e peças de reposição para tratores e para a indústria de petróleo iraquiano"

In the most desirable sector of petroleum, in which the proven reserves of Iraq amounted to 112 billion barrels, volume surpassed only by Saudi Arabia, Brazil was not commercially active either:

Considering the purchase of Iraqi oil, recently [late 1999] Petrobrás resumed its operations, signing a contract at the phase VI of the program [Oil-for-Food]. There is another record of an Iraqi oil shipment to Brazil via a Vietnamese company. In the same period, Russia, for instance, signed 19 oil purchase contracts; Switzerland and Turkey, 6 each one; China, 5; France, 4. Even the UK bought more Iraqi oil than Brazil (3 contracts). The US signed just one contract, but in the end it consumes, via intermediaries, most of the oil produced by Iraq.<sup>127</sup> (DELBRASONU 1999n)

Over the decade, the increasing trade gap between Brazil and Iraq in favor of other countries had already been noticed. In early 1994, for instance, the Brazilian embassy in Amman, Jordan, informed that France articulated the interests of “Total” and “Elf-Aquitaine” oil companies. The objective was to provide these companies with the possibility of exploring the “Nahr Uma” and “Majnoon” oil camps, being the latter discovered by Petrobras. French authorities would be negotiating to sign contracts as soon as the sanctions were suspended (BRASEMB\_Aman 1994b, a).

In 1997, this same diplomatic representation reported that industries of France, Italy, Spain and England would send businessmen to Baghdad to strengthen trade ties with Iraq. The information, in fact, was that the flow of businessmen never ceased, but it was becoming even denser, as January 1998 approached. At that time, a possible suspension of sanctions was expected with the launch of the monitoring system . The representative of Brazil in Amman suggested that, in order to not be left out of the wealthy Iraqi market, Brazil would need to start acting in Bagdad with some speed (DELBRASONU 1993ai).

Nevertheless, in the following year, in 1998, data did not show Brazil's move toward closer commercial ties with Iraq. Until 1998, Brazil accounted for only 3 contracts approved (two of sugar and a one of parts for tractors), worth US\$ 14.3 million, since the implementation of the Oil-for-Food program in December 1996. Brazil was only the 34<sup>th</sup> exporter in values for Iraq, with a much lower sum than any of the top five exporters (France,

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<sup>127</sup>In the original: “No que tange à compra de petróleo iraquiano, recentemente [fim de 1999] a Petrobrás reiniciou suas operações, tendo firmado um contrato durante a fase VI do programa. Há registro de outro embarque de petróleo iraquiano para o Brasil via companhia vietnamita. No mesmo período, a Rússia, por exemplo, firmou 19 contratos de compra de petróleo; a Suíça e a Turquia, 6 cada uma; China, 5; França, 4. Até o Reino Unido comprou mais petróleo iraquiano que o Brasil (3 contratos). Os EUA firmaram apenas um contrato, mas acabam consumindo, via intermediários, a maior parte do petróleo produzido pelo Iraque.”

Australia, Jordan, Russia and the US), all of them with contracts exceeding US\$ 200 million (France's contracts, for example, amounted to 571 million; Australia's contracts, 414 million) (DELBRASONU 1998g).

During the 1990s, this history of the trade gap between Brazil and Iraq was very different from the Brazilian experience in previous periods. Commercial contracts came to less than US\$ 15 million during the eight years when Iraq was under heavy UN's sanctions. In 1987, for example, Brazil exported Astro rockets 100 SS-60 to Iraq (SERE 1999f). In addition, before the Gulf War, Brazilian companies reached the most diverse industries, commercializing a wide range of assets, from infrastructure services to the sale of motor vehicles.

As reported by counselor Aurelio Garcia Avelino, on a mission to Iraq to verify the country's situation and business opportunities for Brazil within the Oil-for-Food program, at the end of 1999:

The Gulf War and the following embargo against Iraq interrupted a lucrative trade flow between the two countries (which achieved in the best years up to 2 billion [dollars]) and an important bilateral cooperation, with the presence of Brazilian companies in Iraq, especially emphasized on infrastructure works carried out by Mendes Junior (an important part of the Baghdad-Jordanian border highway and Baghdad-Syria border railway). A great deal of the vehicles still circulating around Baghdad is Brazilian, and they are being used in spite of the lack of spare parts (Volkswagen maintained a fixing car garage near the Iraqi capital until the Gulf War). Even under the Oil-For-Food program, I believe that Brazilian companies have not taken advantage of existing opportunities. In this context of possibilities for business operation, as an example, I highlight the 32<sup>nd</sup> version of the International Fair of Baghdad, which was inaugurated on current November 1<sup>st</sup>, was attended by 36 countries (including Russia, China, Arab countries, Sweden, Switzerland, Germany, South Africa) and still had the participation of 950 foreign companies.<sup>128</sup> (DELBRASONU 1999q).

The potential of the Iraqi market had always been recognized by the Brazilian diplomats and it would have been their wish to build a little more active commercial policy in this area:

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<sup>128</sup> In the original: “a guerra do Golfo e o embargo contra o Iraque daí resultante interromperam um vultuoso comércio entre os dois países (que terá chegado nos melhores anos a aproximadamente 2 bilhões) e uma cooperação bilateral importante, com a presença de empresas brasileiras no território iraquiano, com relevo para as obras de infraestrutura realizadas pela Mendes Junior (parte importante da autoestrada Bagdá-fronteira Jordana e ferrovia Bagdá-fronteira Síria). Grande parte dos veículos que ainda circulam por Bagdá, mantidos a duras penas pela falta de peças de reposição, são de origem brasileira (Volkswagen mantinha, até a Guerra do Golfo, oficina de manutenção nas proximidades da capital iraquiana). Mesmo dentro do programa Petróleo por Alimentos, creio que as empresas brasileiras não tem aproveitado oportunidades existentes. Nesse contexto de possibilidades para a exploração de negócios, observo que foi inaugurada em 01 de novembro corrente, a 32<sup>a</sup> versão da feira internacional de Bagdá, com a presença de 36 países (entre os quais Rússia, China, países árabes, Suécia, Suíça, Alemanha, África do Sul) e a participação de 950 empresas estrangeiras”



I believe that Brazil could try to secure a better share in the Iraqi market, in line with what several countries have been doing. The country could enjoy the important heritage of contacts acquired in the past and the existing potential demand in the Iraqi market (food, renovation of the existing Brazilian vehicles in the country with spare parts, sale of other manufactured goods, etc).<sup>129</sup> (DELBRASONU 1999q).

In addition, reporting the position of other important international players: "The Russian representative has stressed that Iraq has always been and still is the most important Arab country to Russia [...] it is the same case, in economic terms, to China"<sup>130</sup> (DELBRASONU 1999q).

Despite these expectations, Brazil maintained a low-profile approach policy to bilateral trade with Iraq. During the whole decade, Brazil did not reinforce even the simplest diplomatic presence in the country for fostering commercial ties in some degree. It seemed that Brazil recognized that the fundamental political question regarding disarmament and other Iraqi obligations with the UN should be solved before Brazil put itself more emphatically in other Iraqi sectors. Moreover, the political question was a game for the big players, in which Brazil, in a realistic analysis, felt it had no conditions to influence directly.

Although Brazil perceived that it could not influence decisively in the political outcomes of the Iraqi crisis, there was still an expectation that Brazil could perform meaningful action regarding the conflict management. The country effectively tried it. For instance, in September 1993, Brazil tried to foster a consensus around a Chinese proposal aimed at mentioning the progress achieved in Iraq during the Presidential Declaration on the sanctions review procedure. This could start a progressive recognition of Iraq's cooperation that could lead to the lifting of sanctions. Yet, it did not succeed (SERE 1993s).

In October 1993, Sardenberg could still visualize ("by the periodic review of sanctions imposed to Iraq"<sup>131</sup>) some space for Brazilian action at the Security Council regarding the Iraqi question. This opportunity would appear through a constructive support to initiatives by China and Morocco, which wanted to respond positively to the advances made by Iraq on the sanctions review meetings. "This kind of action locates us on the essential (requirement of compliance with Security Council resolutions), in line with Western countries that most

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<sup>129</sup> In the original: "Creio que o Brasil poderia tentar garantir um melhor quinhão no mercado iraquiano, na linha do que diversos países vêm fazendo. O país poderia aproveitar o importante patrimônio de contatos adquiridos no passado e a demanda potencial existente no mercado iraquiano (alimentos, renovação do parque de veículos brasileiros existentes no país com peças de reposição, venda de outros bens manufaturados, etc. "

<sup>130</sup> In the original: "O representante russo fez questão de salientar que o Iraque sempre foi e é o país árabe mais importante para a Rússia... no mesmo caso, em termos econômicos, se situa a China"

<sup>131</sup> In the original: "quando das revisões periódicas das sanções impostas ao Iraque".

actively militate in favor of pressuring Iraq, without excluding our availability to deal with the Iraqi issue - in an objective and constructive way -, as your Excellency stressed to your Iraqi counterpart.”<sup>132</sup> (DELBRASONU 1993ag).

If repeated, these constructive initiatives could reduce the rigidity of the "formula Ayala Lasso," usually repeated by the Sanctions Committee on Iraq: "The introduction of any change to that formula, without modifying the sanctions regime, would significantly increase the negotiating space on the subject in the Council and open new possibilities for Brazilian diplomatic action.”<sup>133</sup> (DELBRASONU 1993ag). This formula was proposed in the first review section previewed by Resolution 687. There was a clear lack of consensus concerning the Iraq's compliance with the resolution, with some countries intending doing nothing about the matter. Gharekhan explains that Ayala Lasso formula, which takes its name from the Ecuadorian ambassador who proposed it, consisted on the decision that “the President of the Council would write a letter to the Secretary General, informing him that the review had been carried out and that there was no consensus (...). The President's letter would be issued as an official document of the Council” (Gharekhan 2006, 66).

The political space for such constructive initiatives seemed to exist. Brazil realized that the implementation of sanctions was reinforcing the terms of the financial pressure on Iraq far beyond than initially projected. The effects of sanctions on the Iraqi civilian population also concerned Brazil in an incidentally manner. More important, there was a tangible progress in the disarmament sector achieved by Iraq since 1993.

The IAEA had already concluded, in 1993, that "the essential elements of the Iraqi nuclear weapons program 'are understood and have been dismantled.'"(DELBRASONU 1993ag). For the Brazilian Mission at the UN, these conclusions brought elements that could impact the terms under which the review of sanctions' issue was evolving (DELBRASONU 1993ag).

The Brazilian Minister of External Relations at that time, Celso Amorim, deemed Sardenberg's proposal as appropriate for a more constructive role of Brazil in the SC on the issue of Iraq. He argued that the favorable receptions from Pakistan and Morocco and the possibility of support from Japan and New Zealand for easing the formula Ayala Lasso, as

<sup>132</sup> In the original: “Essa linha de atuação situa-nos no essencial (exigência do cumprimento das resoluções do Conselho de Segurança), em sintonia com os países ocidentais que militam mais ativamente em favor de que se exerça pressão sobre o Iraque, sem excluir a projeção de uma disposição de dar encaminhamento objetivo e – como acentuou Vossa Excelência a seu homólogo iraquiano – construtivo à questão do Iraque”

<sup>133</sup> In the original: “A introdução de qualquer alteração nessa fórmula, sem modificar o regime de sanções, ampliaria significativamente o espaço de negociação sobre o tema no âmbito do Conselho e abriria, portanto, novas possibilidades de atuação diplomática para o Brasil”

initially proposed by the Chinese delegation, favored this Brazilian posture. Since then, Brazil was directed to act constructively, which meant an action seeking to add positive elements to the statements of the president of the Sanctions Committee. These positive elements corresponded primarily to the progress obtained between Iraq and the United Nations Compensation Commission (UNSCOM) and the International Atomic Energy Agency (IAEA). They would be aggregated without prejudice to the Brazilian commitment to UN resolutions (SERE 1993r).

To maintain the "constructive and open to dialogue" posture mentioned by the Brazilian Minister of External Relations at the 48th UNGA, Brazil started to hear various interlocutors on the matter. In November 1993, the Under Secretary of International Organizations in Iraq, Ambassador Riad Al-Qaissy, informed his interest in visiting Brazil to expose the positioning of the country regarding par. 22 of resolution 687 (DELBRASONU 1993aj). The paragraph 22 was related to the lifting of sanctions, which was conditioned to the disarmament of Iraq. Although apparently stipulating objective conditions for the lifting of sanctions, its interpretation became a major point for political discussion of the sanctions regime against Iraq.

The visit of Al-Qaissy to the Secretary-General of Brazilian Ministry of External Relations was held on November, 16th. Al-Qaissy said this was the first time that the UNSC was implementing disarmament action under Chapter VII of the Charter. He mentioned the "substantive and considerable progress" that the reports of UN agencies showed without further comments from UNSC. He believed that the lack of recognition of these advances was due to the fact that Iraq did not formally accept the Resolution 715 on long-term monitoring in the area of the disarmament, even though it has done in practice. Demonstrating mistrust in the reciprocity of the Security Council, Al-Qaissy said that Iraq could not formally accept the resolution 715 because he was not sure whether the UNSC would authorize the export of commodities (oil) in consequence. If it was possible to be sure of that, Iraq would accept the resolution 715 (SERE 1993s).

By suggesting that Brazil should have a more neutral understanding of the situation, Al-Qaissy reminded that the non-permanent members, chosen by the other UN countries, had responsibility for all the UN countries and "should not be subordinated to the interests of one or another group."<sup>134</sup> He suggested that, as a Security Council member, Brazil should be ready to hear the parties involved. Brazil clarified that "although there is a political component in

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<sup>134</sup> In the original: "não deveriam estar subordinados aos interesses de um ou outro grupo"

the whole matter, Brazil keeps firmly committed to the objective implementation of United Nations resolutions"<sup>135</sup> (SERE 1993s). With the institutional component having been mentioned to Al-Qaissy, the Brazilian commitment to the Security Council sanctions would be the cornerstone of Brazil's argument throughout the period of sanctions on Iraq. Brazil held this position consistently in all circumstances and before the different parts. Within this framework, Brazil would seek both the Iraqi cooperation with the UN and the American commitment to multilateral decisions.

At the end of November, Sardenberg met the Iraqi Vice Prime Minister, Tarek Aziz. There was progress on the issue of the permanent monitoring. Aziz informed about his inclination to accept the resolution 715 and reinforced that there was no positive response from the Council on Iraq's progress with the United Nations Special Commission (UNSCOM) and with the International Atomic Energy Agency (IAEA). He said that the rigidity of the Council was due to a "hidden agenda", promoted in particular by the US, aimed at overthrowing Saddam Hussein's government. Sardenberg said that "Brazil is pleased with its current mission of 'confidence-building' by the presentation of the Iraqi position" and that Brazil would act in favor of a more constructive attitude and a less rigid approach to Iraq, but considered that the formal acceptance of Resolution 715 was fundamental (DELBRASONU 1993ak). On November, 26th, 1993, Iraq accepted formally and unconditionally the resolution 715 and expressed its will to fully comply with it (DELBRASONU 1993al).

In December 1993, the Brazilian diplomacy was guided to search information on how other countries received the Iraqi commitment to Resolution 715. It was emphasized that this initiative was purely informative: "It is not the Brazilian objective to adopt a protagonist or active position on Iraq's defense in the question ... but only deepen perceptions on the existing support to the application of paragraph 22 of resolution 687 (1991) after the recent gesture of the Iraqi government "<sup>136</sup> (SERE 1993k).

In anticipation of the lifting of sanctions on Iraq, news circulated announcing that the United States would make a movement in contrary. The New York Times was the first to report. On December 19<sup>th</sup>, 1993, in a front-page article, Paul Lewis said the US government was determined to act by resisting to eventual proposals on the application of paragraph 22. As previously mentioned, this paragraph conditioned the end of prohibitions on purchases of

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<sup>135</sup> In the original: "embora exista um componente político em toda a questão, o Brasil mantém-se firmemente comprometido com a implementação objetiva das resoluções das Nações Unidas"

<sup>136</sup> In the original: "Não constitui objetivo brasileiro adotar posição protagonista ou ativa de defesa do Iraque na questão ... mas tão somente aprofundar percepções sobre o quadro de apoio à aplicação do parágrafo 22 da resolução 687(1991), após o recente gesto do governo iraquiano"

Iraqi oil to the disarmament process. The resolution 715 precisely supported the evolution of the disarmament process. Only after the formal acceptance and the starting of the monitoring period under resolution 715, the lifting of prohibitions on purchases of Iraqi oil should take place (DELBRASONU 1993am).

To avoid the application of paragraph 22, the US would consider an application of resolution 687 in two stages. The first requirement would be the implementation of the disarmament program, as determined by paragraph 22; then, Iraq would have to respect the borders of Kuwait and to cease the persecution of ethnical minorities: Kurds in the north and Shiites in the south. Ambassador Sardenberg remarked that the latter additional requirement would imply a tacit or expressed revision of resolution 687, which would be a US attitude to "reinterpret creatively the resolution 687, presenting it as indivisible"<sup>137</sup>. Sardenberg stated that a change like this would have extremely negative consequences for the credibility of the Security Council, since the progress reached in Iraq was based on the Iraqi expectation that the sanctions would be eventually lifted (DELBRASONU 1993am).

In return to the SERE's request, Brazilian diplomatic offices in Madrid, Paris and Moscow reported that these countries signaled their willingness to consider the Iraqi gesture of accepting the resolution 715. This served to encourage Brazil's constructive position. SERE recommended that the Brazilian delegation at the UN should intervene with a speech at the Security Council if it could observe a favorable support to any changes in the formula "Ayala Lasso" (SERE 1994k).

In the text that guided the informal consultations to ease the formula Ayala Lasso, Brazil started noting immediately that it was important that Iraq accepted and fully implemented the resolutions of the SC. The intention was to prevent its movement to be interpreted as an attempt to form a pro-Iraq coalition. Then, Brazil highlighted the humanitarian issue: "we cannot ignore reports on the adverse effects of the sanctions imposed by the Security Council on the Iraqi population. It is never too much to insist (...) that the goal of the sanctions regime is not to punish the people of Iraq or to inflict harm on its national economy". Only then Brazil stressed that it would "have no difficulty in acting in accordance with paragraph 22 as soon as all the conditions specifically stipulated in it are fully met". Finally, the main objective of Brazil was formulated:

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<sup>137</sup> In the original: "reinterpretar de forma criativa a resolução 687, no sentido de apresentá-la como um todo indivisível"

In order to ensure the credibility and effectiveness of this – as well as of other – sanctions regimes, it is fundamental that the Council, while demanding strict compliance with its resolutions, be itself ready to give effect strictly to such resolutions, most particularly in relation to the provisions that regulate the suspension of the lifting of sanctions. The ‘rules of the game’ must be firm and clear, to reinforce the authority of those who are maintaining direct contacts with the Iraqi government. To that end, the Council must be perceived as acting invariably in accordance with the parameters that it has itself publicly and formally adopted. With respect to the format of the statement to be issued today by the Security Council, we would be ready to work with other delegations with a view to arriving at a text that would reflect, in a balanced and objective manner, the current developments in the relationship between Iraq and the Council. (DELBRASONU 1994i, SERE 1994j).

Under a constructive perspective, Brazil presented itself as an actor which was open to dialogue. Therefore, the Brazilian mission to the UN held a meeting with representatives of the opposition to Saddam Hussein. The latter ones expressed that the population suffered more from internal sanctions than from international sanctions, that the government was not using the mechanism which would allow to import food ("Oil-for-Food"), and that the repression of Kurds and Shiites increased in Iraq. According to these representatives, the renewal of sanctions in the usual format (formula "Ayala Lasso") could represent Saddam's final overthrow. The renewal in that format would be justified by Iraq's behavior in face of all the SC resolutions, and not only in the face of a single paragraph. Brazil, referring to article 22 of Resolution 687, said to the Iraqi group that Brazil believed that it was also important that the SC followed the rules established by itself (DELBRASONU 1994k).

By its turn, the US State Department reacted to the Brazilian initiative by sending a specific message to the Brazilian government on the review of sanctions against Iraq. The State Department reiterated that easing the formula Ayala Lasso would equally mean easing the UNSC position and that Iraq did not show any progress to justify this behavior. The State Department still stressed that it had sent to the Interim Secretary-General a non-paper in which the US "urges the Government of Brazil with the utmost seriousness to not take any steps at the March 18 sanctions review which will send Iraq the wrong signal." Brazil answered that its position was based on positive and consistent reports from IAEA and UNSCOM, and that other members of the Council shared this same perspective. Brazil also mentioned that: "For Brazil, the authority and the credibility of the Security Council are reinforced, first of all, by the loyalty of the Council to the parameters established by itself. This means that the higher pressure to be exerted on Iraq derives from the legitimacy emanating from the Security Council itself"<sup>138</sup> (SERE 1994l).

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<sup>138</sup> In the original: "Para o Brasil, a autoridade e a credibilidade do Conselho de Segurança são reforçadas, antes de mais nada, pela fidelidade do Conselho aos parâmetros por ele mesmo estabelecidos. Vale dizer que a

During the meeting held on March 18<sup>th</sup>, 1994, the impasse on how to deal with the progresses achieved in Iraq remained in place at the Security Council (DELBRASONU 1994x). In Baghdad, however, the Brazilian behavior at the Security Council was received as a claiming to the international community to "treat Iraq with justice." The Embassy of Brazil in Amman reported that the Brazilian position was also very well received by scholars and intellectual Iraqis (BRASEMB\_Aman 1994b). At the UN, Sardenberg met the Vice-Prime Minister of Iraq, Tariq Aziz. Aziz showed gratitude for Brazilian posture and mentioned that "considering not only the regional, but its international profile, it was important to have a state such as Brazil in the Security Council"<sup>139</sup> (DELBRASONU 1994w). The Iraqi economic scenario, however, did not react much well. The news that the sanctions would continue led to further depreciation of the dinar and increased inflation to around 25% in the last three months (BRASEMB\_Aman 1994b, a).

Two months later, when another meeting to review the sanctions against Iraq was close, the Secretary General of the Brazilian Ministry of Foreign Relations, acting as the interim Minister of Foreign Relations, received the special envoy and permanent representative of Kuwait at the UN. Initially, the ambassador of Kuwait praised Brazil's stance in the SC. He said that, in the Kuwaiti analysis, the diplomatic moves of Iraq were only made in order to lift the petroleum sanctions, but there were signs that Iraq would not have concrete intentions to respect the sovereignty of Kuwait, which was the centerpiece of the whole issue. The Brazilian ambassador, referring to the UNSCOM and IAEA reports, recalled that there would be concrete and valid premises to consider Iraq's progress in relation to weapons of mass destruction. In order to avoid the message that Brazil was leading a pro-Iraq front, the Brazilian diplomat also recalled that Brazil was aware that there was a bigger scenario to be considered, beyond that specific point of disarmament (SERE 1994o).

The 18<sup>th</sup> revision of Iraq's sanctions regime started a few days later of this visit. Brazil noticed that Iraq had lost much of the support that it had in the previous months. Diplomatic visits led by Kuwait to several countries generated results. At the review's meeting, all the delegations requested Iraq to respect Kuwait's sovereignty. France and Russia had serious criticism regarding the lack of fulfillment of Iraq's commitment to the sovereignty of Kuwait

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maior pressão a ser exercida sobre o Iraque deriva da própria legitimidade que emana do Conselho de Segurança”

<sup>139</sup> In the original: “em vista de seu perfil não apenas regional, mas internacional, era importante ter um país como o Brasil no Conselho de Segurança”.

and the lack of respect for the human rights of Kurdish and Shiite populations (DELBRASONU 1994m, SERE 1994p, DELBRASONU 1994j).

Brazil remained arguing that all Security Council resolutions should be respected and enforced and that the sanctions regime should be implemented as planned. Just as other members, Brazil expressed concern about the sovereignty of Kuwait and about the situation of population in Southern and Northern Iraq. However, Brazil recalled that economic sanctions should not be used to punish the Iraqi people or to harm the Iraqi economy. China and Russia, while acknowledging issues regarding the sovereignty of Kuwait, stated that they would like to see the president's letter reflect the positive developments of UNSCOM / IAEA in Iraq (DELBRASONU 1994m, SERE 1994p, DELBRASONU 1994j).

Brazil's position found an echo in several delegations, which recognized the progress on the issue of Iraq's disarmament. According to the Brazilian mission in the UN, "even the United Kingdom delegation, traditionally recalcitrant on Iraq, shows signs of being a 'step down' in relation to the hard positions taken by the Americans."<sup>140</sup> On its turn, the US said that the cooperation of Iraq was questionable and that they were to be convinced that the monitoring procedures of resolution 751 worked. Finally, the US stressed that it could not accept any text making reference to the existence of a progress in the Iraqi issue. As a result of this context, the Council decided to keep adopting the Ayala Lasso formula (DELBRASONU 1994m, SERE 1994p, DELBRASONU 1994j).

Two months later, the United States seemed more isolated in its stance against Iraq. The US diplomacy articulated a high-level approach, by sending a letter from President Clinton to Brazilian President Itamar Franco on the subject of the review of the sanctions regime. As Brazilian diplomacy could well interpret, this degree of political involvement showed the adverse situation in which the US found itself in the SC and the importance of the Iraqi issue for the American foreign policy (DELBRASONU 1994o).

At that time, Brazil was aware that the positions defended by the US in the Security Council were generally followed by the United Kingdom, Argentina, New Zealand and, in some cases, by Oman and the Czech Republic. For the US, there was no safety margin to loosen the sanctions regime against Iraq. Other permanent members (France, Russia and China) and non-permanent members (Brazil, Spain, Nigeria, Pakistan and Rwanda) preferred that the sanctions' review was treated objectively in accordance with Article 22 of Resolution

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<sup>140</sup> In the original: "mesmo a delegação do Reino Unido, tradicionalmente recalcitrante em relação ao Iraque, já demonstra sinais de estar 'um tom abaixo' em relação às duras posições defendidas pelos norte-americanos".



687, following the practice of analyzing the separate sanctions and in proportion to concrete facts. It was rightly noted that France (interested in oil exploration) and Russia (interested in Iraq's debt payment for Russian weapons purchases) showed anxiety for lifting commercial sanctions. China, in all opportunities, reinforced its position that, as a principle, economic sanctions were a too extreme resource (DELBRASONU 1994o).

In July 1994, Brazil received again the representatives of the opposition to Saddam Hussein. The group reiterated the same stance which had been adopted in March of the same year, in a similar visit. Brazil's response also followed the same line (DELBRASONU 1994k).

In that month, during the 19<sup>th</sup> review of sanctions, the Permanent Mission of Brazil to the United Nations (DELBRASONU) reported that the US position to minimize the progress achieved by UNSCOM and IAEA found less and less support in the Council. Even New Zealand, Argentina and the Czech Republic gave signs to admit some Iraqi cooperation in relation to disarmament. In addition, almost all SC members agreed that Iraq should make concrete gestures toward the recognition of the sovereignty of Kuwait. Discussions concentrated on how the president should inform the outcome of the informal consultations, with most countries desiring a manifestation combining the condemnation of Iraq for not giving more guarantees on the sovereignty of Kuwait with the recognition of the progress achieved by UNSCOM / IAEA. The US, increasingly isolated and bothered by this perspective, said that the pressure should be exerted on Iraq and not on members of the Council. (DELBRASONU 1994p).

On this occasion, the intervention of Brazil tried to balance the positive and negative elements of Iraq's relationship with UNSCOM/IAEA and Iraq's obligations under the Security Council resolutions. Brazil upheld that Iraq should comply with all resolutions and that the Security Council should also take into account the steps taken by Iraq to implement the resolution 687. As reported by UNSCOM/IAEA: "delays in the Council's acknowledgement of progress risk to send a wrong message to the party concerned". Brazil also registered to acknowledge the humanitarian effects of the sanctions: "At the same time, we could not turn a blind eye to the negative impact of the sanctions imposed by the Security Council on the Iraqi population". Finally and fundamentally, Brazil stressed: "One of the basic principles guiding the Brazilian delegation in the consideration of the items of our agenda is that all Security Council resolutions should be fully complied with. In addition to that, we hold that the Council should observe the rules it has set for itself in a consistent and impartial manner". For facing the resistance of the US, the stalemate on how the presidential statement should be

adopted did remain. As a result, no formal manifestation was adopted in that occasion (DELBRASONU 1994p).

To the Brazilian mission at the UN, this revision of the sanctions regime had consolidated the trend that

[...] although the members of the Council continue to have a negative assessment on the Iraqi government's policies and practices, especially concerning the sovereignty, independence and territorial integrity of Kuwait, there is a major positive evaluation regarding Iraq's compliance with its obligations of nuclear, chemical, biological and missile disarmament.<sup>141</sup> (DELBRASONU 1994t).

These positions were reinforced by the announcements of UNSCOM, the IAEA and the Iraqi government, which proved the Iraq's good will to cooperate. At this time, only the US and the UK opposed to the recognition of the advances achieved in Iraq. France, Russia and China were working positively, seeking to lift sanctions (DELBRASONU 1994t).

This context was objectively favorable to lift the sanctions. In September, Ambassador Rolf Ekeus, Executive President of UNSCOM, confirmed to DELBRASONU that Iraqi cooperation was exemplary on the issue of disarmament and that Iraq expected the sanctions to be lifted as soon as the monitoring operation started. The monitoring was expected to be provisionally operational by the end of September. Ekeus suggested that Brazil, as "an important interlocutor in the Security Council"<sup>142</sup>, considered to establish a discreet dialogue with the United States, in order to make the latter's position more flexible on the issue in the long run. (DELBRASONU 1994r).

The scenario seemed to be positive, when another period of sanctions review approached. On a meeting with Tariq Aziz, Brazilian Ambassador Henrique Valle restated that the Brazilian position was that all resolutions of the SC should be fulfilled, including by the SC itself (DELBRASONU 1994l). As usual, the diplomats of Brazilian mission at the UN also received a group opposing to Saddam. On both sides, Brazilian arguments were presented as usual (DELBRASONU 1994s).

Finally, in September 1994, in the 21<sup>st</sup> revision of the sanctions regime, the official presidential statement after the meeting reported positive and negative aspects of Iraq's practice regarding SC resolutions. That represented abandoning the formula Ayala Lasso.

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<sup>141</sup> In the original: "apesar de os membros do Conselho continuarem a ter avaliação negativa quanto às políticas e práticas do governo iraquiano, principalmente em relação à soberania, independência e integridade territorial do Kuaite, existe uma avaliação positiva majoritária no tocante ao cumprimento pelo Iraque das obrigações relativas ao desarmamento nuclear, químico, biológico e de mísseis".

<sup>142</sup> In the original: "um interlocutor de peso no Conselho de Segurança"

DELBRASONU informed that, at that time, many delegations were tending to link the lifting of the embargo to the recognition of the sovereignty and territorial integrity of Kuwait borders, as they had been defined by resolution 833 (DELBRASONU 1994n).

Kuwait, in turn, continued with the diplomatic visits trying to make the SC members to pressure Iraq to the recognize the Kuwaiti sovereignty and borders. In this sense, on September, 12<sup>th</sup>, 1994, the Brazilian Ambassador Abdenur received the special envoy and Ambassador of Kuwait in Washington, Mohammad Sabah Salem Al-Sabah. The Brazilian diplomat said that Brazil had been reinforcing the importance of an Iraqi recognition of the sovereignty and borders of Kuwait and that Brazil would not consider the matter settled until the moment that central point pacified. Nevertheless, Abdenur noted that it was important to send positive signals in the sanctions regime as an answer to Iraq's advances. That was important to encourage Iraq to continue cooperating. In other words, the Brazilian government was inclined to recognize the Iraqi advances, but without undermining the Brazilian understanding that Iraq should recognize the sovereignty and borders of Kuwait (SERE 1994q).

In 1994, evaluating that it was important to democratize the United Nations bodies, Chancellor Celso Amorim delivered a speech in which he at the same time "analyzed and claimed" for changes, at the 49<sup>th</sup> UN General Assembly (Seixas Corrêa 2012, 580). In this speech, Brazil defended the expansion of the SC, in order to strengthen its legitimacy, representativeness, effectiveness and efficiency in face of the new international system. (DELBRASONU 1994a). In 1994, the world observed persistent and/or worsening conflicts in Bosnia, Afghanistan and Rwanda, to name only the ones that were being or would be targeted by UNSC economic sanctions in the course of the 1990s (Seixas Corrêa 2012, 580). These major intrastate conflicts corroborated the Brazilian stance.

In November 1994, Iraq formally recognized the borders of Kuwait as designated by the UN. In the periodic review of the sanctions regime that followed, in the same month, Brazilian documents recorded that France, China and Russia supported the position that it was convenient for the SC to gradually ease the sanctions regime, starting with the implementation of paragraph 22. The US and the UK continued in an attempt to discredit the commitments made by Iraq (the most recent in relation to the recognition of Kuwaiti sovereignty and borders). Both the US and the UK maintained a focus on the "all-or-nothing" approach, discouraging a partial lifting of sanctions. Brazil kept its line of work. At that moment, the position of France, China and Russia motivated Brazil to stress that "it is the assessment of

my delegation that we are nearing the threshold of a new phase in the relationship between the Council and Iraq” (DELBRAONU 1994e).

However, no progress was made on the issue. Facing this situation, in December 1994, the Foreign Minister of Iraq, Muhammad Saeed Al-Sahaf informed that Iraq’s recognition of the sovereignty and borders of Kuwait was a gesture of cooperation that Iraq knew to be politically important, but that had nothing to do with the requirements of resolution 687 for the lifting of sanctions on Iraqi oil. For Al-Sahaf, the Iraqi oil sanctions should be lifted only by meeting the demilitarization demands, as stipulated by paragraph 22 of Resolution 687. Brazil replied as usual, emphasizing that Brazil understood that the SC should answer positively to Iraq’s positive attitudes (SERE 1994m).

During the years in which Brazil was not part of the Security Council, there was no progress regarding the lifting of sanctions imposed against Iraq. Some progress could be seen only in the Oil-for-Food program, which allowed the purchase of products authorized by the sanctions committee with the revenues of the Iraqi oil sales. Facing several disagreements concerning the management of resources between the UN and Iraq, the program began to work only in late 1996.

In 1997, the relationship between Iraq and the Security Council worsened significantly. Between October and November 1997 and January and February 1998, the US and other coalition countries mobilized their troops and threatened to attack Iraq (DELBRAONU 1998i). In February 1998, with the close participation of the UN Secretary General in mediating the crisis, Iraq accepted to sign a memorandum of understanding. This document guaranteed access to the "presidential sites" for UN inspections (DELBRAONU 1998i).

In the meantime, in January 1998, at the beginning of Brazil's new term at the Security Council, the chief of the political section of the US Embassy in Brasilia visited the Department of International Organizations of Brazil, in order to reinforce the US’s position that Iraq had to comply unconditionally with all Council resolutions. Brazil, aligning to the US attitude in the period, commanded the Brazilian delegation that "The Brazilian delegation will reaffirm its position that Iraq must comply with the relevant UNSC resolutions full and unconditionally, pointing out that it is up to the Iraqi government to ensure immediate access to the inspectors of UNSCOM" (DELBRAONU 1998m).

A new element compared to the previous mandate of Brazil, from 1993 to 1994, was the most active participation of the UN Secretary General, Kofi Annan, in addressing the Iraqi

issue. In February 1998, DELBRASONU reported that SC members positively received suggestions given by Annan to expand the "Oil-For-Food" program in order to authorize the oil sale of up to 5.2 billion dollars per semester. Not only would the increasing in resources serve to improve the food ration and acquisition of medicines, but it would also be able to recover the infrastructure sectors related with humanitarian needs (transport, sanitation, education, rehabilitation of schools and hospitals, etc.), which had been decaying strongly since 1990 (DELBRASONU 1998f).

In order to discuss this project, Ambassador Melvyn Levitsky, from the United States, sought the Brazilian Secretary-General for Political Affairs, Ivan Cannabrava, in Brasilia. The US diplomat said that his country had difficulties with Annan's proposal because he was not strong enough to send the message to Baghdad that the breach of the Memorandum of Understanding and relevant resolutions could have the most serious consequences. He also said that his country considered the lifting of the sanctions premature and undesirable. Finally, Levitsky held that linking a punitive action against Iraq to a concrete decision of the SC was unacceptable because, in the US view, the authorization for the use of force was already embodied in resolution 687 and other relevant Security Council decisions (SERE 1998f).

The Brazilian ambassador, facing the unyielding stance and the perspective of the unilateral projection of US via use of force without the express consent of the Security Council, pointed out that it was necessary to give time for the Secretary General's agreement with Iraq to be implemented. He said the SC should not take steps that could meddle with the full compliance of that agreement and that "Brazil could not accept that the Council gave an open-ended authorization for the automatic use of force in the event of non-compliance by Iraq with the terms of the agreement. He stressed that, in such case, a specific decision of the SC would be required and that, in this context, the lifting of sanctions was a less important question to Brazil"<sup>143</sup> (SERE 1998f).

In March 1998, Celso Amorim, who became Permanent Representative of Brazil in the United Nations, met the Foreign Minister of Iraq, Al-Sahaf. Al-Sahaf announced that his government would scrupulously fulfill the Memorandum of Understanding signed with Kofi Annan. Questioned about the prohibited materials, he said: "We will demonstrate that Iraq is

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<sup>143</sup> In the original: "o Brasil não poderia aceitar que o Conselho desse uma autorização em aberto para o uso automático da força, no caso de descumprimento pelo Iraque dos termos do acordo. Ressaltou que, nessa eventualidade, seria necessária uma decisão específica do CS e que, nesse contexto, a menção ao levantamento de sanções era de menor importância para o Brasil"

clean of (prohibited) chemical and biological materials."<sup>144</sup> Finally, he explained that, given the conditions of Iraqi oil industry, the oil exports could only reach up to \$ 4 billion in that period (and not 5.2, as proposed by the Secretary General) (DELBRASONU 1998a).

Days later, the Iraqi ambassador to Brazil visited the Brazilian Ministry of External Relations. He praised Celso Amorim for his role in the peaceful settling of the last crisis in the UN and mentioned that it was time to resume the Brazil-Iraq bilateral relations with Brazil's diplomatic presence in Baghdad. He invited some high-ranked Brazilian officials to visit Baghdad and emphasized that there were diplomatic presences of interest from France and Italy, very active in making business in Iraq. On the Brazilian side, caution and reticence with a political demonstration of proximity with Iraq still prevailed: "the Brazilian Secretary-General said that the invitation to visit to Baghdad would be considered in the due course. He noted that Brazil sees with satisfaction the participation of two of its diplomats in the UN inspection teams, which would be the right way to "clear things"<sup>145</sup> (SERE 1998a).

In April 1998, a comprehensive review of sanctions on Iraq was expected. Since June 1997, the reviews were suspended due to the crisis. Amorim summarized that, with regard to the provisions of resolution 687, there were still unsettled issues on disarmament, return of Kuwaiti property and missing people. For the two latter issues, no advances were noticed. Both the requirements were conditions to lift the export ban to Iraq. Disarmament itself was the condition for lifting the ban on imports from Iraq (especially oil) (DELBRASONU 1998i).

After years of sanctions, Amorim still emphasized "the critical humanitarian situation of the Iraqi population, due to the trade embargo that has lasted seven years." About expectations for the meeting, he concluded that

[...] the sanctions, of course, will remain in place, since Iraq has not fulfilled all its obligations under the relevant Council resolutions. What matters is whether progress is being made toward the goal of ensuring compliance with the resolutions of the Council or, on the contrary, there is deviation from the course [...]. Thanks to the memorandum of understanding, for the first time all Iraqi areas and sites can be considered open for inspection.

Amorim reminded, however, that, as the inspections advanced, they would face some sensible situations, with unpredictable outcomes. About the level of tensions, he recalled, "It is no exaggeration to say that only the personal intervention of Kofi Annan has avoided a

<sup>144</sup> In the original: "nós demonstraremos que o Iraque está limpo de materiais químicos e biológicos (proibidos)"

<sup>145</sup> In the original: "O SG disse que o convite para visita a Bagdá seria considerado no momento oportuno. Observou, ainda, que o Brasil vê com satisfação a participação de dois de seus diplomatas nas equipes de inspeção da ONU, que seriam o caminho certo para 'clear things'"

historic setback, with unpredictable consequences for the region and for international peace." (DELBRASONU 1998i).

In April 1998, the review of sanctions was concluded with the adoption of the formula Ayala Lasso. Unlike previous times, this session was characterized by an intense debate on issues based on various documents. Somehow, the elements of discussion were included in the president's oral statement that, in practice, therefore, was not limited to the ritual repetition of the formula. The Iraq's chancellor and the Iraqi minister of Petroleum reiterated that Iraq had complied with the conditions for lifting the oil embargo since 1991. The Council recognized that the missing people issue and the issues concerning Kuwaiti property had had no progress since the postwar period (DELBRASONU 1998l).

As expected, Brazil continued sustaining its position of principle, based on the respect of Council's resolutions and on the Memorandum of Understanding signed in February. But this did not mean immobility. For the Brazilian representative, immobility was risky because "the lack of progress and of any prospect to soften the sanctions, even in the long term, could propel the Iraqi leadership ... to stop cooperation with the UN." Brazil's suggestion to schedule a technical briefing on the unsolved issues with UNSCOM derived from the perception that it was important to address the issue in order to avoid, in the limit, resorting to arms (DELBRASONU 1998l).

In May, a letter from the Executive Director of UNSCOM reported that Iraq was granting access for inspections. The Security Council responded to this by lifting the travel restrictions imposed by resolution 1137 (1997). In practice, these sanctions were never implemented because the sanctions committee had not adopted the list of Iraqi officials affected by the measure. Nevertheless, Brazil's understanding was that the sign was positive because it was a demonstration that Iraq's cooperation gestures could be recognized by the UNSCOM and by the UNSC (DELBRASONU 1998k).

Significant improvement over the Iraq sanctions regime occurred in May. Over this month, the Security Council decided on a presidential statement that expressed its willingness to approve, either in July or in October, the passage of Iraq's nuclear areas to areas submitted to the long-term monitoring regime. The statement was a composition of interests. The stipulation of the period between July and October met the US because the preference of most members of the SC was that this passage occurred immediately. The shift to a long-term monitoring regime served France, Russia and China, who wanted a road map to move to the phase of continuous monitoring (DELBRASONU 1998h). It was the first time in years that

the SC, in a formal session, demonstrated conditions to express itself positively on the issue of lifting the sanctions against Iraq.

A month later, in a formal session, the Security Council adopted Resolution 1175, authorizing the sale of spare parts for the oil industry of Iraq. The Secretary General had recommended authorizing Iraq to import equipment and spare parts in order to make it possible to sell the quantity of oil necessary to cover the imports of humanitarian supplies. The authorization for this purchase was done within the Oil-for-Food mechanism. It was not difficult to perceive that depending on the Security Council's authorization to purchase spare parts for the oil industry was a significant interference in the autonomy of a state. In an attempt to avoid contributing for a precedent, Brazil made it clear that this should not be a permanent mechanism: "It is important to bear in mind that we are dealing with a temporary and exceptional measure adopted in view to address the very serious humanitarian situation in Iraq" (DELBRASONU 1998u).

In the review of sanctions made in June 1998, the Council continued to maintain sanctions against Iraq. The maintenance happened regardless of the fact that, in the meeting, Iraq's behavior was positively evaluated, even by Executive Director of UNSCOM (DELBRASONU 1998x). The progress reached with Iraqi cooperation in the disarmament sector and the lack of return of the SC to this progress gave exhaustive signs that there was no possible breakthrough that would allow the lifting of sanctions.

A quite plausible reading made by Brazilian diplomacy was that the American executive branch of power would be pressured twice in view of some actual progress regarding demilitarization in Iraq. On the one hand, this pressure would be exerted by the American Congress, interested in more pressure on Iraq. On the other, strain would come from other Council members, among which Russia, China and France wanted an overall lifting of sanctions and relied on the sympathy of other members to this proposal. There was also a trade issue involved. The lifting of the oil embargo due to the recognition of the demilitarization authorized the sale of Iraqi products, including oil (paragraph 22). However, Iraq could only import products if it fulfilled "all relevant Council resolutions" (paragraph 21). This is why the US insisted on transforming Oil-for-Food into a permanent mechanism instead of lifting the ban on oil, which would release the Iraqi funds to flow into the international market and thus attract other countries interested in business to support the general lifting of sanctions (DELBRASONU 1998x).



In July, facing the absence of Security Council responses to the progress made with Iraq, the UN Secretary General's Representative for Iraq, Prakash Shah, held a meeting with Russian diplomats to say that it was necessary to signal to Iraq the possibility of lifting sanctions. Moscow moved toward Tokyo, and the latter mentioned that its stance on the Iraqi nuclear demilitarization could be softened, withdrawing from the US position, if the IAEA continued to report that there were no problems in this sector (DELBRASONU 1998).

In early August 1998, the Iraqi government realized that cooperation with the Council was useless, which led that country to suspend its cooperation with UN agencies, which were demanding to check disarmament. The Council reacted prudently, by releasing a press statement that mentioned the Council's concern on the suspension of Iraqi cooperation (DELBRASONU 1998v).

No news was expected for the next periodic review of sanctions. However, the situation was tense. There was the possibility to suspend the review and sanctions if Iraq did not reverse the decision to not cooperate fully with the monitoring agencies. By Iraq's turn, Tariq Aziz said that the Iraqi government did not see any possibility that the UNSC would consider that Iraq had complied with the requirements of resolution 687. Therefore, Iraqi cooperation was useless (DELBRASONU 1998y). The outcome was that, on the review of August 20<sup>th</sup>, the Security Council maintained the imposed sanctions.

The Council restated its concern about the situation, by declaring itself to be seized of the matter. As usual, the US, supported by the UK aimed at a more assertive statement, deeming the Iraqi behavior as unacceptable. On the other hand France, backed by Russia and China, criticized the policy of "all or nothing" adopted by the SC and mentioned cases in which Iraqi gestures have received no recognition (DELBRASONU 1998j).

In August 1998, Amorim informed that it was even possible to imagine the use of military force by the US against Iraq (this actually occurred few months later, in December 1998, when United States and United Kingdom bombed Iraqi targets during four days, in what became known as Operation Desert Fox). In the context of a new crisis, the Secretary General proposed to make a comprehensive review of Iraq's current state of compliance with the obligations defined by resolution 687. In general, the Brazilian representative observed dissatisfaction of the majority of UNSC members at how UNSCOM conducted its operations and at how it reported to the media. The dissatisfactions relied on events as documents leaked from UNSCOM to the press before the other members of the Security Council had access to them; a lack of transparency on the commission; and the Commission's reports had vague

references and were technically unclear. The UNSCOM Executive Director, Richard Butler, was informally criticized by some members in the UNSC for being biased in favor of sanctions and for being excessively aligned with the US. However, Amorim also mentioned the scarce initial transparency policy and even some hiding data procedures adopted by Iraq on some occasions, which contributed to mark with mistrust Iraq's relationship with UNSCOM / IAEA. In this scenario, Amorim's conclusion was that the comprehensive review proposed by the Secretary General seemed to be the only real perspective to avoid a progressive deterioration of the situation (DELBRASONU 1998n).

On September 14th, Annan presented to the P-5 the proposal of a comprehensive review on Iraq's obligations, such as those established in Resolution 687. The proposal stressed that the objective progresses would be checked, the Iraq failures would be identified, and the concrete steps for lifting the sanctions would be indicated. Two days later, the Secretary General also held a meeting with the 10 non-permanent members of the Security Council. Kofi Annan suggested to request from UNSCOM and IAEA reports on which it would be possible to elaborate the final list of requests to Iraq and the timetable for performing the pending activities (DELBRASONU 1998{).

In late October, the Security Council formally responded to Kofi Annan's proposal. On the one hand, the US (i) did not want any formal reference to paragraphs 21 and 22 of resolution 687 in the text; (ii) tried to link the organic relationship between disarmament and compliance with other obligations included in important resolutions and (iii) tried to reduce the Secretary General's role in conflict management. On the other hand, Russia, France and China (i) presented amendments to the text that made explicit reference to paragraphs 21 and 22 of resolution 687; (ii) made a clear distinction between the two phases (disarmament / other obligations) of the mechanism review, and (iii) welcomed the Secretary General's involvement. (DELBRASONU 1998w).

Facing these two opposite positions, Brazil acted as a mediator in order to keep all the parties involved in the negotiation. This negotiation depended on the possibility to keep Iraq engaged in the cooperation with the United Nations.

The Brazilian proposal was reconciling. It contained amendments that made reference to lifting sanctions (according to the interests of Russia, France and China) but without mentioning paragraphs 21 and 22 (according to the interests of the US). Brazil believed that this solution could also contemplate the Iraqi interests: in the Iraqi perspective, this formulation could be interpreted as a SC willingness to consider lifting sanctions at the end of

the review process. In addition, Brazil contributed to reposition the role of the Secretary General. The proposal mentioned that the SC intended to work with the Secretary General's "assistance" – also an intermediary role between the two proposals. Finally, Brazil proposed that the review formats would have distinct phases, but each one with own outstanding points. This formulation allowed to achieve consensus between opposing positions in the SC and adopt the text to be sent to the Secretary General (DELBRASONU 1998w).

The Brazilian suggestions served to compose different interests in the Security Council. The Iraqi leadership, however, perceived the absence of a clear mention to paragraphs 21 and 22 as a prevalence of the US position. According to the Permanent Representative of Iraq at the UN, the US was performing an "own agenda" (to remove Saddam from power) through the Security Council decisions. Since then, the Iraqi government completely suspended the cooperation with UNSCOM (DELBRASONU 1998w).

The Iraqi position served as a test for the positions of the permanent members of the SC. In January 1999, France wanted to move to a political decision on the disarmament phase and immediately implement a continuous monitoring system for Iraq. They also wanted to lift the oil embargo, authorize imports other than weapons, and provide for the progressive lifting of financial sanctions. Russia, working in the same direction, elaborated in detail the French proposal with concrete mechanisms of transition to the monitoring phase. In an opposed position were the US and the UK, trying to emphasize the danger posed by Saddam Hussein's regime (DELBRASONU 1999i).

One of the few points in common on the Iraqi sanctions issue was the perception that the humanitarian situation in Iraq was extremely serious. The US proposed eliminating the limit for exporting oil within the Oil-for-Food program. Canada proposed to organize joint meetings with IAEA and UNSCOM for the disarmament issue, and with the Office of the Iraq Programme and the Iraq Sanctions Committee for humanitarian issues. Amorim insisted, informally, that discussions should focus on basic elements contained in the formal or informal proposals regarding arms control and sanctioning regimes (DELBRASONU 1999i).

In January 1999, Brazil chaired the Security Council. Amorim, Permanent Representative of Brazil, tried to organize the informal consultations debate pointing out the key issues on the matter. He emphasized that his introductory highlights were neither Brazilian proposals nor president's proposals, but he "was seeking to transform the discussion hitherto marked by antagonistic positions and markedly emotional nature into a more focused

debate."<sup>146</sup> Amorim list identified as the main questions in the sanctions regime: (i) practical effect of raising the limits (as did the US) of the Oil-for-Food program, (ii) greater flexibility for the approval of spare parts for the oil industry, (iii) lifting of the oil embargo. About the changes in the sanctions regime, he emphasized that they would require the establishment of efficient mechanisms to avoid that the Iraq revenue could be diverted for acquiring proscribed items (DELBRASONU 1999m).

Amorim reported that his words "were object of positive comments from almost all delegations, including the United Kingdom and the United States."<sup>147</sup> Russia and France were more reticent. They feared that Amorim's remarks could withdraw the completeness of their proposals and that the implementation of their proposals would be submitted to the outcome of a technical phase (DELBRASONU 1999m).

Brazil inaugurated the presidency of the Council at a sensitive time, just after the US and the UK had bombed Iraq. There are two points to highlight in the Brazilian behavior at that time. First, the Amorim initiative to point out the objective points from which to discuss Iraq's relationship, as previously mentioned. Second, the organization of panels to make consultations in three areas: disarmament, humanitarian and prisoners of war/Kuwaiti properties (SERE 1999g). The panels were composed by representatives of permanent members, experts appointed by international organizations and individuals from the developing world.

Reports of "Amorim panels," as they became known, were presented by Amorim to the Security Council in April 1999. The proposals made by the panels, especially those related to monitoring and weapons verifications, formed the basis for the negotiations that resulted in resolution 1284, approved in December 1999. The panel's suggestions incorporated in the resolution, however, would never be implemented due to the intransigent and polarized positions of the United States and Iraq on the issue. Anyway, the panels contributed to at least temporarily unlock the Iraq issue in the Security Council (Amorim 2013, 22).

In May 1999, the French were preparing an extensive and detailed draft resolution. "The main elements of the new text were informally advanced to some members of the UNSC (P-5 and Brazil), but no text has been released."<sup>148</sup> China and Russia were expected to join

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<sup>146</sup> In the original: "tratava-se de buscar tornar a discussão, até então marcada por posições antagônicas e de cunho marcadamente emocional, mais focalizada".

<sup>147</sup> In the original: "foram objeto de comentários positivos por parte de quase todas as delegações, inclusive Reino Unido e Estados Unidos".

<sup>148</sup> In the original: "Os principais elementos do novo texto foram adiantados, informalmente, a alguns membros do CSNU (P-5, Brasil), sem que o texto tenha sido entregue".

France in this initiative. The French project was based on the totality of the Amorim panels recommendations. The suspension of sanctions was previewed in the project and it would be conditioned to a "prudential period". The renewal of the suspension period would be subject to the specific decision of the UN Security Council. Amorim said that although the project leaves the sanctions in the hands of those who want to end the period of suspension, "it does not seem realistic to suppose that the US and the UK could accept any relief in the sanctions regime without a clear reference to the conditions stipulated in resolution 687"<sup>149</sup>. The French project would also propose a more transparent administration of the escrow account, establishing a check mechanism *a posteriori* (SERE 1999d).

To tackle the project of France, Russia and China, the UK intensified the search for co-sponsors in favor of one Anglo-Dutch project. The US was clearly engaged in promoting this project, so the main British efforts were directed to a group that they considered to be representative of more moderate profile countries (SERE 1999d).

In a context of undefined supports in the Security Council, Amorim reported that "the British argued that the 'middle ground' countries (Canada, Brazil and Slovenia) would determine the tendency for the majority in the SC. This reasoning, however, does not take into account the fundamental fact that the non-permanent members are not in a position to 'amend' the fissures between the P-5" (DELBRASONU 1999). Later, Brazil would be a co-sponsor of the Anglo-Dutch project (SERE 1999d).

In November 1999, the UK had managed to advance the negotiations for the Anglo-Dutch draft resolution on the suspension of sanctions against Iraq and were even supported by French. The main reference to be observed for suspending sanctions would be the UNMOVIC and IAEA reports. They would authorize the suspension since their terms expressed that Iraq had fully cooperated for 180 days with the established working schedules. Some countries, apparently including Brazil, feared that Russia could veto the project, so the UNSC would remain with no alternative option to act. If it happened, the Brazilian mission at the UN questioned "What else could be done after the panels and strenuous negotiations that led to this text (which, given the present conditions, it is quite reasonable)?"

The question was paralyzed between two irreducible actors. On the one hand, the US, which aimed to Iraq the triad sanctions, bombings and support for the government's opposition. On the other, was the government of Iraq, in which Saddam ruled the country with

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<sup>149</sup> In the original: "não parece realista supor que norte-americanos e ingleses aceitem qualquer alívio no regime de sanções sem clara referência às condições estabelecidas na resolução 687"

political repression and an iron hand: "In the middle of these two (powerful and inflexible) poles, approximately 70-80% of the Iraqi population – neither belonging to the party nor being smugglers – remain at the mercy of Saddam's regime, on which they depend even for their basic survival food"<sup>150</sup> (DELBRASONU 1999k).

In late November, the Council adopts, by 15 votes in favor, Resolution 1275, extending until the 4th of December the sixth phase of the Oil-for-Food program. The Iraqi government, aiming at the lifting of sanctions, rejected the resolution and suspended the exports of Iraqi oil. In December, the program was extended for another week. France did not participate in the voting, which would have been made with the intention to gain time to finalize the negotiations on the resolution "omnibus" (DELBRASONU 1999j).

Finally, on December, 17<sup>th</sup> 1999, in a much less consensual decision than the unanimous resolutions from the early 1990s, the UNSC adopted Resolution 1284. It defined procedures for the completion of the weapons verification process and lifted the limit at the level of permitted oil sales. It also established the Council's intention to suspend sanctions for a renewable 120-day period, if Iraq cooperated with a new UN Monitoring, Verification and Inspection Commission (UNMOVIC), also created by the resolution. Four of the UNSC's members abstained (including France, Russia and China) (Security Council 1999d).

The alleged development of weapons of mass destruction by Iraq, which were never proved, led to the country's invasion in 2003. On May 22<sup>nd</sup>, 2003, the UNSC approved Resolution 1483, which lifted the financial sanctions and the trade sanctions, except the arms embargo (Security Council 2003b). It would only be on December, 15<sup>th</sup>, 2010 that the Security Council would definitely cease the remaining restrictions placed on Iraq. In 2015, Iraq is still expected to pay some compensation to Kuwait.

**Table 10 - Relevant UNSC voting records on mandatory economic sanctions regarding Iraq's case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Iraq	Res. 1284 17.dez.1999 Lifted limit of oil sales by Iraq	11 Argentina, Bahrain, Brazil, Canada, Gabon, Gambia, Namibia, Netherlands, Slovenia, UK, US.	0	4 China, France, Malaysia and Russia

Source: Author's own elaboration.

<sup>150</sup> In the original: "No meio desses dois polos (poderosos e inflexíveis), os cerca de 70 a 80% da população iraquiana que não pertencem nem ao partido e nem são contrabandistas continuam à mercê do regime de Saddam, de quem dependem até para obter sua ração básica de sobrevivência"

### 3.1.3 Summary notes

In the entire course of the 1990s, Iraq was subjected to a severe regime of comprehensive economic sanctions. Resolution 661 (1990) sharply restricted all Iraqi foreign trade, froze Iraqi government assets and prohibited financial transactions. After a US-led coalition expelled the Iraqis from Kuwait, a ceasefire was defined. The terms of the ceasefire were written in the resolution 687 (1991), which stipulated an extensive set of conditions to lift the sanctions imposed by resolution 661. These resolutions established the normative framework of the Iraqi sanctions regime. The long-term duration, the comprehensiveness and the high humanitarian costs that the sanctions on Iraq imposed probably made this episode the most painful sanctions one of the Security Council history.

The United States and United Kingdom were the two principal architects of the sanctions policy against Iraq. Especially the United States pushed for SC and its sanctions committee to tighten progressively the sanctions regime. The severe sanctions regime imposed on Iraq, alongside with the SC non-recognition of the Iraqi cooperation on the disarmament issue, are signals of the US influence in the SC during the 1990s. Like the whole world in the years following the end of the Cold War, Brazil was very conscious of the US influence on international affairs. In the first month of its 1993-1994 mandate as a non-permanent member of the Security Council, Brazil acknowledged that the way in which US tried to execute its own foreign policy agenda under the aura of legitimacy of the United Nations. The attempt to hold down these unilateral projections of power would become the main objective of the Brazilian involvement in the discussion and in the implementation of sanctions against Iraq by the Security Council. As stated by ambassador Canabrava, when the US representative suggested the use of force without further authorization from the Security Council: "in such case [the use of force], a specific decision of the SC would be required and that, in this context, the lifting of sanctions was a less important question to Brazil" (SERE 1998b). It means that, when facing a unilateral projection of power that could threaten the legitimacy of the multilateral system, Brazil would prefer the first option to the latter one.

Brazil was not a member of the Security Council, neither when the sanctions were approved by resolution 661 (1990) nor when the terms of the cease-fire and the conditions to lift the sanctions were decided (1991). However, Brazil could follow the disputes on the shaping of Iraqi sanctions regime in the two mandates it held during the 1990s, in 1993-1994 and in 1998-1999. In the sanctions committee – responsible for managing the implementation

of the sanctions regime, evaluating the progress in the fulfillment of the obligations imposed to Iraq and authorizing the humanitarian exceptions to commercialize with Iraq –, there was a permanent friction concerning the interpretation of the resolution terms regarding the conditions to ease and/or lift the sanctions imposed against Iraq.

The main disputes concerning the sanctions regime imposed to Iraq involved (i) the United Nations Special Commission (UNSCOM) and the Security Council on the one hand, and Iraq on the other; and, within members of the Security Council, (ii) the United States and United Kingdom, on the one hand, and Russia, France and China on the other. Russia and France supported the sanctions against Iraq in the early 1990s. Later, however, their commercial interests made them openly prefer and advocate for positive responses from the SC to Iraq's cooperation and for the lifting of the sanctions imposed.

Brazil also had commercial interests in Iraq. In the 1980s, for instance, the bilateral cooperation was intense, with Brazil importing Iraqi oil through Petrobras and exporting cars, infrastructure services and grains. But the high level of political tensions, opposing the great powers themselves, and the decisive involvement of US using the sanctions to undermine Saddam's regime made Brazil opt for not acting inspired by commercial gains. As ambassador Sardenberg evaluated in 1993, due to the energy wealth of Iraq, it was possible to think of a long-term commercial gain in supporting Iraq's claim for lifting the sanctions. However, it was a too risky position to assume. It would draw the immediate and vivid reaction of US and its allies, it would risk the sparse approvals for Brazilian exports to Iraq obtained in the sanctions committee, and it would hardly dissuade the US to use its veto power to block any positive mention to the Iraqi cooperation with the disarmament process.

Therefore, in the Iraqi sanctions case Brazil confronted a scenario in which the sanctions regime concerned the interests of all permanent members of the Security Council, and specially those of the US. This would probably make it difficult – if not impossible – for Brazil to influence decisively the structure, procedures or interpretation of the sanctions regime even if Iraq was fulfilling its obligations on disarmament and if there would be the perspective of economic gains. Consequently, Brazil decided, at the very early moments, to prefer its long-term political strategy of international participation to its short or medium term economic interest. Moreover, defending this strategy required the preservation of the international order on a multilateral basis, even when this Brazilian short or medium terms interests are at stake.



During the 1990s, Brazil and other countries nurtured expectations to reshape the international order with and through international organizations (Arraes 2006, 7). In this context, these intentions are illustrated in (i) the intense participation in and the active support for the international conferences (Brazil hosted the United Nations Conference on Environment and Development, in 1992) and in (ii) the launch of the Brazilian candidacy for a permanent seat at the Security Council.

Considering this scenario in a realistic perspective, the Brazilian objective to preserve the multilateralism was the option for the least negative outcome – as the alternative seemed to be the dynamics of bilateral compromises and contingent alliances. In short, that means that the reason for Brazil's involvement in the Iraqi case can be better explained by Brazil's interest to maintain the multilateral arena alive and legitimated by itself, rather than by its commercial interests – at least for the short and medium terms. As seen before, Brazil withdrew economically and diplomatically from the Iraqi scenario. By considering Brazil's performance – its attempts to conciliate positions in the Iraqi crisis –, these measures seems to be the result of a perception of increasing unilateral measures in the international scenario, especially taken by the US. These precedents would diminish the space for the multilateral management of international affairs and, as consequence, Brazil's influence over the global arena.

In a clearer way, Brazil's behaviors in the sanctions against Iraq case were targeted at (i) holding down unilateral behaviors, especially from the United States, because this would put an end to Brazil's expectations of having greater participation in the international system; (ii) avoiding the image of a pro-Iraq leader, because this would draw the attention of US and its allies and would jeopardize Brazil's sparse authorizations by the sanctions committee for exporting to Iraq; and (iii) trying to ease or lift the sanctions, because the shape of the economic sanctions represented a strong interference in Iraq's internal affairs, it would also open the Iraqi market to Brazil's trade and, finally, it would alleviate the humanitarian needs of thr Iraqi population.

Brazil's main concern was to safeguard the legitimacy of the multilateral system over unilateral actions. In order to address this concern, Brazil adopted a strategy based on the importance of maintaining the authority of the Security Council. This would be preserved by accepting, respecting and fully adopting resolutions stemming from the UNSC. During the whole decade, Brazil consistently and steadily stated to all parties (US, Security Council members, Iraq, Iraq's opposition, etc.) involved in the Iraqi case that Brazil's position was

that (i) Iraq should formally accept and fulfill all the SC resolutions and (ii) the SC resolutions should be respected also by the Security Council itself. By stating that the resolutions created obligations to Iraq, Brazil avoided being directly identified as a pro-Saddam state. By stating that the resolutions should be respected also by the SC, Brazil expressed its support to the ease or lifting of sanctions, which could represent some relief to the Iraqi population, restore the authority of the Iraqi government over its commercial and financial resources. Most importantly, Brazil tried to use the very rules of the UN system for controlling the unilateral projection of power of the US.

In order to preserve the multilateral system over the unilateralism, Brazil perceived that it was important to work for keeping all parties cooperating. In this way, Brazil performed a constructive posture, in which it tried to dialogue and reconcile positions among the members of the SC and between the SC and Iraq. The constructive posture would seek to add positive elements, which would be aggregated without prejudice to the Brazilian commitment to UN resolutions. In practice, these positive elements corresponded to Brazil's availability and willingness to dialogue and to reconcile opposite positions. These attempts are illustrated in concrete examples, such as the rewriting of terms on the presidential declaration, in order to accommodate different positions between the permanent members, and also in the aforementioned Amorim panels.

In fact, Brazil achieved some agreements on controversial points, especially when it used its highly qualified diplomatic skills in order to arrange terms on texts. Yet, it was not sufficient, neither to decisively shape the sanctions regime against Iraq, nor to influence Security Council main actors on the matter. In the end, the situation was summarized by the Brazilian representative at the UN when the British argued that "middle ground" countries would determine the tendency for the majority between the Anglo-Dutch (heavily supported by US) project and the French (further elaborated by Russia) project: "This reasoning, however, does not take into account the fundamental fact that the non-permanent members are not in a position to 'amend' the fissures between the P-5" (DELBRASONU 1999). That seemed to be the core question. Brazil could make efforts to conciliate positions in texts and to conduct the panels under the sanctions regime, and could still try to keep all parts cooperating. Yet, the eventual results would be scarce, because, as a non-permanent member, Brazil "was not in a position to 'amend' the [great] fissures between the P-5".

## 3.2 YUGOSLAVIA

On September 25, 1991, by resolution 713, the Security Council decided to impose an embargo on arms and military equipment against the Socialist Federal Republic of Yugoslavia (SFRY). On September 15, 1991, the UNSC resolution 724 established a Sanctions Committee to monitor the embargo's fulfillment. In order to seek the containment of conflict and the maintenance of stability in the region, resolution 727 (1992) extended the embargo to all the States which were formerly part of SFRY. Resolution 743 (1992) exempted the UN peacekeeping forces (UNPROFOR) from the arms embargo. Resolution 757 (1992) imposed commercial and financial sanctions on the Federal Republic of Yugoslavia (FRY), then formed only by Serbia and Montenegro. After a military attack commanded by the NATO forces, a peace agreement was signed and sanctions were lifted. Few years later, violence escalated on the Kosovo territory. A new embargo on arms was approved by the UNSC against the FRY on 1998, by resolution 1160.

Brazil was not a member of the Security Council in 1992, when the Security Council decided the structure of the sanctions regime against the SFRY and then against its former republics. However, Brazil's ambassador to the UN presided the Sanctions Committee against Yugoslavia during almost all Brazil's mandate at the UNSC in the 1993-1994 biennia. The acknowledgement of Brazilian diplomatic skills and the absence of Brazil's involvement or interest in the Balkans made it a good option for the presidency of a committee in which Europeans, Russians, Islamic countries and US, for different reasons, had interests to defend. These same characteristics (acknowledgement of Brazilian diplomatic skills by other UNSC members and the absence of Brazil's involvement or interest in the Balkans) made Brazil to be a good option to preside the Sanctions Committee in 1998, when new sanctions were approved against FRY after the escalate of violence in the Kosovo territory.

### 3.2.1 An overview of the case

The Socialist Federal Republic of Yugoslavia (SFRY) was a federation constituted of six republics and two greatly autonomous provinces, Kosovo and Vojvodina (that were parts of Serbia). The Federation was an attempt to make one state for the Yugoslav people. The SFRY had formerly been comprised of independent states and parts that had been under the control of other sovereign states. The constituent parts of the SFRY had different cultural,

linguistic and historical backgrounds (Delevic 1998).

In the early 1980s, the charismatic leader of the SFRY, Marshal Tito, died and left a major void in the SFRY political arena, which different political parties, most of them connected to one of the federation's republics, were eager to occupy. In the course of that decade, the economic situation deteriorated: foreign debt inflation and unemployment were all steeping (Crnobrnja 1996, 82). The international environment was not positive for obtaining credits to face economic difficulties, because international economic institutions were cautious after the sovereign defaults of Poland and Mexico. The IMF, for instance, after the oil shocks of 1970s, the Mexican and Polish defaults of the early 1980s, and the loans made to its members, had no possibility of addressing the hundreds of billions of dollars deficits of Third World countries with their less than 6 billion dollars credits (Moffit 1983, 124).

In the late 1980s and early 1990s, as a result of the political disputes and the economic turmoil, the different republics were blaming each other for their economic difficulties. The central government was not able to recover growth or get international support to face the economic difficulties (Delevic 1998). Finally, the international environment of the Cold War, in which the SFRY's socialism maintained independence from Moscow and gave SFRY a privileged access to Western credits in exchange for neutrality, was over (Woodward 1995, 104). The SFRY was not able to address its economic crisis or the increasing disintegration that had been triggered by a politically fueled nationalism<sup>151</sup>.

In June 1991, the Parliaments of Slovenia and Croatia declared their independence and sovereignty. The escalating violence that followed resulted in the US and EC suspending arms sales and transfers to Yugoslavia in July 1991. In September 1991, the UNSC seized the deteriorating Yugoslav situation. On September 25th, resolution 713 was approved (Security Council 1991d). It called for an immediate cease-fire, supported the efforts of the European Community and the Conference on Security and Cooperation in Europe to negotiate an end to the war in Croatia, and imposed an arms embargo on Yugoslavia in response to the war between Serbia and Croatia. The embargo applied to all parties involved in the conflict.

This was not enough to stop the escalation of a violent armed conflict. The arms embargo froze the situation as it was and thus, it preserved the military status that gave military advantage to Serbian forces over the new Bosnian state. This meant that, as the federation was dismantling, Serbia retained effective control of the Yugoslav People's Army

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<sup>151</sup> "The only all-Yugoslav party was the Alliance of Reformist Forces of Yugoslavia (SRSJ) led by Ante Markovic" (Delevic 1998).

(YPA). The YPA was then one of the best-equipped armed forces in Europe. There were records showing that it even exported weapons. Struggling to face the situation, Bosnia received weapons supplies from Islamic states, in a violation to the UNSC embargo. The UNSC did not lift the embargo on Bosnia, but pretended not to be aware that the arms were going to Bosnia (Cortright and Lopez 2000, 65).

On December 11<sup>th</sup>, 1991, the U.N. Secretary-General, Pérez de Cuellar, delivered a report on the situation in the SFRY. In an annex, there was a peace-keeping plan proposed by Cyrus Vance, the U.N Secretary-General Personal Envoy for Yugoslavia. The Vance plan, as it was known, represented the plan of the United Nations for a peacekeeping operation in Yugoslavia (UNPROFOR) (Delevic 1998). It did not represent a permanent settlement of the Yugoslav disputes, but with the zones under the UN control in which it aimed to create the conditions required for a more comprehensive settlement of the dispute (Trbovich 2008, 299). Milosevic (who rose to SFRY power with Serbian nationalist support) agreed to accept the plan, but the Serbian leaders in Croatia and Bosnia did not. Resolution 724, of December, 15<sup>th</sup>, 1991, endorsed the intentions and conditions under which the peace-keeping plan could be implemented and also created a Sanctions Committee to ensure the implementation of the embargo (Security Council 1991e).

On May 15<sup>th</sup>, 1992, as the situation continued to deteriorate, especially in Bosnia-Herzegovina, the UNSC approved Resolution 752. Resolution 752 demanded all parties stop interfering in each other affairs, in accordance with the ceasefire negotiated April, 12<sup>th</sup>, 1992. The Resolution also demanded both the withdrawal of the YPA's units and the sovereignty and territorial integrity of Bosnia and Herzegovina (Security Council 1992b).

On May 30<sup>th</sup>, 1992, the failure to achieve the conditions established in Resolution 752 and the evidence of war crimes ("ethnic cleansing") committed in Bosnia led the UNSC to adopt Resolution 757 against the Federal Republic of Yugoslavia (FRY). The FRY, at that time formed by Serbia and Montenegro, was what had remained from the SFRY. Under this resolution, the UNSC imposed comprehensive and mandatory economic sanctions during the war in Bosnia-Herzegovina. Resolution 757 banned all international trade with Yugoslavia (prohibited imports originating in FRY, and prohibited the sale and supply of commodities and products to FRY) – except for humanitarian goods (including medicine and food) and blocked financial transactions. It also prohibited air travel, banned the participation of persons and groups representing the FRY in sporting and cultural events and suspended scientific and technical cooperation (Security Council 1992c).

In 1993, Serbian President Slobodan Milosevic, in the wake of the deteriorating economic situation in Yugoslavia and amidst threats of a tighter sanctions regime, urged acceptance of the Vance-Owen peace plan, but this was rejected by Bosnian Serbs. In August 1994, as the situation worsened and the intransigent behavior of Bosnian Serbs toward reaching agreement with the Vance-Owen plan remained (they refused even to meet the Contact Group for the peace plan), Milosevic imposed sanctions on the Bosnian Serbs, leading the tense relationship between the Serbs and the Bosnian Serbs to become progressively unsustainable (Delevic 1998).

On September 23rd, 1994, the UNSC promoted changes in the sanctions regime to reciprocate Serbia's break with the Bosnian Serbs. Resolution 942 extended a full range of sanctions to the territory controlled by Bosnian-Serbs. Resolution 943 eased some restrictions on Serbia, suspended sanctions on the air and ferry service between Montenegro and Italy and suspended the ban on sporting and cultural events. "These simultaneous actions were a reward for Milosevic to cut off support for the Bosnian Serbs and a tightening of pressure on Republika Srpska for its refusal to accept the Contact Group peace plan" (Cortright and Lopez 2000, 67-68).

At this point France, the UK and Russia supported an easing of sanctions in exchange for Milosevic's support for the Vance-Owen plan. The US, however, wanted a complete and final peace agreement to lift the sanctions and pushed for additional pressure on Milosevic to ensure cooperation. US officials were concerned that, if Milosevic compromised and failed, it would be difficult to meet the political conditions to implement sanctions again. After the massacre led by Bosnian Serbs on Srebrenica, in July 1995, the US plans prevailed (Cortright and Lopez 2000, 79, Delevic 1998).

These economic sanctions had a significant impact on Serbia's economy and, together with the military defeat of Bosnian Serb nationalist forces (by a Croatian and Bosnian government ground offensive complemented by NATO aerial bombing on August 1995), they are considered key factors in securing the acquiescence of Serbia to negotiate the Dayton peace agreement<sup>152 153</sup> (House of Lords 2007).

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<sup>152</sup> The sanctions imposed by resolution 757 were supported by an "unprecedented international cooperation in sanctions monitoring and enforcement". They have had a significant impact on the bargaining process that led to the peace accord, helping to convince Slobodan Milosevic and the rest of the Serbian leadership to abandon their war aims and accept a negotiated peace at Dayton (Cortright and Lopez 2000, 63). The financial sanctions would prove especially problematic to Milosevic's government. The effective and rapid frozen measures taken by UK, EU and US of overseas government assets deprived the Serbian government of around 2/3 of its hard currency available. Connected with the high inflation rates, the sanctions contributed to the collapse of the Serbian economy (Cortright and Lopez 2000, 71).

In November 1995, sanctions were lifted after the signing of the Dayton peace accord, negotiated by the US, in Ohio (Delevic 1998).

In 1998, the conflict in the Kosovo territory, controlled by the FRY, intensified. The Kosovo Liberation Army attacked Serbian authorities, leading to a new escalation of violence. In 1998, as a response to the Kosovo crisis, the UNSC imposed a new arms embargo against the FRY (by that time composed of Serbia and Montenegro). Simultaneously, a new Sanctions Committee was established to monitor the member states' compliance by Resolution 1160 of 31 March (Security Council 1998d). The UNSC and member states were unwilling to implement the measures. As a natural consequence, they served only to give an impression that something was being done, but, with no will at all, sanctions were absolutely not effective (Cortright, Lopez, and Gerber 2002, 162-163).

Perhaps to give an appearance that the UNSC cared about the crisis, in September 1998 Resolution 1199 was adopted. It requested states to prevent the use of funds collected on their territory for the purpose of violating the arms embargo (Security Council 1998i).

The UNSC chose not to tighten the sanctions and to have no further mechanisms adopted to enforce the arms embargo. In 1998-1999, the NATO air bombing campaign, that had no UN approval, expelled Serbian forces from Kosovo (Cortright and Lopez 2000, 83). In June 1999, the Kumanovo treaty, signed by the International Security Force ("KFOR"), the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia concluded the war. The withdrawal of FRY forces from Kosovo and a political dialogue that started allowed the lifting of the arms embargo. UNSC Resolution 1307, of September, 10<sup>th</sup>, 2001, terminated the sanctions imposed in 1998. These sanctions had never been properly implemented.

### **3.2.2 Brazilian behavior**

In 1993, when Brazil assumed its first year mandate at the Security Council for the 1993-1994 biennia, an arms embargo on all former Yugoslav Republics was in place. So was

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<sup>153</sup> The aforementioned importance of sanctions on the Yugoslav process can be linked to the contributions of a interinstitutional enforcement system. According to Cortright and Lopez, the European Community and the Conference on Security and Cooperation in Europe organized a network of sanctions assistance missions (SAMs). SAMs provided technical assistance for sanctions implementation and were directed to the states surrounding Yugoslavia. The EC also created a communication system – made available to and maintained by the US - to connect the headquarters in Brussels to the UN sanctions committee in New York. The Western European Union and NATO also joined the effort of patrolling naval traffic. The contributions of these organizations made the Yugoslavia sanctions one of the most effective in history (Cortright and Lopez 2000, 68-70). Such arrangements depend on the interests of the wealthiest states. “In Africa, where Western efforts to resolve conflict have been minimal, such monitoring mechanisms have been nonexistent”

a comprehensive economic and financial sanction against the FRY (then formed by Serbia and Montenegro) for its support of Serbian groups especially in Bosnia-Herzegovina. During this mandate at the UNSC, Brazil assumed the presidency of the Sanctions Committee against Yugoslavia.

In the Committee, Brazil incidentally clarified situations involving Brazilian products, required payment of authorized Brazilian exports, such as the coffee exports made by SACIPAN company (DELBRASONU 1993bc), and still expressed the Brazilian strict compliance with the resolutions of the UNSC on the matter in different moments.

As an example of situations involving Brazilian products, Brazil addressed a letter to the Secretary of the aforementioned Sanctions Committee in January for clarifying information of an article which had been published in the *Frankfurter Allgemeine Zeitung* in September 1992. The article mentioned that a ship would discharge, in the Serbian access area of Montenegro, Brazilian made “mortars, grenades and mines” which would have been diverted by the government of Angola to Serbia. Brazil mentioned that such discharge had never been registered. Brazil also explained that its latest weapons exports to Angola had occurred in 1990 and that all Brazilian authorities adopted a strict control on any export of material for military use. This control was reinforced by the requirement of a warranty that the weapons sold by Brazilian industries would not be re-exported (DELBRASONU 1993bd, SERE 1993f).

In March, it was alleged at the UNSC that Brazil had supplied Croatia with a Tucano aircraft. Brazil informed that this transaction had not been concluded yet, in addition to the fact that Brazil had no evidence that third parties would have transferred Tucano aircrafts to Croatia. Finally, Brazil informed that no Croatian pilot had tested or was testing the aircraft manufactured in Brazil (DELBRASONU 1993be). EMBRAER, the Brazilian company specialized in aircrafts, provided the Brazilian government with the information that in January 1992 there had been an informal contact from a Croatian general engineer regarding the Tucano aircrafts. In September 1992, companies interested in financing a possible purchase by the Croatian government contacted EMBRAER. However, there was not any official document sent by the Croatian Government on the intention of acquiring the aircrafts, and there was any effective sale of aircrafts either (SERE 1993h). The Brazilian delegation at the United Nations (DELBRASONU) confirmed that "the responsibility of the Brazilian



government in the episode of the alleged sale of Tucano aircraft to Croatia was fully clarified in the end"<sup>154</sup> (DELBRASONU 1993bf).

These examples of notifications based on no concrete evidence of violation to the sanctions regime reveal the complex set of interests involved in the Yugoslavian case. News on violations arose from different sides, in order to involve as many countries as possible and therefore to "demonstrate that there are not only some villains in the history"<sup>155</sup>, as Brazilian Ambassador Ronaldo Mota Sardenberg stated (DELBRASONU 1993bf).

Months later, EMBRAER actually received a formal proposal from Croatia to sell 20 Tucano aircrafts to that country. The company informed the Brazilian government that, as there was a UNSC resolution banning arms and military equipment exports to the country, it would not even answer the proposal. The Brazilian Ministry of External Relations communicated these facts to the sanctions committee, still reiterating the Brazilian firm intention to respect the resolutions of the UNSC (SERE 1993e).

In early 1993, the Security Council discussed two important issues on Yugoslavia. First, what position should be assumed regarding the Vance-Owen peace plan. Second, how the UNSC would strengthen the existing sanction regime.

The first point referred to the Vance-Owen Plan, which had been negotiated since September 1992 with the parties directly involved in the conflict (Bosnian-Serbs, Bosnian-Croats and Bosnian-Muslims – the latter represented by the Bosnia and Herzegovina government) and the governments of Croatia and Yugoslavia. The plan was the result of the United Nations and the European Community efforts. It consisted of three documents: a list of constitutional principles; a map defining the internal borders of the country (which would have 10 provinces with a significant degree of autonomy); and a detailed agreement on military issues and related topics. The agreement was often subject to severe criticism by the US press and it was seen with reticence by the Clinton administration. Among the members of the UNSC, the Brazilian delegation to the UN considered that the positions regarding the Vance-Owen's plan were clear: unequivocal endorsement from the Europeans (the UK, France and Spain), support from Russia, and dissatisfaction from Islamic countries (Djibouti, Morocco and Pakistan). China and Japan should be favorable, and Venezuela, Hungary and Cape Verde could be contrary. US was undefined and "so would remain Brazil and New

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<sup>154</sup> In the original: "A responsabilidade do governo brasileiro, no episódio da alegada venda de aviões Tucano à Croácia, resultou plenamente esclarecida".

<sup>155</sup> In the original: "demonstrar que não existem apenas uns vilões na história".

Zealand." The Islamic countries clearly wanted the end of the arms embargo on Bosnia-Herzegovina (DELBRASONU 1993bg).

On the second point, concerning the existent sanctions regime, the discussion primarily regarded a greater control over the existing regime. This also involved "the adoption of further measures", such as limitation of points in and out of Yugoslavia, freezing Yugoslav funds, etc.). These sanctions would enter into force if the Bosnian-Serbs did not sign the peace plan and if they did not suspend military strikes. Brazilian Ambassador Sardenberg, had assumed the presidency of the Sanctions Committee because Brazil had diplomatic skills and because the country had no strong ideological and economic links with that region. He reminded that these further measures could reach third-party countries. In the analysis of the Brazilian representative on the strengthening of sanctions being discussed, he commented that "the section on strengthening the sanctions regime against the Federal Republic of Yugoslavia is particularly complicated, starting with the invocation of Chapter VII of the Charter."<sup>156</sup> At that time, the US called for a "hardening" of the sanctions regime, but unwilling to engage in a direct combat with former Yugoslavia. The United Kingdom pursued the adoption of revised and extended sanctions (DELBRASONU 1993bh).

In early 1993, Slovenia requested the Brazilian support for being excluded from the arms embargo in place (DELBRASONU 1993bi). The Brazilian Secretary for External Relations, SERE, did not satisfy Slovenia, by expressing concern on the repercussions that such a measure would represent in a clearly unstable region. Furthermore, SERE alleged the risk of a precedent, since the case could "make it difficult not approving a similar request from Bosnia and Herzegovina."<sup>157</sup> (SERE 1993g).

In April, a group of Islamic countries, dissatisfied at what they considered as a vulnerability of Bosnian-Muslims to the the attacks promoted by Bosnian-Serbs, moved to obtain a resolution at the Security Council. In that month, the group of countries which were not aligned to this matter at the UNSC (Djibouti, Morocco, Pakistan, Venezuela and Cape Verde) presented a draft resolution acknowledging the vulnerability to which Bosnian-Muslims were submitted. This opened space for the involvement of new actors in the political and military landscape in the Balkans. SERE commented the project and considered that this

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<sup>156</sup> In the original: "particularmente complicada é a parte relativa ao reforço do regime de sanções contra a República Federal da Iugoslávia, a começar pela invocação do capítulo VII da Carta"

<sup>157</sup> In the original: "dificultar o não atendimento a pedido semelhante por parte da Bósnia Herzegovina".

could convey the impression that "the Council cannot undertake consistent and coordinated action in this matter"<sup>158</sup>. The Brazilian analysis concluded that:

In addition to severely deepen the precarious degree of control over the evolution of the conflict in Bosnia, [this resolution] *would affect the image and credibility of the Council, which has been a constant concern in the Brazilian operations in this forum. This argument can be employed to defend the principles on which the action of the Security Council should be based on* in favor of the maintenance of international peace and security, *avoiding, however, isolation and political burden of positions that can exceed the limits of our interests*<sup>159</sup> (DELBRASONU 1993bj) our italics.

This piece of diplomatic correspondence reveals a concern that would be present during all Brazilian interventions at the Security Council: to preserve the legitimacy and the authority of the Council itself. The Council will be the forum in which Brazil find the space for multilateral decisions effectively mirrored and therefore it should have its legitimacy and authority preserved. This would safeguard international politics from unilateral projections of power.

More than the non-aligned group requests, the UNSC and especially the Europeans, geographically close to the Balkans had concerns on the escalation of violence in the region. On April 17<sup>th</sup>, 1993, the UNSC adopted resolution 820, in which it reaffirmed all previous resolutions regarding a peace settlement in the Balkans, discussed the peace plan for Bosnia and Herzegovina, and defined the steps that should ensure its implementation. It decided on measures to be implemented after a period of time unless the Bosnian Serbs signed the peace plan and ceased their attacks. These measures encompassed strict rules, such as the transshipment through protected areas and areas controlled by the Bosnian Serbs, the prohibition of the transport of all products across the land borders or to or from the ports of the FRY, the rules concerning the navigation on the Danube, and others (Security Council 1993a). Brazil voted in favor of this resolution.

The non-aligned group continued pressing the Security Council. In June, the group presented a draft resolution to lift the arms embargo against Bosnia-Herzegovina. According to information from the Brazilian delegation, the US would be favorable to – but not an

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<sup>158</sup> In the original: “o Conselho não consegue empreender ação consequente e coordenada nesta questão”.

<sup>159</sup> In the original: “além de diminuir ainda mais o precário grau de controle sobre a evolução do conflito na Bósnia, *afetaria a imagem e a credibilidade do Conselho, o que tem sido preocupação constante na atuação brasileira nesse foro. Vossa Excelência poderá valer-se dessa argumentação para defender os princípios em que deve basear-se a ação do Conselho de Segurança em favor da manutenção da paz e da segurança internacionais, evitando, contudo, posições de isolamento e de ônus político que possam ultrapassar os limites de nossos interesses*” [3801] destaques nossos.

enthusiast with – the resolution, but the rest of the Washington group would be contrary to it. Brazil, New Zealand and Japan had serious doubts on the selective lifting of the arms embargo due to the instability in the region (DELBRASONU 1993bk). In this framework, it was not possible to imagine the adoption of the project as it had been proposed.

At this point, it is interesting to note the US position, pro-group of non-aligned countries, in the Yugoslav matter. This position derived from campaign promises made by the elected president Bill Clinton (DELBRASONU 1994ad). As it will be seen, Brazil would later have a more elaborate perception of this US particular position.

Several countries mobilized due to the sanctions-lifting project to Bosnia and Herzegovina. In the bilateral level, Iran's ambassador in Brasilia asked Brazil to support the project of the non-aligned group. To all parties that have pursued or that would pursue the Brazilian support to a resolution with this content, Brazil reported the serious difficulties it found in supporting such measures (SERE 1993b). On the multilateral level, the UN formed a contact group for Bosnia and Herzegovina with countries from the organization of the Islamic conference (Pakistan, Iran, Turkey, Malaysia, Senegal, Egypt and Saudi Arabia). This group was concerned with protecting the Muslim population in Bosnia and asked support from Brazil, Hungary and Japan to the non-aligned project (DELBRASONU 1993bl). In the bilateral level, but in a different direction, Russia also made efforts in Brasilia and requested Brazil to favor a postponing proposal for the draft voting (SERE 1993d). SERE's orientation was that, in case of voting, the Brazilian delegation should abstain (SERE 1993c). This position politically preserved Brazil for not frontally opposing to any of the groups on a topic that did not involve Brazil's direct interests. In addition, abstention safeguarded the position that Brazil considered as the most appropriate (not to suspend or lift the sanctions selectively), as Russia gave clear signals that it would use the veto power to prevent the suspension of sanctions to Bosnia, if it would be necessary.

On a Security Council meeting on the matter, 20 countries which were not members of the Security Council at that moment demanded the lifting of the embargo. They repeated that the current situation had a negative impact on the credibility of the UNSC, represented the failure of the United Nations, and seemed to reflect that Muslims were treated with inferiority in comparison to other peoples and countries. A distinct stance was heard from Croatia, which recognized that Muslims were victims, were also exterminating Croats in their territories. The United Kingdom, Russia, Japan and Hungary justified their abstentions. In the voting, 6 countries voted in favor (Cape Verde, Djibouti, Morocco, Pakistan, Venezuela and

the US) and 9 abstained (Brazil, China, France, the UK, Russia, Spain, Japan, New Zealand and Hungary). The US supported the project without enthusiasm. The Brazilian position followed a consistent line in all fronts: the current conditions did not indicate that the lifting of sanctions against Bosnia was appropriate (DELBRASONU 1993bm).

The Sanctions Committee against Yugoslavia worked intensively. In August, Sardenberg, as the president of this committee, reported that, between June and August 1993, the committee analyzed about 4,000 communications, including 2,000 notifications on food and medicine shipments and for FRY, 1,500 requests for authorization of other humanitarian items, about 650 requests of transshipment for items through FRY and 200 other communications (DELBRASONU 1993bn). The Brazilian representative also reported that there were several members of the Council dissatisfied at how Yugoslavia controlled the Danube, and Sardenberg tried to do make the Yugoslavian part realize the difficulty generated by this situation:

The Yugoslav Federal Minister for Economic Relations took note of my comments and prompted to take the aforementioned cases to the competent authorities. He ended the meeting by reiterating the request for cooperation with the Yugoslav elections and by expressing his gratitude for the fact that Brazil had accepted the difficult task of chairing a committee that, without our moderating influence, would have been even more rigorous with his country<sup>160</sup> (DELBRASONU 1993bn).

As the winter in the Northern hemisphere approached, Russia requested Brazil to support its initiative to provide Belgrade with natural gas for humanitarian purposes (SERE 1993t). Sardenberg manifested his support to the Russian request, but reminded that the non-aligned countries would probably express their opposition to it (DELBRASONU 1993bo). Although Brazil supported the export of gas supply due to the humanitarian reasons, the necessary consensus on the Sanctions Committee was not obtained (DELBRASONU 1993bp).

In October, the President of the Federal Republic of Yugoslavia, Zoran Lilic, asked the President of Brazil for support on the lifting of sanctions on FRY. Sardenberg suggested mentioning that Brazil understands that the sanctions regime does tend to sacrifice more markedly the most vulnerable segments of society and, therefore, Brazil has consistently supported humanitarian imports. He said that it would be important to remark that, despite

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<sup>160</sup> In the original: “O ministro federal para relações econômicas iugoslavo tomou nota de minhas observações e prontificou-se a levar os casos acima à atenção das autoridades competentes. Terminei o encontro reiterando o pedido de cooperação com o pleito iugoslavo e expressando gratidão pelo fato de o Brasil ter aceito a difícil tarefa de presidir um comitê que, sem nossa influência moderadora, se teria mostrado ainda mais rigoroso em relação a seu país”

Brazil's position, the Sanctions Committee takes its decisions by consensus. Therefore, even if Brazil held its presidency, it was not able to shape the decisions by itself (DELBRASONU 1993bq).

Despite the approaching winter, which increased the importance allow the gas supply reaching the Balkans, Sardenberg reported that it was not possible to see any

[...] signs of greater flexibility on the part of the US and British delegations. These delegations have led the questioning and objections to the supplying of fuel to meet the needs of the civilian population in the FRY (...) Washington and London see the sanctions as one of the few available tools to reduce the Serbian political and military will and power. Some non-aligned delegations, in their activism for Bosnian Muslims, have allowed themselves to even use humanitarian aid for retaliatory exercise. The reaction of RFI authorities increasingly have not helped those who propose to act in an objective and constructive manner.<sup>161</sup> (DELBRASONU 1993bs).

Indeed, the FRY had imposed difficulties to the navigation of the Danube. Sardenberg, acting as the president of the Security Council at that time, spoke to the charge d'affaires of FRY. FRY was requested to remove the obstacles to the Danube navigation on the spaces under FRY's jurisdiction. The diplomat said that the blockade was an example of the seriousness of the situation and a reflection of the feeling that "the FRY would be a victim of the misunderstanding and persecution of the international community."<sup>162</sup> Sardenberg pointed out that this behavior does not contribute to a more favorable disposition of the Council with the FRY (DELBRASONU 1993bt).

Meanwhile, the situation of civilians worsened: "There are many signals that the humanitarian situation in Serbia and Montenegro is worsening alarmingly. Little or nothing filters to the North American, and also, probably, international public opinion"<sup>163</sup>. For the Brazilian representative and president of the sanctions committee, the challenge would be to reach consensus for humanitarian aid and also defrost the Serbian funds abroad to pay for

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<sup>161</sup> In the original: "indícios de maior flexibilidade da parte das delegações norte-americana e britânica que tem liderado o questionamento e as objeções ao fornecimento de combustíveis para atendimento das necessidades civis da população na RFI [...] Washington e Londres tem nas sanções um dos poucos instrumentos de que dispõem para tentar reduzir a vontade e o poder político e militar da Sérvia. Algumas delegações não-alinhadas, no ativismo em favor dos muçulmanos bósnios, permitiriam-se até mesmo USr a ajuda humanitária para o exercício de retaliação. E, com frequência cada vez maior, a reação das autoridades da RFI tampouco ajuda aqueles que se propoem a atuar de forma objetiva e construtiva".

<sup>162</sup> In the original: "a FRY seria vítima da incompreensão e perseguição da comunidade internacional"

<sup>163</sup> In the original: "São muitas as indicações de que a situação humanitária na Sérvia e em Montenegro agrava-se alarmantemente. Pouco ou quase nada filtra porém para a opinião pública norte-americana e, também, provavelmente, internacional"

those supplies. Eventually, it would also need to authorize the sale of FRY products to meet civilian needs for goods and services (DELBRASONU 1993bs)

Russia's charge d'affaires requested Brazil to conduct negotiations on the committee giving more emphasis to issues of humanitarian nature (SERE 1993~). Even being sympathetic to the request, Brazil could do little because the US had pointed that it would hardly review its understanding that the problems faced by the most vulnerable segments of the population in FRY resulted from "Belgrade option for war" (DELBRASONU 1993bu).

In the UN General Assembly, there was still a large rumor around the theme of the lifting of the arms embargo for Bosnia-Herzegovina. The end of 1993 and beginning of 1994 was marked by a discussion of this possibility and Sardenberg suggested that Brazil should abstain in the General Assembly if the project to lifting the sanctions on Bosnia Herzegovina was voted, in view of "controversial issues". These controversial issues would include the selective lifting of the arms embargo and the expelling of Yugoslavia (Serbia and Montenegro) from the United Nations. Moreover, the project clearly took the Bosnian government position and ignored the efforts of current negotiators (DELBRASONU 1993bv). This proposal was against the Brazilian position, expressed on September, 27<sup>th</sup>, 1993. On that occasion, the Brazilian Minister of External Relations, Celso Amorim, stated in his speech at the 48<sup>th</sup> UNGA:

The restoration of peace in the former Yugoslavia is a priority task for the international community, in order to cease the suffering of the populations involved. It is necessary that, in Geneva and in the capitals of the former federation, the willingness to contribute for achieving acceptable agreements for all parties in the conflict be achieved. Only from that political commitment the United Nations can effectively play its irreplaceable role in the pacification of the area."<sup>164</sup> (Seixas Corrêa 2012, 578).

France and the UK were also not friendly to the selective lifting of the embargo. In May 1994, the two countries had met with Brazilian diplomats to emphasize the destabilizing effects that the suspension of the arms embargo on Bosnia and Herzegovina could cause. According to the French and British representatives, with the possibility of sending military equipment to the Bosnian Muslim government, there would be the risk that the Bosnian-Serbs could launch "preemptive strikes". Thus, the Bosnian government's ability to sustain the war effort could be jeopardized even before the arrival of new weapons. In their perspective, this

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<sup>164</sup> In the original: "A restauração da Paz na antiga Iugoslávia é tarefa prioritária da comunidade internacional, para que cessem os sofrimentos das populações envolvidas. É necessário que em Genebra e nas capitais da antiga federação prevaleça a disposição de contribuir para que se alcancem acordos aceitáveis para todas as partes envolvidas no conflito. Somente a partir dessa vontade política poderão as Nações Unidas efetivamente desempenhar seu insubstituível papel na pacificação da área."

initiative would result in practice on the closure of efforts for negotiated solution to the conflict (SERE 1994e).

Brazil remained unsympathetic to the proposal from the Islamic countries to suspend the arms embargo on the Bosnian government (DELBRASONU 1994ad).

By its turn, the United States supported the selective lifting of arms to Bosnia, in an isolated position among European and American countries. According to the Brazilian delegation at the UN:

Attached to positions expressed in the elections campaign, the US administration has presented nominal support to the selective lifting of the embargo thesis. Such a stance, supposedly founded on moral considerations, is opportunistic, since the Americans, who do not contribute with troops to UNPROFOR (except so far in the peaceful and pleasant Macedonia), can take a friendly position to Islamic countries knowing that the Council will hardly approve the lifting.<sup>165</sup> (DELBRASONU 1994ad).

This position made Brazil concerned also with an eventual US unilateral behavior regarding the violation of the sanctions imposed by the SC:

What concerns in the current US discourse for Bosnia and Herzegovina are the indications that point to the possibility of a unilateral noncompliance with resolution 713 (1991). The pressure from sectors of the Congress has contributed for that and, to some extent, so has the public opinion, supported by news coverage, which cannot escape from the simplistic analysis (Serbian=criminals; Muslim=victims) [...] The use of force, thus, should not be acceptable, unless if it is in full compliance with the decisions of the Council, especially its resolution 836 (1993)<sup>166</sup> (DELBRASONU 1994ad).

Brazil was concerned with unilateral movements by the US, as this was already happening toward the Iraqi and Haitian case, under a pattern of other sanctions regimes over the 1990s.

SERE agreed with the perception of the Brazilian delegation at the UN, and added:

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<sup>165</sup> In the original: “Presas as posições expressas ainda na campanha eleitoral, a administração norte-americana tem manifestado apoio nominal à tese do levantamento seletivo do embargo. Tal postura, pretensamente fundada em considerações de ordem moral, reveste-se na verdade de oportunismo, uma vez que os norte-americanos, que não contribuem com tropas para a UNPROFOR (a não ser até agora na pacífica e aprazível Macedônia), podem assumir posição simpática aos países islâmicos sabendo que o Conselho dificilmente aprovará o levantamento”

<sup>166</sup> In the original: “preocupante no atual discurso norte-americano para a Bósnia-Herzegovina são as indicações que apontam para a eventualidade de um descumprimento unilateral da resolução 713 (1991). Para tanto contribuíram a pressão exercida por setores do Congresso e em certa medida também pela opinião pública, apoiados em cobertura jornalística que tem dificuldades em escapar da análise simplista (sérvios=criminosos; muçulmanos=vítimas) [...] O uso da força, assim, não deveria ser aceitável senão em plena conformidade com as decisões do Conselho, em especial a resolução 836(1993)”.



The issue of lifting the arms embargo in Bosnia arose in June 1993, moment in which nine countries (Brazil) abstained and prevented the approval of a draft resolution promoted by numerous aligned countries. This question is being promoted again by the US initiative, inspired more by internal conditions (the US Congress pressure and promise of Bill Clinton campaign) than by the evolution of the issue internationally. Significant is the fact that the project does not count with the support of the [UNSC] members, except for some delegations of Muslim countries ... (Djibouti, Oman, Pakistan and Rwanda). The evaluation of SERE coincides with that in which lifting the embargo would yield a non-productive dynamic against the peaceful settlement of this issue. It would exacerbate the risk of escalation of hostilities in addition to derailing the mission of UNPROFOR, in which Brazil participates. Given the delicate nature of the topic, it is necessary to keep a fine-tuning between Brazilian performance at the UNSC and the General Assembly. Under these conditions, Your Excellency must abstain from voting on the draft resolution.<sup>167</sup> (SERE 1994a).

Seeking for a negotiated solution taking into account the interests of the all parties involved and according to what had been stated at the 48<sup>th</sup> UNGA, Brazil reinforced its position to abstain in projects that were clearly aimed to supporting one side (SERE 1994d). In addition to favoring negotiated solutions, the Brazilian abstention reflected the understanding that any lifting or even the suspension of the arms embargo on Bosnia would bring negative impacts on the functioning of UNPROFOR, in which Brazil was contributing with military observers.

In October 1994, Madeleine Albright, the US representative to the UN, introduced, in informal consultations at the Security Council, a draft resolution for the lifting of the sanctions on Bosnia. Except for Oman, Djibouti and Pakistan, the other countries of the Security Council demonstrated difficulties or even a clear opposition regarding the project. The most energetic resistance came from France and the United Kingdom, which threatened to withdraw their troops from UNPROFOR, if the US resumed its arms exports to Bosnia. Even Argentina – which, over the 1990s, had assumed positions supporting the US on this matter – did not hesitate to affirm that, in this issue, "it clearly positions itself against the US, as it fears for the safety of UNPROFOR personnel (there is an Argentine contingent in

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<sup>167</sup> In the original: "A questão do levantamento do embargo de armas na Bósnia suscitada em junho de 1993, ocasião em que 9 países (Brasil) se abstiveram e impediram a aprovação de projeto de resolução nesse sentido entabulado pelos alinhados está sendo retomada por iniciativa dos EUA inspirada mais por condicionantes internas (pressão do congresso norte-americano e promessa de campanha de Bill Clinton) do que pela evolução da questão em âmbito internacional. Significativo é o fato de que o projeto não conta com o apoio dos membros, salvo de algumas delegações de países muçulmanos... (Djibuti, Omã, Paquistão e Ruanda). A avaliação desta SERE coincide com a de Vossa Excelência em que o levantamento do embargo produziria dinâmica contraproducente à solução pacífica da questão, na medida em que exacerbaria o risco de escalada das hostilidades, além de inviabilizar a missão da UNPROFOR, da qual o Brasil participa. Tendo em vista a natureza delicada do tema, é necessário manter-se fina sintonia entre a atuação brasileira no CSNU e na Assembléia-Geral. Nessas condições, Vossa Excelência deverá abster-se na votação do projeto de resolução".

Croatia) if the embargo is lifted"<sup>168</sup>. Also according to the Brazilian delegation, the US Executive would be acting under a severe pressure from the US Congress (DELBRASONU 1994ae).

In November 1994, a new episode of violence erupted in the region. Croatian Serbs violated the airspace of Bosnia and Herzegovina and attacked the Muslim enclave of Bihac in that territory. Croatia threatened to turn its forces against the Serbian group. The military situation seemed to be out of the UN control. According to the Brazilian delegation at the UN:

The UNPROFOR has been boycotted by all – Serbs, Muslims and Croats – and even subjected to harassment and attempts of manipulation. In the face of growing difficulties, the repatriation of some of the UNPROFOR contingents has been openly discussed."<sup>169</sup> (DELBRASONU 1994ae).

In particular, the recent decision by the Clinton administration induces immediate controversy into this matter, by unilaterally suspending the monitoring of compliance with the arms embargo on the Bosnian-Muslims. By determining that its warships in the Adriatic can no longer intercept "suspicious" ships (that means, that all 'suspect' to be transporting material for military use to Croatian and Slovenian ports...), the US refused to provide NATO with the resources which the latter so far to inspect the strict compliance with the UNSC resolution<sup>170</sup> (BRASEMB\_Belgrado 1994).

Some Yugoslav analysts estimate that President Clinton made a hasty decision on the matter in response to the claims of a pro-Muslim 'lobby' whose power pressure would have increased significantly with the victory of the Republicans in the elections to the US Congress<sup>171</sup> (BRASEMB\_Belgrado 1994).

#### In the other direction:

The Russian Federation does not accept that its influence is discarded in the geostrategic re-accommodation process in the Balkan region [...]. For some, the prior concern for the Clinton administration is to contain the momentum of pan-Serbian jingoism, in which they recognize the prelude to a "geopolitical earthquake". EU countries, tormented by the geographical proximity of the conflagration in

<sup>168</sup> In the original: "se posiciona claramente contra os EUA, uma vez que teme pela segurança do pessoal da UNPROFOR (há um contingente argentino na Croácia) caso se levante o embargo"

<sup>169</sup> In the original: "A UNPROFOR, quando não é submetida a vexames e tentativas de manipulação, tem sido boicotada por todos – sérvios, muçulmanos e croatas. Diante de crescentes dificuldades, discute-se abertamente a repatriação de alguns de seus contingentes".

<sup>170</sup> In the original: "Em particular, induz imediata controvérsia a esse respeito recente decisão da administração Clinton de suspender unilateralmente a vigilância do cumprimento do embargo de armas no tocante aos bósníaco-muçulmanos. Ao determinar a suas belonaves em patrula no Adriático que não mais interceptem embarcações "suspeitas" (ou seja, que todos 'desconfiam' estarem transportando material de emprego militar para portos croatas e eslovenos...), os EUA sonogam à OTAN os implementos de que esta se valia até agora para inspecionar naquele trecho o cumprimento da resolução do CSNU".

<sup>171</sup> In the original: "Alguns analistas iugoslavos avaliam que o presidente Clinton precipitou uma decisão sobre o assunto em resposta aos reclamos de um 'lobby' pró-muçulmano cujo poder de pressão ter-se-ia acrescido muito com a vitória dos republicanos nas eleições para o Congresso dos EUA".

Bosnia-Herzegovina, prefer to fight the fire from now, striving to stop the war at any cost. According to others, the Russian Federation, considering itself the heir of the pan-Slavic zeal, in its traditional ties with Serbian nationalism, wants to explore the space in which it can reinforce its international prestige, focusing on the 'moderation' of the Belgrade government. Apprehensive with the vulnerability of UNPROFOR, the British, Spanish and French governments have made explicit, on several occasions, their intention to repatriate the contingent of their countries, if the situation worsens on the ground<sup>172</sup> (BRASEMB\_Belgrado 1994).

Thus, unlike Muslim countries, Russia, which did not want to be excluded from the re-accommodation process in the Balkans, sought to ease sanctions on FRY. In general, Western countries hoped that the pressure made by Milosevic on the Bosnian-Serbs would yield some positive effects. Milosevic had imposed sanctions on the Bosnian-Serbs because of their resistance in cooperating with the Vance-Owen plan (this could be considered as the imposition of sanctions within the UN sanctions). By its turn, Brazil reached the end of its first term in the 1990s persistently defending a reactivation of diplomatic efforts to persuade the belligerent parties to peacefully resolve their dissents in Bosnia. Everyone's expectations did not show much sign of success: "All in all, the Bosnian Serbs, with their mix of diplomatic intransigence and military aggression start to overcome the resistance of the major world powers, affecting the credibility of the Security Council in this process"<sup>173</sup> (DELBRASONU 1994af).

In 1995, after the military defeat of Bosnian Serb nationalist forces (by a Croatian and Bosnian government ground offensive complemented by NATO aerial bombing in August 1995) the Dayton peace agreement was signed (House of Lords 2007). In November 1995, sanctions were lifted (Delevic 1998). However, the geopolitical environment in the Balkans was not pacified. In early 1998, the violence escalated again, now in the Kosovo territory, controlled by FRY. The Kosovo Liberation Army attacked Serbian authorities, leading to a new wave of violence.

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<sup>172</sup> In the original: "a Federação russa não aceita que sua influência seja alijada do processo de reacomodação geo-estratégica na região balcânica [...]. Para alguns, a administração Clinton preocupa-se antes em conter o impulso do chauvinismo pan-servio, no qual discerne o prelúdio de um 'terremoto geopolítico'. Os países da UE, aflitos diante da proximidade geográfica da conflagração na B-H, preferem combater o incêndio desde já, empenhando-se em parar a guerra a qualquer custo. Segundo alguns, a federação russa, considerando-se herdeira do zelo pan-eslavo, em seus laços tradicionais com o nacionalismo sérvio, quer explorar os desvão em que poderá reafirmar seu prestígio internacional, apostando na 'moderação' do governo de Belgrado. Inquietos ante a vulnerabilidade da UNPROFOR, os governos britânico, espanhol e francês já explicitaram em várias oportunidades sua intenção de repatriar os contingentes de seus países, se a situação piorar ainda mais no terreno"

<sup>173</sup> In the original: "Os bósnios sérvios, com seu misto de intransigência diplomática e agressividade militar começam, em suma, a dobrar a resistência das maiores potências mundiais, atingindo, de passagem, a credibilidade do Conselho de Segurança"

Belgrade acted repressively in Kosovo, but the territorial disintegration of FRY was not in the Security Council's agenda. The Brazilian representative at the UN, Celso Amorim, read the situation as this:

On the one hand, the preservation of the territorial integrity of the FRY is not being called into question by the Security Council, which is a brake on the ambitions of the separatist Albanian minority; on the other hand, the excesses committed in Kosovar repression, under the pretext of combating terrorism, brought Kosovo into the UNSC agenda<sup>174</sup> (DELBRASONU 1998aa).

The statement of the Contact Group (formed by the US, France, the UK, Russia, Germany and Italy) threatened Belgrade with sanctions if the Yugoslav leadership did not adopt within a period of ten days “effective steps to stop the violence and engage in a commitment to find, through dialogue, a political solution to the issue of Kosovo”. The official US position was that the Security Council should continue preparing a resolution on the arms embargo and maintain Belgrade under pressure. There was Russian opposition and Chinese resistance to this idea. According to the Brazilian delegation at the United Nations, France was apparently not supporting the adoption of sanctions either (DELBRASONU 1998aa).

In March 1998, the delegation of the Russian Federation interrupted negotiations at the Security Council on a draft resolution that would impose an arms embargo against the FRY. The Russian move was made after Belgrade expressed its willingness to dialogue with the Albanian minority in Kosovo. According to the Brazilian representative to the UN, Celso Amorim, “the threat of sanctions, associated with an active diplomacy from Moscow, seems to have persuaded Belgrade to relax its position”<sup>175</sup> (DELBRASONU 1998aa).

In the same month, the Contact Group met again in Bonn. Following the new instructions issued in this meeting, the UNSC resumed negotiations to impose an arms embargo against the FRY. This decision indicated the prevalence of the “European” point of view on the Kosovo crisis. According to the French perception, the pro-Kosovar US behavior could be explained, in part, due to the concern of Washington in repairing the falling that the US image had suffered in the Islamic countries (DELBRASONU 1998ab).

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<sup>174</sup> In the original: “Se, por um lado, a preservação da integridade territorial da RFI não está sendo posta em dúvida pelo Conselho de Segurança, o que representa um freio nas ambições da minoria albanesa independentista, por outro lado os exageros cometidos na repressão kossovar, sob pretexto de combate ao terrorismo, introduziram o Kossovo na agenda do CSNU”

<sup>175</sup> In the original: “a ameaça de sanções associada a uma diplomacia ativa de Moscou parece haver persuadido Belgrado a flexibilizar sua posição”

As a result, on March, 31<sup>st</sup>, 1998, in response to the Kosovo crisis, the UNSC adopted resolution 1160, which imposed a new arms embargo against the FRY (by that time composed of Serbia and Montenegro). Simultaneously, a new Sanctions Committee was established to monitor the member states' compliance (Security Council 1998d).

Brazilian diplomat Henrique Valle delivered a speech in the formal meeting at the UNSC in which the resolution 1160. He began his speech by stating that “the repressive measures taken against civilians in Kosovo by Serbian police forces have provoked indignation throughout the world”. Thus, the deteriorating situation in Kosovo welcomed the diplomatic initiatives from which seems to have emerged the decision in favor of an arms embargo “as a measure capable of putting pressure on parties to negotiate, while placing a limit on the presence of weapons in an already heavily armed and volatile region” (DELBRASONU 1998ac).

It was the end of the 1990s, and Brazil was already following the difficulties to lift a sanction regime by the situation of Iraq, where the US unilateral will make it impossible to lift the sanctions. Thus, the Brazilian delegation found it important to stress that

[...] as a matter of principle, it has seemed important for my delegation to emphasize the need for clear provisions regarding the conditions for lifting the sanctions in the draft before us”. He also stated that the paragraph 16 of the resolution 1160 addressed this concern “in a manner that we consider satisfactory. (DELBRASONU 1998ac).

Concerned with the importance of UNSC to answer positively to movements of the sanctioned country Brazilian statement said that “if there is movement in a positive direction, the Security Council should acknowledge it promptly” (DELBRASONU 1998ac).

This same stance carried a message that Brazil recognized that the Council was making an extensive use of Chapter VII of the UN Charter. In the form of a discrete alert, Brazil suggested that perhaps the way the Security Council was using sanctions was even distorted, in order to circumvent the non intervention principle:

[...] although the Charter enshrines the principle of non intervention in matters which are essentially within the domestic jurisdiction of any state, we are all aware that this principle does not prejudice the application of enforcement measures under Chapter VII, in accordance with article 2, Paragraph 7. Perhaps it is not by coincidence that the proliferation of decisions authorized by the Security Council under Chapter VII since the end of the Cold War – and of sanctions, in particular – has come about in a world where conflict has often seemed to be breaking out within the internal borders of states. Some observers have gone as far as to suggest that there may have been a tendency to ‘frame emergencies’ under Chapter VII, in recent years, so as to circumvent the non-intervention principle. If this were indeed the

cease, we would be witnessing a distortion in the waiver provided by article 2, paragraph 7, which would seem to be incompatible with its original purpose (DELBRASONU 1998ac).

As it was part of the Brazilian stance, Valle ended his intervention mentioning  
Brazilian

[...] commitment to the pacific settlement of disputes within a context of respect for sovereignty and territorial integrity. We believe that by exercising caution in resorting to coercive measures we are actually strengthening the authority of the Security Council in the face of serious and otherwise intractable situations' (DELBRASONU 1998ac).

The resolution was approved with 14 votes in favor and the Chinese abstention.

In early April, the Sanctions Committee to monitor the arms embargo on the FRY was installed. Without seeking for the presidency of this committee – and even declining it in favor of other diplomats interested in it – the Brazilian permanent representative to the UN, Celso Amorim, was elected to the position: "Not being the Brazil in the presidency of any of the other sanction committee, my name [Celso Amorim] was suggested to the presidency of the committee created as a result of the adoption of resolution 1160"<sup>176</sup>. As the representative of Sweden expressed interest in this position, Brazil has offered to preside the Sanctions Committee against Sierra Leone, releasing the Swedish representative to assume the FRY committee. However, bilateral consultations conducted by the President of the UNSC, the ambassador of Japan, indicated resistance to the Swedish name (possibly by Russia). "It was an undeniable and honorable responsibility given the sensitiveness of the matter, illustrated by the broad discussions in the occasion of the approval of the resolution"<sup>177</sup> (DELBRASONU 1998ad).

Although the Sanctions Committee answered some consultations – as the one made by Greece to make the transshipment of flawed military equipment –, the discussions seemed to be oriented to the military field. In August, the Brazilian representative at the UN reported that the United States did not wish to exclude the hypothesis of NATO intervention (DELBRASONU 1998ae).

Perhaps to give the impression that the UNSC was concerned on dealing peacefully with the crisis, in September 1998 Resolution 1199 was adopted. It requested states to prevent

<sup>176</sup> In the original: "Não estando o Brasil no exercício da presidência de qualquer dos comitês de sanções existentes, meu nome [Celso Amorim] foi sugerido para a presidência do comitê criado em decorrência da adoção da resolução 1160".

<sup>177</sup> In the original: "Tratou-se assim de incumbência indeclinável, além de honrosa, dada a delicadeza do tema, ilustrada pelas largas tratativas quando da aprovação da respectiva resolução".

the use of funds collected on their territory for the purpose of violating the arms embargo (Security Council 1998i). However, in fact, the UNSC and member states were unwilling to implement the measures. As a natural consequence, they served only to give an appearance that something was being done, but with no will at all, sanctions were absolutely not effective (Cortright, Lopez, and Gerber 2002, 162-163).

After this resolution, the UNSC chose not to tighten the sanctions and to have no further mechanisms adopted to enforce the arms embargo. In 1998-1999, the NATO air bombing campaign, conducted without the UN approval, expelled Serbian forces from Kosovo (Cortright and Lopez 2000, 83). In June 1999, the Kumanovo treaty, signed by the International Security Force, the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia concluded the war.

Even before voting on the resolution 1244, several delegations of UNSC member countries and the Secretariat expressed their interest that the presidency of the Sanctions Committee remained with the Permanent Representative of Brazil. Despite the fact that Brazil was officially the president of the Sanctions Committee established by resolution 1160, when NATO bombed FRY, there were no more political conditions for its members gather "to ensure the compliance of an arms embargo established by resolution of the UNSC on an undeclared war context of the Atlantic Alliance against Belgrade. This is a situation that affected the UN Chart itself, as said by two permanent members"<sup>178</sup> (DELBRASONU 1999e).

In a scenario in which a new resolution on Kosovo would be adopted, after the NATO attacks, the question of committee's presidency was once again discussed, because the resolution should include – as it did indeed – the continuity of the arms embargo. As clarified by the new Brazilian representative to the UN, Gelson Fonseca Jr.:

Although we have not directly applied to remain as President of the committee, I am being pressured by some Heads of Missions of countries in the Security Council and by the Secretariat to continue this work. Despite the time and energy required for the position – in which we would remain for no longer than six months and which shall not come to address a priority matter from our point of view – we cannot disregard the repeated expressions of interest in the permanence of the Permanent Representative of Brazil in front of the Committee, especially because they usually come followed by expressions of appreciation for our diplomacy and our constructive attitude in dealing with Balkan issues at the UNSC.<sup>179</sup> (DELBRASONU 1999e).

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<sup>178</sup> In the original: “para velar pela observação de um embargo de armas instituído por resolução do CSNU, em um contexto de guerra não declarada da Aliança Atlântica a Belgrado – dita por dois membros permanentes como atentatória a própria Carta da ONU”.

<sup>179</sup> In the original: “Embora não tenhamos postulado permanecer na presidência do comitê, estou sendo pressionado por alguns chefes de missão de países membros do Conselho de Segurança e pelo Secretariado a

This document helps to understand the Brazilian behavior on the sanctions of the Security Council against Yugoslavia in the 1990s. The Balkans were a region where several powers disputed influence; Brazil did not have priority interests in the Balkans; the historical behavior of the Brazilian did not favor any of the sides in the conflict, and on dealing with its issues Brazil could work as a consensus builder. Finally, Brazil had diplomatic qualities that enabled it to be a good negotiator for the different positions and interests that certainly would be present if Yugoslavia case.

Resolution 1244 was adopted in June, 10<sup>th</sup>, 1999, after the withdrawal of all Yugoslav state forces from Kosovo. It authorized an international presence in Kosovo (civil and military) and it did not lift the arms and military equipment sanctions, but only decided, in paragraph 16 that “the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related materiel for the use of the international civil and security presences” (Security Council 1998d). It was approved with 14 votes in favor and the Chinese abstention.

**Table 11 - Relevant UNSC voting records on mandatory economic sanctions regarding Yugoslavia's case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Yugoslavia	Res. 942 23.set.1994 Extended existing sanctions to Bosnian-Serb controlled territory	14 Argentina, Brazil, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, UK, US.	0	1 China
	Res. 943 23.set.1994 Ease some restrictions on Serbia	11 Argentina, Brazil, China, Czech Republic, France, New Zealand, Oman, Russian Federation, Spain, UK, US.	2 Djibouti, Pakistan	2 Nigeria, Rwanda
	Res. 1160 31.mar.1998 Arms embargo on FRY	14 Bahrain, Brazil, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, UK, US.	0	1 China
	Res. 1199 23.set.1998	14 Bahrain, Brazil, Costa Rica,	0	1 China

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continuar à sua frente. Não obstante o tempo e energia requeridos para o exercício de cargo no qual permaneceria no máximo seis meses, e que não chegaria a abordar matéria prioritária de nosso ponto de vista, as repetidas manifestações de interesse na permanência do representante permanente do Brasil à frente do Comitê não podem ser de todo descartadas, mormente virem geralmente acompanhadas de expressões de apreço por nossa diplomacia e nossa atitude construtiva no tratamento das questões balcânicas no CSNU”



Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
	Required states to prevent funds from its territories to be used in violation of the arms embargo	France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, UK, US.		

Source: Author's own elaboration.

### 3.2.3 Summary notes

On September 25<sup>th</sup> 1991, by resolution 713, the Security Council decided to impose an embargo on arms and military equipment against the Socialist Federal Republic of Yugoslavia (SFRY). With the disintegration of the SFRY and the maintenance of the aggressions between the new republics and the Federal Republic of Yugoslavia (FRY – at that time formed by Serbia and Montenegro), the Security Council decided to keep the arms embargo against all the States which were formerly part of SFRY. In 1992, resolution 757 imposed commercial and financial sanctions only on the FRY, because of the FRY's support to Serbian groups, especially in Bosnia Herzegovina. After a military attack commanded by the NATO forces, a peace agreement was signed and sanctions were lifted in 1995. Few years later, violence escalated on the Kosovo territory. A new embargo on arms was approved by the UNSC against the FRY on 1998, by resolution 1160.

Brazil was not a member of the Security Council in 1992, when the Security Council decided on the framework of the sanctions regime against the SFRY and then against its former republics. However, Brazil's Permanent Representative to the UN presided the Sanctions Committee against Yugoslavia during almost all Brazil's mandate at the UNSC in the 1993-1994 biennia.

Brazil did not had important economic ties in the region. Regarding the arms embargo, there was only a communication note involving the interest of Croatia in buying the Brazilian Tucano. The Brazilian company, EMBRAER, did not even reply to this request, as the sanctions were in place and the rumors about this alleged purchase were totally clarified at the Sanctions Committee by the Brazilian delegation at the UN.

On the commercial sanctions imposed against FRY, Brazil succeeded to approve some requirements for exporting food, in addition to having dealt with situations involving payments for authorized Brazilian exports. In all cases, Brazil reinforced its strict compliance with the resolutions of the UNSC on the matter.

Another relevant factor was that Brazil was not politically linked to any part in the conflict. This characteristic, and also the fact that the Brazilian representative was the president of the sanctions committee, reinforced the Brazilian support to find a negotiated solution to the case. Therefore, Brazil opposed the partial lifting of sanctions in favor of Bosnia-Herzegovina, but also requested the Yugoslav cooperation on questions concerning the navigation of Danube. Brazil also supported the requirements for humanitarian exports to face the needs of the Yugoslav population. This balanced position and the support provided by Brazil to meet consensual agreements able to pacifically settle the disputes in place found an echo in the Brazilian diplomatic stance mentioning the pacific settlement of conflicts as a principle of Brazil's Foreign Policy.

However, Brazil's alleged commitment with the pacific solution of controversies would be slightly promoted. It would not be pursued actively. Brazil was able to recognize the complex interests of different and important actors that were in place in the Yugoslav case. (Western) Europeans in general were concerned with the proximity of the Balkans in an eventual escalation of violence; Russians were concerned on maintaining some level of influence in the Balkans after the fall of SFRY; the Islamic countries were concerned with Muslim populations in the region, especially in Bosnia Herzegovina; and, finally, the US Executive was under a double pressure, stemming both from the Congress and from the public opinion, to act against Belgrado. In this scenario, Brazil chose not involve itself directly and actively in for a settlement of the dispute; the country did seek to slightly promote negotiations among the different parties and to preserve the authority of the Security Council on the matter.

Brazil also acknowledged that, given the US position, Americans could act unilaterally in favor of Bosnia-Herzegovina. In accordance with the Brazilian view, a US unilateral action would be against the multilateral rules agreed at the Security Council and would ultimately affect *“the image and credibility of the Council, which has been a constant concern in the Brazilian operations in this forum”*<sup>180</sup> (DELBRASONU 1993bj). That is to say: Brazil would try to preserve the authority of the Security Council to deal with international conflicts. Brazil considered the Security Council as the best existing and feasible forum to avoid unilateral projections of power that could menace the multilateral international order which Brazil expected to take place after the Cold War.

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<sup>180</sup> In the original: *“afetaria a imagem e a credibilidade do Conselho, o que tem sido preocupação constante na atuação brasileira nesse foro”*.

In other words, Brazil's action would be aimed at promoting the legitimacy of the Security Council to deal with international conflicts. Nevertheless, in the Yugoslav case, this action should be taken by "*avoiding, however, isolation and political burden of positions that can exceed the limits of our[Brazilian] interests*"<sup>181</sup> (DELBRASONU 1993bj).

When the Kosovo crisis arose at the end of 1990s, Brazil maintained its behavior previously adopted. Brazil supported the embargo on arms imposed by resolution 1160, but it was concerned on the NATO attacks executed without an express authorization from the Security Council. Also in the 1998-1999 mandate, Brazil was in the presidency of the Sanctions Committee for the same reasons that had made it a desirable candidate for this position in 1993 – the fact that it had no significant economic interests in the region, no political commitment with any of the parties involved in the conflict, in addition to its diplomatic skills largely recognized by the major players in the Yugoslav question.

### 3.3 HAITI

In the first half of the 1990s, both the Organization of American States (OAS) and the United Nations Security Council (UNSC) imposed economic sanctions on Haiti. The goal was the restoration of Jean Bertrand Aristide to the presidency. Aristide had been forcefully removed from power in 1991, by a coup d'état sponsored by military elites and the Tontons Macoutes militia<sup>182</sup>.

Brazil was a member of the UNSC in 1993 and 1994, when the sanctions against Haiti were approved, tightened and finally, lifted. During this period, Brazil moderately tried to limit attempts by foreign powers, especially the United States, to advance their individual preferences and interests regarding the Haitian crisis. These Brazilian efforts were made by using the legitimacy of the UNSC resolutions.

#### 3.3.1 An overview of the case

In the twentieth century, Haiti's political history can be described as one of alternating dictatorships with no consolidated institutions or democratic traditions. In 1990, following a

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<sup>181</sup> In the original: "*evitando, contudo, posições de isolamento e de ônus político que possam ultrapassar os limites de nossos interesses*".

<sup>182</sup> Tontons Macoutes is a term that refers to the militia of "volunteers of national security" created by Papa Doc as a way of preventing demonstrations contrary to his interests. These militias were gradually increasing their power in the country.

dictatorial period that lasted for more than three decades<sup>183</sup> and the post-Duvalier elections of 1987 and 1988, marked by political violence and repression, Jean-Bertrand Aristide - a former priest who had been secluded from the church for his leftist political ideas - was elected president<sup>184</sup> (Carey 1998).

Aristide was elected with the support of the Haitian lower income classes (Sweeney 1996, 143). Early in his administration he involved himself in numerous negotiations with the supporters of the old regime. On the economic front, he accepted a structural adjustment program prepared by the World Bank in which he committed to liberalize the economy. This attitude displeased his constituents, who had been won over with his speeches that supported land reform and income redistribution in the country.

In a move to his followers, on 27 September 1991, Aristide fell back on his former supporters from the lower income classes with a speech in which he “called for action to defend their newly-constituted democratic government” (Perusse 1995, 17). From the beginning, he attempted to achieve a balance that proved too fragile. He sought to reconcile the popular demands of radical leftists with the requests of the Haitian elite. He also sought to keep this attempted balance in line with the economic guidelines recommended by the Washington Consensus.

Aristide’s speech addressed the increasing polarization between these two groups. He asked landowners and entrepreneurs to produce more jobs to improve Haitians’ quality of life. His statement was taken as a provocation by the industrial and military elites and, in September 1991, triggered a coup d’état led by the military – which chose General Raoul Cédras as ruler - and the old Tontons Macoutes militia. The military was displeased with Aristide because he reduced the number of troops and replaced the military leadership with officers loyal to him. The Tonton Macoutes were excluded from public office by the Constitution and Aristide frequently exhorted his followers to “give [a Tonton Macoute] what

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<sup>183</sup> These three decades correspond to the period when François Duvalier (Papa Doc) and his son, Jean-Claude Duvalier (Baby Doc), were in power. The government of Papa Doc began in September 1957 with the promise of putting up a government that would affirm the values and traditions of black people. These declared intentions assured him popular support and he earned 70% of the valid votes in the ballots. Elected, he maneuvered to maintain his power with reforms such as delimiting the Haitian constitution, pursuing political enemies, disassembling unions, increasing the power of his personal guard and dissolving Congress. As one of his last acts, Papa Doc forced the legislature to approve the reduction of the minimum age to be elected president thereby allowing the perpetuation of his family in power. The 19 years old, Jean-Claude (Baby Doc), assumed the presidency and followed up the terror in his father’s government templates. This long dictatorial period was marked in history by violence and numerous fatal victims of the regime - around one hundred thousand.

<sup>184</sup> 90% of the electorate voted and elected Aristide with a majority of 67% (Dashti-Gibson, Cortright, and Lopez 2000, 89).

he deserves” (Perusse 1995, xii;10).

Threatened with death, the deposed president sought asylum in Venezuela, which he left, flying to the United States ruled by George Bush. There the Democratic Party welcomed Aristide. The party organized for him a series of meetings- with institutions such as the IMF and World Bank - and sparked a real campaign against the coup d'état that deposed him. The campaign was directed to raise public awareness and encouraging a popular demand on the attitudes to be taken by the US President. In the continent, the most vivid reaction came from Argentina. President Menem, deeply allied to the US during the whole decade, even announced that Argentina was available to intervene militarily in the country (Bologna 1993, 93).

In October 1991, the Organization of American States adopted Resolution 1/9, by which the OAS decided: a) to send the OAS Secretary General and foreign ministers of American countries to a conciliation mission in the Caribbean country; b) to suspend financial and commercial ties between American States and Haiti; c) to interrupt aid and technical cooperation programs, except for strictly humanitarian aid; d) to suspend all assistance provided by individual American states and specialist agencies of the inter-American system; and e) to terminate the supply of military, police and security assistance, as well as the transfer of weapons, ammunition and similar equipment for Haiti (Camara 1998).

The first measure - sending a conciliation mission - was commonly adopted by the OAS; the legal basis for the imposition of coercive measures such as the economic sanctions adopted was controversial since the organization lacked means to forcibly implement them. But the coup d'état that had just taken place in Haiti demanded OAS action especially because the organization had recently adopted the Santiago Commitment to Democracy and The Renewal of the Inter-American System (Bologna 1993). These efforts toward the reinforcement of democracy required the adoption of at least nominal coercive measures for the maintenance of democratic principles on the continent.

Given the failure of mediation attempts, the remaining expectations fell on the economic sanctions. As Camara emphasized: “Their impact on the fragile Haitian economy, it was estimated, would produce rapid capitulation of the coup leaders and the consequent and desired conclusion of the internal crisis in the Caribbean country”(Camara 1998, 101)<sup>185</sup> and

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<sup>185</sup> In the original: “Seu impacto sobre a frágil economia haitiana, estimava-se, produziria a rápida capitulação dos golpistas e a consequente e desejada conclusão da crise interna do país caribenho”.

The OAS economic sanctions were not effectively enforced. The Dominican Republic opposed them from the beginning (Dashti-Gibson, Cortright, and Lopez 2000, 99). Soon after the approval of Resolution 1/9, a Colombian tanker with a Liberian flag delivered fuel to Haiti and suffered no retaliation (Dashti-Gibson, Cortright, and Lopez 2000, 91). Then, the United States unilaterally decided to adopt selective criteria for the imposition of the sanctions, with the alleged purpose of ensuring that the poorest Haitians did not suffer from these measures.

This stance by the US cannot be taken at face value. At that time, almost 40% of Haitian imports came from the United States and the sanctions represented losses to this country economy. Also - and maybe especially - with the crisis expanding, the problem of migration of Haitian refugees, mostly feeding the dream of entering the United States from Miami, had intensified. These factors may have contributed not only to the relaxation of the embargo by the United States, but also to the constant US call to the UN to take a lead and intervene militarily, if necessary, in Haiti.

Jean Bertrand Aristide supported these American aspirations. In a letter to the UN Secretary General, Aristide called for the UNSC's commitment to ensure compliance with economic sanctions imposed by the OAS. On November 10, 1992, through Resolution 594 - Restoration of Democracy in Haiti - the OAS ratified the request for UN assistance made by Aristide.

On November 20<sup>th</sup>, 1992, the UN General Assembly adopted Resolution A/47/L.23. It required the restoration of President Aristide along with the return to constitutional order and the observance of human rights. It also requested the Secretary-General to consider the "necessary measures" to resolve the Haitian crisis, in cooperation with the OAS. On June 16<sup>th</sup>, 1993, the Security Council, under request of the Permanent Representative of Haiti to the United Nations, adopted Resolution 841, which prohibited the sale or supply by any state of hydrocarbons, weapons, vehicles and military or related equipment to Haiti or its people. Resolution 841 also universalized the sanction in regard to trade in oil and oil products, weapons and ammunition. Furthermore the resolution established a sanctions committee to monitor its implementation. This was the first time the UN used an economic sanction to restore a democratically elected government (Dashti-Gibson, Cortright, and Lopez 2000, 89).

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<sup>186</sup> The impact was actually significant. "Considering only in the last two months of 1991, the effects of the measure dramatically reached the economic sectors of the country, causing an increase of 50-60% in the prices of basic goods, an increase of 100% for public transport fares and a drastic decrease in fuel stocks" (Camara 1998, 101) (our translation).

After the economic sanctions were imposed numerous attempts would follow to negotiate Aristide's return to the presidency. An ambitious agreement, the "Governors Islands", was negotiated, but given the failure of all initiatives and the resurgence of violence between armed groups in the country, the UN Security Council adopted a series of further resolutions. Their content ranged from the re-imposition of economic sanctions that had been raised in August (resolution 873, of 13 October 1993), the authorization of a naval blockade (resolution 875, of 16 October 1993,) culminating in the declaration of the total embargo on trade with the country (resolution 917, of 6 May 1994). These sanctions respected humanitarian exceptions and included the freezing of the junta and its supporters and family's assets, plus a flight ban.

The de facto government responded to these measures by appointing the President of the Supreme Court, Emile Jonassaint, as interim president of Haiti and calling new elections. Jonassaint, making use of his powers, ordered the expulsion of the UN Mission that was in Haiti, classifying it as an "external threat". Subsequently, President Clinton, who proposed a draft resolution to the Security Council in this regard, directly pursued the armed intervention - already outlined by the US. Resolution 940 was approved unanimously, with abstentions from Brazil and China. It decided on the use of a "multilateral force" authorized to use "all necessary means" to restore the elected government. This force would be replaced by MINUHA when a secure and stable environment was established in Haiti<sup>187</sup>.

A "last minute maneuver" made by Bill Clinton through the former President Jimmy Carter, offered the Haitian military leaders, who effectively ruled the country, an early and honorable retirement with the approval of a general amnesty law. It was also promised that there would be an immediate suspension of economic sanctions when new elections were announced. These measures avoided a dramatic entry in Haiti. In September 1994, after a rapid United States' intervention, the military junta fell. Aristide returned to the country and to the presidency on October 15, 1994. The Security Council adopted Resolution 948, confirming the lifting of sanctions as in accordance with the announcement two weeks earlier in Resolution 944.

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<sup>187</sup> According to Irene Camara, "Resolution 940 set serious precedents in the field of international relations" once it authorized countries to "use all necessary means to regularize a situation that was, in fact, a matter of a domestic nature". The Haitian conflict itself was strictly domestic, not presenting the basic configuration of a conflict between two or more States, required to characterize threat or breach of the peace and international security. In these cases, the International Law corollary is the Non-Intervention principle (Camara 1998, 159).

### 3.3.2 Brazilian behavior

In February 1993, Venezuela brought the Haitian crisis to the Security Council in informal consultations. The Venezuelan representative mentioned the political crisis in Haiti and suggested that Dante Caputo, the Special Representative of OAS Secretary General, make a presentation on the case to the Security Council. The Chinese representative objected to this proposal. China recalled that it had already been decided that the issue was not going to be under consideration of the UNSC and that Latin American countries had also opposed the treatment of the topic in the Council. The Venezuelan representative insisted, saying that these events had occurred in 1990 and that the situation was very different at that time (DELBRASONU 1993an).

Brazil, in the second month of its 1993-1994 mandate at the Security Council, did not want to address the issue globally. At that time, represented by Ambassador Araujo Castro, Brazil supported the efforts of international organizations, but remarked that "at least as some other Latin American countries, [Brazil] has doubts about whether the issue should be considered by the Security Council and understands that, at present, there is no need for any action by the Council in this regard"<sup>188</sup> (DELBRASONU 1993an).

As this was an international decision on a Latin American issue, Brazil considered that it was important to know the position of other countries in the region - even if they were not at the Security Council. In this sense, the Brazilian Mission to the UN informed that Mexico and Colombia stated they opposed to taking the issue to the Council (DELBRASONU 1993ao).

In May 1993, the Permanent Representative of Brazil to the United Nations met Boutros-Ghali, the UN Secretary-General. Ghali said that he had been working on an eventual operation under the aegis of the United Nations. He said that this would be a temporary operation of police nature, with the support of both Aristide and the "de facto" authorities, who had seized power in Haiti. According to Ghali, this operation would consist mainly by forces from Canada and France, being careful about the US, in order to "avoid an US intervention or interpretation that the United Nations would be acting as a 'Trojan horse' for the US"<sup>189</sup>. Still according to Ghali, the Secretary General of the OAS, Ambassador Baena

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<sup>188</sup> In the original: "pelo menos como alguns outros países da América Latina, tem dúvidas sobre se a questão deve ser considerada pelo CS e entende que, no atual momento, não há necessidade de qualquer ação do Conselho a esse respeito".

<sup>189</sup> In the original: "evitar uma intervenção norte-americana ou a interpretação de que as Nações Unidas estariam



Soares, a Brazilian diplomat, would be opposed to the operation because he interpreted that the OAS was being confronted almost with a "fait accompli" (DELBRASONU 1993ap).

Although Brazil preferred to keep the issue on the regional level within the OAS, as expressed in informal consultations in February, the question had clearly advanced. Due to the inevitability of treating it under the UNSC, Sardenberg informed Ghali that Brazil would be willing to explore alternative paths. Sardenberg also immediately presented Brazilian concerns about it, as it had been already specified by the Minister of Foreign Affairs in that time, Fernando Henrique Cardoso (DELBRASONU 1993ap).

Brazil was concerned about: (i) the way to consolidate the idea and the language on the subject (Sardenberg suggested that Ghali avoid any reference to the idea of "American intervention"); (ii) the appropriate forum for discussing and adopting the decisions. Brazil suggested the UN General Assembly as a possible venue, followed by a statement of the President of the UNSC endorsing the GA resolution; (iii) the need to rely on the support of neighboring countries, such as Mexico and Colombia (Sardenberg reported that both had clear interest to address the issue in the GA); (iv) the ways to support OAS efforts; (v) the need of the US committing to give greater priority to Angola instead of Haiti (by mentioning that the Angolan humanitarian catastrophe was generating an increase of refugees, as in the Haitian case). (DELBRASONU 1993ap).

On June, 6<sup>th</sup>, 1993, the ad hoc Meeting of OAS Foreign Ministers on Haiti adopted a resolution that urged OAS and UN member states to strengthen the embargo on Haiti. One day later, "Haiti's ambassador at the UN wrote a letter to the president of the UNSC requesting to make the Council make 'universal and mandatory' the OAS sanctions of 1991" (Malone 1998, 84).

In the same month, the Permanent Representative of the United States, Madeleine Albright, requested a meeting with Ambassador Sardenberg to discuss the prospects of the Haitian issue in the SC. She said that the addressing of the issue at the Security Council was, for her country, the result of a comprehensive effort. This encompassed bringing other sectors of her government to a multilateral approach on the Haitian situation and developing a more collaborative relationship with Latin American countries. She also disclosed the aim, in the Haitian case, to obtain very specific sanctions (oil embargo and ban on commercial flights) as a signal that the situation was unacceptable, but that they were still not working on sending a police/military mission (DELBRASONU 1993aq).

At that moment, as during the course of the crisis, Brazil adopted a cautious stance, by not aligning immediately to the adoption of sanctions. In his speech, Sardenberg tried to protect the role of the OAS in handling the case. His first argument was based on the due respect to the mandate held by the OAS SG, which also meant that "any action in this regard at the UN preserve the good cooperation between the two organizations and does not result in prejudice to the OAS"<sup>190</sup>. He also indicated the important role of the GA in the Haitian issue and that it would be desirable to associate the countries of the Group of Latin American and Caribbean States (GRULAC) with any initiative regarding Haiti (DELBRASONU 1993aq).

In contrast, Albright said that the involvement of the GA would delay addressing the issue properly. She still stated that the decision of the OAS Foreign Ministers, taken on June 6<sup>th</sup>, favored the imposition of sanctions, and that the US agreed that the resolution they would like to approve included a paragraph recognizing the role of the OAS in the Haitian crisis. Questioned on the juridical basis for the resolution, she said that it "would be based on chapter VII of the Charter, on the understanding that refugee flows would pose a threat to international peace and security"<sup>191</sup> (DELBRASONU 1993aq).

At the Security Council, the Assistant Secretary-General, Alvaro de Soto, stated that the time was ideal to put pressure on the de facto authorities in Haiti. He referred to the OAS resolution of June 6<sup>th</sup> as if it requested the UN to turn the sanctions adopted at the regional level into universal and mandatory measures (DELBRASONU 1993ar). Brazil had a less emphatic reading on the June 6<sup>th</sup> resolution. He understood that the request to strengthen the sanctions did not imply an OAS request to the UN to transform the regional sanctions into mandatory and universal ones.

France favored a quick handling of the matter. The United States advocated that, once the situation faced an impasse, it was necessary to apply more pressure on Haiti through targeted sanctions. Venezuela supported the positions of France and the US and tried to characterize the Haitian issue as a problem of international dimensions considering the waves of refugees it generated. Venezuela also mentioned that the GRULAC should be involved in the process. Brazil still had a much more cautious behavior. The Brazilian ambassador tried to avoid consolidating an interpretation that Brazil considered "inaccurate" on the OAS resolution of June 6<sup>th</sup> by requesting the final text of the resolution to be circulated and still by

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<sup>190</sup> In the original: "qualquer ação a esse respeito na ONU preserve a boa cooperação entre as duas organizações e não resulte em prejuízo da OEA"

<sup>191</sup> In the original: "se basearia no cap VII da Carta, no entendimento de que os fluxos de refugiados constituiriam ameaça à paz e à segurança internacionais"

mentioning the Brazilian willingness to study the draft resolution to be presented. China said that it was in principle against the action of the Council on the subject, which it considered a domestic issue, but China also said it would consider the case especially from the perspective of the directly involved countries, especially Latin America and the Caribbean ones (DELBRASONU 1993ar).

The resolution concerning the sanctions on Haiti was drafted by the US in consultations with Canada, France and Venezuela. The text provisioned that the authorization for using Chapter VII of the UN Charter came from the refugee flows generated by the Haitian crisis and established that the oil embargo would be controlled by a naval blockade to be run by the Member States themselves (DELBRASONU 1993as). From the Brazilian perspective, the text presented numerous difficulties.

First, the OAS role in providing a peaceful and democratic solution to the Haitian crisis was blurred: "The conduct and monitoring of the political-diplomatic process [...] would be entirely in the hands of the SC, and by Council's mandate, in the Secretary-General Boutros-Ghali hands"<sup>192</sup> (DELBRASONU 1993as).

Second, Brazil did not see an automatic association between refugee flows and the threat to peace and security: "The problem generated by Haitian refugees has a humanitarian nature, and the possible burden for neighboring countries may indeed be a serious economic and social problem, but it does not go beyond being an issue on international cooperation for refugees, under the ECOSOC and GA"<sup>193</sup> (DELBRASONU 1993as).

Third, the naval blockade was planned in a broad and vague legal framework, allowing countries to adopt "necessary measures" which were imprecisely limited by reasons of proportionality:

The authorization described in the operative paragraph 6 would provide the US and other countries associated to the operation with the power to intercept and inspect any ships inside and outside the territorial waters of Haiti, traveling to that country. The text does not specify a limit to the sea area in which they would perform their interceptive actions<sup>194</sup> (DELBRASONU 1993as).

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<sup>192</sup> In the original: "A condução e monitoramento do processo político-diplomático [...] passaria a estar inteiramente nas mãos do CS e, por mandato deste, do SG Boutros-Ghali".

<sup>193</sup> In the original: "O problema gerado pelos refugiados haitianos é de natureza humanitária e o eventual ônus para países vizinhos pode, de fato, constituir um sério problema econômico e social, mas não vai além de ser uma questão no âmbito da cooperação internacional em matéria de refugiados, de competência do ECOSOC e da AG".

<sup>194</sup> In the original: "A autorização contemplada no parágrafo operativo 6 daria aos EUA, e a outros países associados à operação, o poder de interceptar e inspecionar quaisquer navios, dentro e fora das águas territoriais do Haiti, que se suspeite estejam destinados àquele país. O texto não especifica um limite para a área marítima em que se fariam as ações interceptivas.

Still in Sardenberg's words:

It is therefore a highly sensitive political issue. Ultimately, what is at stake in this kind of procedure is the legitimacy by the United Nations of a naval coercive action of the US and other countries (including, probably, Venezuela and Argentina) with the ultimate goal of changing the government of a country in the Western hemisphere. It would be superfluous to point out the political implications of this decision, that it would still be interpreted in the light of the history of the relationships between the US and Latin America<sup>195</sup> (DELBRASONU 1993as).

Brazilian representative also pointed out that “The authorization by the United Nations, of 'all necessary means' would introduce an extraneous element to the inter-American legal and diplomatic tradition, long dedicated to international law and the search of peaceful solutions [for crisis], despite the secular tendencies of interventionism and use of force”<sup>196</sup> (DELBRASONU 1993as).

Finally, if the project was approved, it would transform the framework of the Haitian crisis from the search for a peaceful solution by OAS to a military action involving a naval blockade. Sardenberg concluded that “The text circulated by the US delegation is disappointing” and that “I am inclined to think that the additional element consisting in a naval blockade and the method for its implementation make it difficult for us to accept the US text for the aforementioned reasons”<sup>197</sup> (DELBRASONU 1993as).

The Brazilian State Secretary for External Relations (SERE) agreed with all the considerations made by Sardenberg. SERE authorized that he did not endorse the naval blockade without discussing the initiative and by using the arguments which he had previously been presented. Brazil would prefer a project maintaining the OAS space of action. SERE still pointed out the draft problems on the Brazilian view: a) it “weakens the initiatives already taken by the OAS and discredits the regional forum”; b) it does not take into account the interests of the region as a whole; c) it constitutes a serious precedent because it is the first application of chapter VII in the region; d) it does not mention the exceptionality of the

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<sup>195</sup> In the original: “Trata-se, pois, de questão política da maior sensibilidade. Em última análise, o que está em questão nesse tipo de procedimento é a legitimação, pelas Nações Unidas, de ação naval coercitiva dos EUA e outros países (inclusive, provavelmente, a Venezuela e a Argentina) com o objetivo último de mudar o governo de país do hemisfério ocidental. Seria supérfluo ressaltar as implicações políticas desse tipo de decisão, que não deixaria de ser interpretada à luz da história de relacionamento entre os EUA e a América Latina.”

<sup>196</sup> In the original: “A autorização, pelas Nações Unidas, de ‘all necessary means’.. introduziria elemento estranho à tradição jurídica e diplomática inter-americana, longamente dedicada ao direito internacional e à busca de soluções pacíficas, mau grado as seculares tendências de intervencionismo e uso da força”.

<sup>197</sup> In the original: “O texto circulado pela delegação dos EUA é decepcionante” e que “inclino-me a pensar que o elemento adicional constituído pelo bloqueio naval e pela modalidade para a sua implementação dificultam a aceitação do texto dos EUA, pelas razões já mencionadas”

Haitian crisis; e) as the illegitimate head of Haiti had recently resigned, the action is disproportionate to the case; f) the naval blockade is useless, since most illegal products enter Haiti via the Dominican Republic; g) the project goes beyond the competence of the Council because it concerns the involvement in a domestic issue of one country, "which also constitutes a serious precedent"<sup>198</sup> (SERE 1993z).

Despite all the indicated problems, which could lead the occasional observer to see an outrage to the project as a whole, Brazilian position was realistic about the behavior that could be adopted vis-a-vis the results it could achieve. Only a month before, a Russian veto in the question of Cyprus had ended a three-year period of non-use of the veto at the Security Council. (DELBRASONU 1993ap). Therefore, the US hegemony in the Security Council was still undisputed.

For knowing the limits of the Brazilian action, especially in the Security Council, the orientation from SERE was that Brazil should seek "to present the shortcomings of the draft under consideration within a constructive and balanced line". The suggestion was that the Brazilian ambassador submitted the matter to GRULAC consultations, where "countries like Mexico and Colombia -- absent from the Council, but with important interests in the Caribbean -- will certainly have contributions to offer."<sup>199</sup> (SERE 1993z). It was believed that the position of other Latin American countries would strengthen Brazil's position to withdraw the degree of interference intended by the project.

SERE's guidance did not conceal the fact that "the best solution would be an endorsement by a UNSC resolution of a resolution recently approved by the General Assembly of the OAS". Aware that this solution was the best for Brazil and the most difficult to obtain from the Council, the guidance was that "it should be clear that Brazil supports the universalization of trade sanctions on Haiti, which, however, does not need a naval blockade to be applied, since a naval blockade had not been made on the coasts of Somalia, Liberia and Libya, other countries which were also submitted to Council sanctions"<sup>200</sup> (SERE 1993z).

The final part of the telegraphic dispatch to the Brazilian representative at the UN

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<sup>198</sup> In the original: "enfraquece as iniciativas já tomadas pela OEA,.. desprestigiando o foro regional" and "o que também constitui grave precedente".

<sup>199</sup> In the original: "dentro de uma linha construtiva e equilibrada, mostrar as deficiências do anteprojeto em exame"... "países como México e Colômbia, ausentes do Conselho, mas com interesses importantes no Caribe certamente terão contribuições a oferecer".

<sup>200</sup> In the original: "a melhor solução seria o endosso pelo CSONU da resolução recém-aprovada pela AGOEA"... "Deve ficar claro que o Brasil apóia a universalização das sanções comerciais ao Haiti, as quais, no entanto, não carecem de um bloqueio naval para serem aplicadas, assim como também não se efetuou um bloqueio naval nas costas da Somália, da Libéria ou da Líbia, países também objeto de sanções do Conselho".

revealed the moderate diplomatic exercise to be tried by Brazil: "It is necessary to understand the Brazilian action on the subject now under consideration as an important test for consistency, balance and moderation which traditionally we express, especially taking into account our future claims in the Council"<sup>201</sup> (SERE 1993z).

On the one hand, Brazil wanted to prevent the Security Council to support coercive measures without clear limits of action, as this would pave the path for an external interference in individual interests of states in general and, potentially, in Latin America and in Brazil itself. On the other, Brazil felt the need to not directly oppose the permanent members of the Security Council and in particular the United States, historically interested and involved in Haitian issues. This need was derived from the Brazilian interest to be part of the Security Council as a permanent member, candidacy that Brazil would launch within its 1993-1994 mandate as a temporary member of the Council.

Meanwhile, the US struggled to accelerate the adoption of the resolution imposing both sanctions and the naval blockade against Haiti. This gave no time for Brazil to gather the diplomatic efforts necessary for the protection of its interests. In this context, Brazil was forced to circulate a text with suggested amendments "in order to make a more balanced text"<sup>202</sup> (DELBRASONU 1993at)

In the consultations with the Rio Group and the GRULAC, the Brazilian representative noted a "clear division within two groups." On the one hand, were the CARICOM countries, with Jamaica and St. Lucia as spokesman, supporting the US initiative and advocating a flexible and creative application of Chapter VII. On the other hand, was a more cautious, albeit not necessarily homogeneous group. Some countries, such as Colombia, Ecuador, Peru and Uruguay expressed doubts on the convenience of the initiative and questioned its legality in the light of the UN Charter. Mexico adopted a low-profile approach, and Venezuela and Argentina sought to avoid the impression of acting without taking into account the concerns of countries in the region. All of them praised the Brazilian suggestions for amendments, "but without endorsing them real and completely."<sup>203</sup> Cuba totally opposed Chapter VII and Council as legitimate means to address the issue (DELBRASONU 1993au).

Sardenberg's notes depict the paramount importance of the meeting for supporting the Brazilian position. The division among countries made it clear that Brazilian amendments

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<sup>201</sup> In the original: "É necessário entender a ação do Brasil, no tema ora em consideração, como importante teste para a coerência, equilíbrio e moderação que tradicionalmente expressamos, em especial tendo em conta nossas pretensões futuras no Conselho"

<sup>202</sup> In the original: "necessárias para tornar o texto mais equilibrado"

<sup>203</sup> In the original: "clara divisão no âmbito dos dois grupos"... "sem contudo endossá-las real e completamente".

were a balanced position in the context of GRULAC. They were a middle way between the complete opposition and the unreserved support to the US initiative. The Brazilian proposal authorized the application of sanctions, but limited the scope of the decision to that specific event and still avoided the use of force by a naval blockade. (DELBRASONU 1993au).

Within the Rio Group, the naval blockade was particularly criticized. Some countries, such as Colombia, which since the mid-1980s progressively suffer the US pressure to address in the US way the drugs issue, qualified it as "totally unacceptable". After its internal meeting, the Rio Group held a meeting with the US representative to whom it was clarified that some proposals of her text were "deeply uncomfortable" to the region. According to Sardenberg, the US delegation proved to be cooperative. Over June 15<sup>th</sup>, the new version of the text incorporated several Brazilian suggestions. Most importantly, in the end, the US finally agreed to cancel the reference to the naval blockade, which resolved the most sensitive point of the text. "The result seems significant, remarkably for our success in avoiding an UN authorization to the use of force as a means to solve crises in our region." And finally, "given that in practical terms our amendments have been fully incorporated, I understand that the delegation should vote in favor of the project as amended"<sup>204</sup> (DELBRASONU 1993au).

Thus, Brazil voted in favor of Resolution 841, adopted on June, 16<sup>th</sup>, 1993. At the Security Council, Sardenberg argued that the measures taken were necessary in light of the threat to peace and security posed by specific situations. Therefore, the measures taken should be "restricted in scope, space and time" and "intended to have effect only until those sanctions measures were suspended or terminated" (Security Council 1993-1995b, 1136). The resolution 841 prohibited the sale or supply by any state of hydrocarbons, weapons, vehicles and military or related equipment to Haiti or its people. It universalized the sanctions in regard to trade in oil and oil products, weapons and ammunition, as requested by the Haiti Representative at the UNSC. The resolution also established a sanctions committee to monitor its implementation (Dashti-Gibson, Cortright, and Lopez 2000, 89, Security Council 1993-1995a).

In August, the Council was briefed on ratifications by the Haitian parliament of the Prime Minister Robert Malval's cabinet. This nomination was made by Aristide as part of the "Governors Island Agreement" (Malone 1998, 90). Given this apparent evolution in the

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<sup>204</sup> In the original: "O resultado parece-me significativo, notadamente o êxito em evitar uma autorização das Nações Unidas ao uso da força como forma de solucionar crises em nossa região". E, finalmente "tendo em conta que nossas emendas foram incorporadas praticamente em sua integralidade, entendo que a delegação deverá votar favoravelmente ao projeto tal como modificado".

Haitian question, the Council discussed the suspension of sanctions on Haiti. There was a general agreement supporting the provisional lifting of the sanctions, including Aristide's approval (DELBRASONU 1993av).

On August 27<sup>th</sup>, the Resolution 861 was approved by unanimity. In general, countries welcomed the course of the situation. The United States reminded that it was the first time, in a three-year period encompassing similar measures against Iraq, Libya and Yugoslavia, that a sanctions regime was suspended (DELBRASONU 1993ax).

On the same occasion, Brazil welcomed the progress leading to suspension of sanctions and still recalled that "the ultimate objective of the efforts put together both at the national and international levels remains the reinstatement of the legitimate government of president Jean-Bertrand Aristide the agreed date of 30 October". Brazil also stressed "the usefulness of the cooperation established between the UN and the OAE" and underlined that the measures adopted in resolution 841 were "marked by a careful combination of strength and political wisdom, and resulting from a thorough and open negotiating process". It praised the SG of the OAS, João Clemente Baena Soares, and the Special Representative of the SGs of both organizations, Dante Caputo, for their efforts in the case, by celebrating the "fruitful partnership between the UN and OAE". Sardenberg concluded his speech by mentioning concerns on humanitarian needs and human rights within Haiti's population. He still reinforced Brazil's availability to help in the "prompt and effective resolution of the crisis in that friendly country" (DELBRASONU 1993ax).

The positive expectations did not last long. With the worsening of violence, political repression, threats to the UN and OAS personnel, and death threats to Dante Caputo, the Security Council established a new project to the re-imposition of economic sanctions. The resolution 873 was approved on October 13<sup>th</sup>, 1993 and re-imposed the sanctions that had been suspended in August (DELBRASONU 1993az).

The resolution 873 reserved to the Security Council the possibility to take "further measures". On October 14<sup>th</sup> the Minister of Justice of Haiti, Guy Malary, and two bodyguards were killed by unknown assassins (Malone 1998, 92). This event triggered the call for the appliance of the aforementioned "further measures". The option for a naval blockade was resumed.

On October 15<sup>th</sup>, Aristide, who was in United States, wrote a letter to the UN Secretary-General asking the Member States to "strengthen" the provisions of resolution 873 (Malone 1998, 93). On October 16<sup>th</sup>, by the US initiative strongly supported by France,



Canada and Venezuela, the Council adopted unanimously, with no votes against and no abstentions, the resolution 875, which eventually imposed the naval blockade on Haiti.

Brazil and many other Latin American countries were against the blockade, but this position was virtually impossible in view of the events. On October 15<sup>th</sup>, the US president, Bill Clinton, commanded 6 US warships to blockade Haiti and an infantry company of 450-600 Marines to move to the US Naval Base at Guantanamo (Malone 1998, 93).

On the same day when resolution 875 was approved, Brazil insisted on its moderate stance. During a specific meeting on the issue held in the US mission at the UN, the Brazilian representative acknowledged that the situation in Haiti had deteriorated. Brazil still preferred that enforcement measures for the embargo were not adopted. "However, we understood that an obvious deterioration in the situation had been registered and that we would be willing to accept a draft resolution that was accurate at the language and specifically concerning Haiti."<sup>205</sup> (DELBRASONU 1993ba).

On a meeting within GRULAC, the group members agreed that the resolution had to mention that the Haitian event was a unique case (DELBRASONU 1993ba). This statement, which was also similar to the Chinese reservations, was inserted in the UN resolution with the claim that "unique and exceptional circumstances" required the exceptional measures which had been decided.

As the military leaders who seized power gave no signs of relinquishing power and resuming dialogues, rumors started that the US was planning a military intervention in Haiti, in order to reverse the coup and reinstate Aristide as president of the country. On November 17<sup>th</sup>, 1993, the Canadian representative asked how Brazil would see a unilateral US intervention. The Brazilian representative depicting the undesirability of such a scenario, stated that "I pointed out that the matter is of great sensitivity, not only for Brazil but for all Latin America and that it is not even being considered by Brasilia, which prevented me of further comments"<sup>206</sup> (DELBRASONU 1993bb).

In December 1993, Robert Malval, who had been appointed Prime Minister of Haiti in August by the President-in-exile Aristide, criticized Aristide and resigned his position (but he "stayed on as care-taker Prime Minister until October 1994") (Malone 1998, 100). He

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<sup>205</sup> In the original: "Entretanto, compreendíamos que se havia registrado uma evidente deterioração da situação e que estaríamos dispostos a aceitar um projeto de resolução que fosse preciso na linguagem e específico com relação ao Haiti".

<sup>206</sup> In the original: "Assinalei que a questão reveste-se de grande sensibilidade, não apenas para o Brasil mas para toda a América Latina e que a mesma sequer está sendo considerada por Brasília, o que impedia maiores comentários".

announced his resignation with no successor in sight. The Brazilian Embassy in Port au Prince reported that events were beginning to be organized. In Port-au-Prince, for example, there was a demonstration promoted by twenty parties and popular organizations, gathering some 700 people, calling for an end to the embargo and to the naval blockade (BRASEMB\_PaP 1993). By the American side, “the US was intensely irritated that Aristide had torpedoed the initiative and was soon reassessing its support for the Haitian President, a move signaled in press leaks” (Malone 1998, 100).

In January 1994, facing the lack of political improvement in the Haitian context, the Brazilian mission to the UN received information that France was thinking on submitting a resolution draft to impose additional sanctions on Haiti. Additional sanctions would be of three types: (a) comprehensive embargo on all exports to Haiti except humanitarian food and goods; (b) suspension of all non-commercial and non-regular flights and (c) diplomatic sanctions and freezing of assets of military leaders and other individuals responsible for the situation. The measures would be in place until at least the beginning of a negotiated situation to the political crisis started. Sardenberg pointed out that, from the Brazilian perspective, it would not be appropriate or justifiable to impose drastic measures as a comprehensive trade embargo against Haiti, “whose population is already suffering the effects of the limited measures already adopted.”<sup>207</sup> He also understood that the matter should be submitted to the GRULAC (DELBRASONU 1994h). The United States expressed initial difficulties with more comprehensive trade sanctions, but Canada and France continued manifesting their intention to proceed with the project (DELBRASONU 1994|).

SERE agreed to submit to the GRULAC the French draft to which Brazil had access and also stated that a “possible UNSC decision to implement a comprehensive trade embargo would certainly deteriorate the humanitarian situation, without reaching, however, the effective way to enhance the pressure on the de facto government in order to lead its authorities to the negotiation table”<sup>208</sup> (SERE 1994g).

In fact, the Brazilian Embassy in Port-au-Prince reported that the economic situation in Haiti at the end of January 1994 was already very hard for the population. There was a flourishing black market for fuel, but it seemed that the business class lacked the resources to meet its high cost. The prices of staples had tripled in the last 60 days, the coffee exports were

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<sup>207</sup> In the original: “cuja população já sofre os efeitos das medidas limitadas já adotadas”.

<sup>208</sup> In the original: “Eventual decisão do CSNU no sentido de implementar embargo comercial abrangente certamente implicaria deterioração da situação humanitária, sem corresponder, em contrapartida, a forma eficaz de realçar a pressão sobre o Governo de facto, de maneira a conduzi-lo à mesa de negociações”

canceled, private hospitals did not accept new patients, and the public ones only accepted emergencies. The working hours were reduced to three alternate days per week and the supply of perishable products was practically suspended. The remaining public transport was available to a 5-time higher price, and the supply of electricity was reduced to three hours every four days. Due to the dissatisfaction of entrepreneurs, it was speculated in the Haitian capital if this situation could lead businessmen and military to accept the return of Aristide. (BRASEMB\_PaP 1994a).

Meanwhile, popular movements organized at national conferences. The "Collectif du Grand Nord", formed by former supporters of the Duvalier regime, elected a "national salvation government", with the movement's leadership members. This group went to the Chamber of Deputies and to the High Command of the armed forces to announce the formation of the new government. They threatened to paralyze the country if there were resistance. The Brazilian Embassy noted that, despite lacking realism, the initiative demonstrated political organization pressing the parliament. The other group, "CARENA", would be more representative of Haitian society, but it was not possible to infer its political views, although it was supposed to be a liberal and independent group. The embargo symptoms began to seriously affect the business class because of the high costs of products in the black market, giving rise to a possible political opening to negotiations (BRASEMB\_PaP 1994b).

In late January, the commercial activities were suspended in an attempt to push the parties involved in the Haitian crisis to progress in the situation. The official statement of the Haitian businessmen group specifically said that the purpose of suspending the activities was to force to an end of the embargo (BRASEMB\_PaP 1994m).

Analyzing the issue, the SERE was concerned about the humanitarian crisis that could result from the expansion of the sanctions regime, "in view of the humanitarian perverse consequences of any expansion of the currently existing sanctions regime against Haiti, it is important that, if [the Security Council] decides in this way, additional sanctions are delimited in time, with well-defined dates on which they will enter into force and on which they will be suspended "<sup>209</sup> (SERE 1994f).

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<sup>209</sup> In the original: "tendo em vista as consequências humanitárias perversas de eventual ampliação do regime de sanções atualmente existentes contra o Haiti, é importante que, caso se decida nesse sentido, as sanções adicionais sejam delimitadas no tempo, estando bem definidas as datas em que entrarão em vigor e em que serão suspensas"

Meanwhile, in Brazil news continued to arrive from the Brazilian Embassy in Port au Prince informing that the stoppage of commercial activities impacted the economy and could prove to be a decisive factor in changing the situation. The center-left sector said that the measure was weak for not reporting that the military were responsible for the situation in the country. The labor sector spoke out against the protest, seeing it as an employers' strategy for more profit. "From a deeper perspective, the decision of entrepreneurs has the character of a last stand, while they still retain some power, because, according to the Chamber of Commerce, it was taken for sure that, anyway, keeping the current lack of fuel (and the unsustainable prices of the black market), all business activities would naturally be paralyzed around February 15 "<sup>210</sup> (BRASEMB\_PaP 1994k).

Early February was marked by more protests in Haiti. Neo-Duvalierist parties protested against the sanctions and accused Aristide of requesting sanctions against his own people. In the Brazilian perspective, the non-violent character of the demonstration represented the willingness of the group to join the regular political game. The political scenario was warming, with pro-Aristide associations starting to call for his return (BRASEMB\_PaP 1994i).

At the end of February 1994, the Adjunct Representative of France contacted the Brazilian Mission at the United Nations to inform on progress in the project to increase pressure on Haiti. The project progressed with the support of the "Friends of Haiti" group (Canada, US, Venezuela and France). The intention was to exert more pressure over the Haitian authorities and also, at this time, over President Aristide, in order to force them to seriously negotiate a solution to the crisis. For the group, "Aristide was relying excessively on the use of sanctions as a tool to take him back to power, and such expectation was false."<sup>211</sup> Based on this interpretation, the United States decided to proceed with the expansion of the sanctions project "at the earliest opportunity." It was understood that the non-advancement of the issue was due to the "attitude of all parts". Brazil said that it would need time to consult both the authorities in Brasilia as other Latin American countries about the project. Before doing this, the Brazilian representative contacted his Venezuelan counterpart at the Security Council. In a clear sign that not even all members of the "Friends of Haiti" group were treated

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<sup>210</sup> In the original: "De um ponto de vista mais aprofundado, a decisão dos empresários tem o caráter de uma última cartada, enquanto ainda guardam algum poder, pois, de acordo com a Câmara de Comércio, tinha-se como certo que, de qualquer maneira, mantendo-se a atual penúria de combustíveis (e os preços insustentáveis do câmbio negro), toda a atividade empresarial estaria naturalmente paralisada por volta de 15 de fevereiro"

<sup>211</sup> In the original: "Aristide estava confiando excessivamente na utilização das sanções como instrumento para levá-lo de volta ao poder, e que tal expectativa era falsa".

equally, the Venezuelan ambassador to the UN - whose country was part of the group - proved to be surprised and confessed to having not been consulted on the matter (DELBRASONU 1994g).

To Sardenberg, the new draft resolution reduced the influence of multilateral agencies on the subject: "The new draft resolution ... seeks to accelerate the passage of the solution process of the Haitian crisis from the landmark formally approved by the Council, on behalf of the United Nations and the Governors Island Agreement, to the lax reference framework conformed by what has been called the Washington plan. [...] The sanctions come to depend on the evaluation of the Secretary General and the Members of the Council regarding Aristide's behavior toward a plan that was not defined"<sup>212</sup>. The Brazilian representative presented a long list of amendments that he saw as necessary and announced that he had started talking about it with some delegations (Argentina, Mexico, Venezuela and Spain), which collected initial feeling of perplexity, leading him to think that maybe the text would not prosper (DELBRASONU 1994z).

In Brasilia, the US Chargé d'Affaires went to the Ministry of External Relations to provide explanations on the application of sanctions. They would depend on the assessment by UNSG regarding the commitment of both parties (military and Aristide), in order to pursue a peaceful solution to the crisis under the Governors Island Agreement. Brazilian ambassador Fernando Reis said that several delegations from GRULAC had expressed difficulty in implicitly assigning the same level of responsibility to the military and Aristide, as emerged from the draft resolution. The Chief of the Foreign Ministry Department of International Organizations said that Brazil and US agreed on the restoration of democracy in Haiti with the return of President Aristide, but disagreed on the approach to overcome the crisis. Brazil believed that additional sanctions advocated by the United States would alienate Aristide from the process, rather than urge him into conciliation (SERE 1994j).

Differently from the end of April 1994, the exiled Haitian president Jean-Bertrand Aristide attacked the Clinton administration which, in turn, would push the Council to approve harder sanctions. In Port-au-Prince, the Brazilian representative held a meeting with the mayor of the city, who had been elected, but was not yet in power and who had been one of the organizers of the Aristide campaign in 1990. He said that the Haitian people would

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<sup>212</sup> In the original: "O novo projeto de resolução ... procura apressar a passagem do processo de solução da crise haitiana do marco aprovado formalmente pelo Conselho, em nome das Nações Unidas, do Acordo da Ilha de Governadores para o quadro referencial lassamente conformado pelo que se tem chamado de plano de Washington. [...] As sanções passam a depender de como o Secretário Geral e os membros do Conselho avaliam o comportamento de Aristide em relação a um plano que não foi precisado".

want the return of Aristide, that violence was omnipresent and that the Haitian people would welcome a foreign intervention, although this was a harmful option (BRASEMB\_PaP 1994c). The rumors of a foreign intervention were in place again.

In early May, the meetings held in the GRULAC and in the UNSC indicated a general feeling to support the text co-sponsored by the "Group of Friends" and Argentina. Within the GRULAC, there were reservations on the expanded sanctions regime. Brazil issued two key points: a) the humanitarian situation: Brazil demonstrated its concern over worsening the already complicated humanitarian conditions in the country and b) the issue of the legislative elections: Brazil considered that this theme should be included in the framework of the restoration of democracy in that country (Haiti, Colombia and Cuba supported this Brazilian stance). All in all, for Brazil it was not desirable to expand sanctions. Instead, Brazil defended more effective sanctions on petroleum products (DELBRASONU 1994aa).

On May 6, after five months in which the expansion of the sanctions regime to Haiti had been discussed, the Security Council adopted resolution 917, which imposed a total embargo on trade with the country and expanded the embargo on all military authorities. The resolution also included a call for states to deny permission for the landing or takeoff of airplanes originating in or destined to Haiti, in order to prevent the entry permission to certain people and to freeze the funds of these people.

Concomitantly, the American warnings about the possibility of military intervention projected great concerns on the Haitian political class (BRASEMB\_PaP 1994e). In the Haitian parliament, on the same day that resolution 917 was adopted, the Deputies massively condemned the approval of expanded sanctions and expressed to be completely contrary to the hypothesis of a military intervention that was here and there considered (BRASEMB\_PaP 1994l).

In the shadow of the threat of intervention, the Brazilian Embassy in Port-au-Prince reported that at the end of May 1994 the Tontons Macoute, the armed militia of Duvalier dictatorial times, had returned to the Haitian scene. In this scenario, President Aristide came to reject the intervention and expressed his intention to call for the National Assembly. On the economic sanctions, the Brazilian representative said that they seemed to be reaching their real target, the military. Apparently, the Dominican side of the border would have strengthened controls to curb the smuggling of fuel. "If the control of the Dominican border, the freezing of assets of large Haitian families living abroad and the suspension of

international flights become effective, one can finally conclude that the Haitian crisis takes a real and resolving route"<sup>213</sup> (BRASEMB\_PaP 1994f).

In May 1994, the rumors about a US intervention intensified. The Brazilian Embassy in Port- au-Prince established a conversation with the Minister of Health of the Robert Malval government. The minister said that "at this point, even recognizing how the US handled the Haitian situation, the OAS countries should, despite their reservations, follow the US on an intervention in order to oversee its execution"<sup>214</sup> (BRASEMB\_PaP 1994g). In Haiti, the de facto government continued its nationalist campaign in the face of the threat of intervention and the United States intensified the pressure by blocking assets of Haitians who did not live in the US (BRASEMB\_PaP 1994d).

The economic sanctions rationale was to pressure the economic oligarchy of the country so that the latter would force the military to relinquish power. Brazil believed that sanctions had the potential to achieve this goal by simply being effectively applied and by giving time for the pressure mechanism to act. The Brazilian diplomat said that "it seems, however, reasonable to expect that the set of measures imposed against Haiti since the adoption of Resolution 917 of the UNSC, a month ago, will yield powerful persuasive effect on the officers of the armed forces"<sup>215</sup>. In a conversation with the charge d'affaires of France, he said that "the available information was that it would take at least two months from now, so that the bourgeoisie and the economic oligarchy can reach a point that justified a definite pressure on the military rulers."<sup>216</sup> Nevertheless, power factors advocated against the time factor. In May, US Senator Bob Graham visited the country and returned to the US with a strong pro-invasion rhetoric, as he had been prevented from approaching the Dominican border due to the new rules approved by the military (BRASEMB\_PaP 1994d). The fact that the Haitian authorities had declared him as *persona non grata* for preaching armed intervention during his visit contributed to the deepening of tensions with the United States (BRASEMB\_PaP 1994j).

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<sup>213</sup> In the original: "Caso se efetive o controle da fronteira dominicana, o congelamento de bens das grandes famílias haitianas no exterior e a suspensão dos vôos internacionais, poder-se-á, enfim, concluir que a crise haitiana assume um encaminhamento real e possivelmente resolutivo".

<sup>214</sup> In the original: "a esta altura, mesmo que reconheçam o quanto os EUA manipulam a situação haitiana, caberia aos demais países da OEA, apesar de suas reservas, acompanhá-los em uma intervenção, a fim de fiscalizarem sua execução"

<sup>215</sup> In the original: "parece, porém, razoável esperar-se que o conjunto de medidas impostas contra o Haiti desde a adoção da resolução 917 do CSNU, há um mês atrás, venha a produzir poderoso efeito persuasivo sobre os oficiais das forças armadas"

<sup>216</sup> In the original: "pelas informações de que dispõe, que seriam necessários pelo menos 2 meses, a partir de agora, para que a burguesia e a oligarquia econômica cheguem a um desgaste que justifique uma pressão definitiva sobre os chefes militares"

By the end of June 1996, the US Ambassador Melvin Levitski, went to the Brazilian Ministry of External Relations for discussing the draft resolution aimed at strengthening the United Nations Mission in Haiti (UNMIH). This mission had been established in September 1993 to help to implement provisions of the Governors Islands Agreement. The American diplomat inquired about the possibility of Brazil receiving Haitian refugees. He said that the United States deemed the military to relinquish power as a consequence of sanctions and not as a result of unilateral intervention. The Secretary General of the Brazilian Ministry said that he agreed on an extended mandate for UNMIH up to a longer period than that proposed by the United States, so that Brazil could study the Mission reconfiguration. But the Brazilian diplomat still said that "Brazil would have difficulty in doing this on a 'reconfigured' mission, in case of unilateral intervention previous to the deployment of UNMIH"<sup>217</sup> (SERE 1994i).

The Brazilian intention was to keep the management of the Haitian crisis as much as possible under the multilateral authority. Thus, the Secretary-General of the Brazilian Ministry of External Relations said to Levitski that "Brazil would be in a comfortable position to contribute to UNMIH, if the multilateral scenario prevailed in the case of sanctions not producing the desired effect."<sup>218</sup> He stressed that Brazil considered important to give the necessary time for sanctions to produce the desired effect. On the Haitian refugees, it was said that the issue was under consultation with the Brazilian Ministry of Justice "but our little margin of availability favored, especially, the Angolan contingent"<sup>219</sup> (SERE 1994i).

In early July, Aristide said that he opposed the invasion and stated he would not resume power under a military occupation. According to "very classified sources", but whose credibility was possible, "Aristide would have done a voluminous contribution to the Clinton campaign and this would keep the US president stuck to the possibility of showing this publicly"<sup>220</sup> (BRASEMB\_PaP 1994n).

At the end of July, the Brazilian Minister of External Relations, Celso Amorim held a meeting with the Under Secretary of State, Peter Tarnoff. The US diplomat had a letter from president Clinton to president Itamar Franco. Tarnoff explained that, facing the resistance of the Haitian militaries, Washington "ascribes great importance to the adoption of the resolution

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<sup>217</sup> In the original: "o Brasil teria dificuldade em se fazer presente em uma missão 'reconfigurada', na hipótese de uma intervenção unilateral prévia ao destacamento da UNMIH".

<sup>218</sup> In the original: "O Brasil se encontraria em posição confortável para contribuir para a UNMIH se, pelo contrário, prevalecer o cenário multilateral, caso as sanções não surtam o efeito desejado".

<sup>219</sup> In the original: "mas que nossa pequena margem de disponibilidade privilegiou, sobre tudo, contingentes angolanos".

<sup>220</sup> In the original: "de que Aristide teria feito vultuosa contribuição para a campanha eleitoral de Clinton e o manteria preso à possibilidade de demonstrá-lo publicamente".



proposed to the UNSC, providing for the establishment of a multinational force and, on a second phase, for the deployment of a restructured UNMIH"<sup>221</sup>. The diplomat highlighted the international vocation of Brazil ("Brazil has a unique vocation to participate more broadly in international affairs") and the importance of the country's participation in the approval of a multilateral operation under a UN mandate in Haiti. " (SERE 1994h).

Amorim told Tarnoff that the issue was under consideration. Amorim also added that an initial list with Brazilian examinations on the matter had already been prepared, and still pondered that "it is easier starting than finishing such an operation, the first one under Chapter VII in the region"<sup>222</sup>. Brazil suggested that the UN should count on a written statement from Aristide, authorizing such an action. For the US, it would serve as a public statement from Aristide. Amorim then pointed out that Brazil had difficulties in participating in this initiative, because the transition between the multinational force and UNMIH was not clear. Brazil also felt the necessity of a "precise time reference", in addition to the clear definition of these mandates in terms of forces and missions. Finally, Amorim stressed the importance to characterize the Haitian situation as unique and specific (SERE 1994h).

By the end of August 1994, the sanctions led Haiti to dramatic situations. According to the Brazilian embassy in the country, fuels and all kinds of products fully reached unprecedented price levels in the country. The liter of gasoline peaked US\$ 3 and it was literally stated by Brazil that "the current level of prices, especially of fuel and transportation, if persisting, will entirely disrupt the economic activity in the country"<sup>223</sup> (BRASEMB\_PaP 1994h).

By resolution 940, of July 13<sup>th</sup>, 1994, the Security Council gave authority for "all necessary means" to restore President Jean-Bertrand Aristide and extended the mandate of UNMIH. It was a dangerous precedent in the region because for the first time it legitimized a military action, under the auspices of UN, in the Americas. Both Brazil and China abstained.

Celso Amorim, Brazilian representative to the UN, reminded that voting against the resolution 940 would be possible in theory, but the option was not politically feasible. As no other country – even China, with similar positions with Brazil – would vote against the resolution, this was likely to be approved. As Amorim pointed out in an interview years later,

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<sup>221</sup> In the original: "atribui grande importância à aprovação da resolução proposta ao CSNU, prevendo a constituição de uma força multinacional e, numa segunda fase, o envio da UNMIH reestruturada".

<sup>222</sup> In the original: "é mais fácil iniciar que terminar uma operação desse tipo, a primeira sob a égide do capítulo VII na região"

<sup>223</sup> In the original: "o atual nível de preços, sobretudo dos combustíveis e dos transportes, se perdurar, inviabilizará inteiramente a atividade econômica do país"

the vote against the resolution would serve only to "irritate US almost for no reason" and "not even China, which had very similar positions to ours on non-intervention, would vote 'no'"<sup>224</sup> (Amorim 2003, 20).

On September, 16<sup>th</sup>, 1994, Madeleine Albright informed the Brazilian delegation at the UN on the US intention to implement the resolution 940 (1994). According to her, the initial intervention on Haitian territory would be conducted exclusively by US troops. This would be followed by the arrival of the multilateral force mentioned in the resolution. It would consist of a maximum of 20 countries. This framework clearly created a distinction between the US intervention and the multilateral force. Only 4-8 months later, the UNMIH would be activated. The expectation was that the president returned to the country in two weeks after the start of the intervention. There would be no date for the "invasion". In the Brazilian perspective, the first phase, led only by the US, would generate at least one legal ambiguity, as the resolution 940 referred only to multilateral force. The UN observers, provisioned by resolution 940, would not be present during the US intervention, but only later, at the time of the arrival of the multinational force (DELBRASONU 1994ab).

Between September, 19<sup>th</sup>, 1993 and March, 31<sup>st</sup>, 1995, under resolution 940, Operation Uphold Democracy took place. This was heavily led and solely composed by the United States: as the Brazilian diplomatic files had informed, the initial intervention was made only by US forces (Malone 1998, 113).

On September 29<sup>th</sup>, 1994, resolution 944 announced the Council's intention to lift the sanctions against Haiti after the restoration of the legitimate government of the country. There were 13 votes in favor and 2 abstentions, coming from Russia and Brazil. Russia abstained because resolution 940 provided that the sanctions regime would be lifted only after the return of Aristide to Haiti. As it had not happened yet, the UNSC would be adopting a double standard, making flexible the implementation of the Haiti sanction's regime comparing to the rigid treatment given to other sanctions regimes (DELBRASONU 1994ac). It is possible to infer that Russia was referring to the rigidity of the review mechanisms applied to the sanctions imposed against Iraq.

On the Brazilian side, the basic aim of resolution 944 (announcing the intention to lift the sanctions) had the country's support, but "the different references to Resolution 940, especially in the preamble led Brazil to abstain"<sup>225</sup>. Resolution 944 contained paragraphs

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<sup>224</sup> In the original: "irritar os Estados Unidos quase gratuitamente" e "Nem a China, que tinha posições muito similares à nossa em matéria de não intervenção, iria votar não".

<sup>225</sup> In the original: "as diferentes referências à resolução 940, especialmente na parte preambular, levaram... à

reproducing the same difficulties that had motivated the Brazilian abstention for resolution 940. A particular theme was authorization to use force, contrary to the principle of non-intervention: “The fact that the project presented by the ‘Group of Friends’ incorporated in many ways a flawed language on the use of ‘multinational forces’ made the Brazilian agreement impossible”<sup>226</sup>. These two key issues were eventually mixed. As the US Secretary of State Warren Christopher had emphasized, the end of sanctions would be a natural consequence of the conditions created by the positive work done by the “multinational force” in establishing a secure and stable environment in Haiti (DELBRASONU 1994ac).

The same reasons led Brazil to be the only country to abstain when, on October 15<sup>th</sup>, 1994, resolution 948 was voted. This resolution welcomed the return of President Jean-Bertrand Aristide to Haiti and finally lifted the sanctions imposed on the Haiti.

**Table 12 - Relevant UNSC voting records on mandatory economic sanctions regarding Haiti’s case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Haiti	Res. 841 16.jun.1993 Impose sanctions on energy and weapons	15 Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, UK, US, Venezuela.	0	0
	Res. 873 13.out.1993 Sanctions temporarily lifted	15 Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, UK, US, Venezuela	0	0
	Res. 917 6.mai.1994 Imposed total embargo on trade, broadening the current sanctions regime	15 Argentina, Brazil, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, UK, US.	0	0
	Res. 944 29.sep.1994 Announced that sanctions would be lifted if elections were realized	13 Argentina, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Rwanda, Spain, UK, US.	0	2 Brazil, Russian Federation
	Res. 948 15.out.1994 Sanctions lifted	14 Argentina, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, UK, US.	0	1 Brazil

Source: Author's own elaboration.

abstenção brasileira”.

<sup>226</sup> In the original: “O fato de o projeto apresentado pelo “grupo de amigos” haver incorporado, em muitos aspectos, linguagem viciada relativa ao envio das “forças multinacionais” não tornou possível a nossa concordância”.

### 3.3.3 Summary notes

Haiti has always been of US interest. Among other reasons, it was and is important because of its waters – through which the American production reaches both the Gulf of Mexico and the Atlantic Ocean. This is an important geographical part of the world market, especially during the previous centuries. It was important during the Cold War, for its proximity to Cuba. Haiti also drew US concerns for its audacious behavior to eliminate black slavery in the process of the second independence of a continent based on the slavery. At present, Haiti still concerns the US for being one of several sources of migrants wanting to reach the United States for economic and political reasons.

The United States occupied Haiti from 1915 to 1935 with Marines and only withdrew its men after heavily influencing the country's institutions. Likewise, the US also played a decisive role on the Haitian issue at the Security Council. During the period in which UNSC sanctions against Haiti were discussed and until they remained in place, Brazil observed the increased US influence in the decisions and actions of the Security Council on the matter.

In the period between 1993 and 1994, Brazil held a seat on the Security Council and attempted to hold down the United States in solely deciding on Haitian crisis. Yet, Brazil found itself repeatedly and increasingly unable to do so.

In fact, Brazil would prefer that the Haitian issue was not even discussed at the Security Council. Instead, it preferred to maintain the Haitian crisis under the OAS framework. Although OAS was indeed under a heavy influence of the United States, the organization's decisions can only be taken unanimously. One has also to consider that keeping the case within the OAS could avoid exposing the region to the game of global influences and interests potentially played by different countries within the Security Council, such as France, Haitian former colonial power.

Brazil affirmed to the Secretary-General that it would rather not take the matter to the Security Council. However, by predicting irresistible forces in contrary, Brazil expressed its willingness to accept alternative possibilities. From that moment onwards, Brazilian preferences were defined: (i) Brazil preferred to keep the issue in the regional forum, OAS. If not being within OAS, it preferred the matter was treated in the most multilateral forum of the UN, that is, the General Assembly. Both the forums (OAS and UNGA) preferred by Brazil were rejected. (ii) With the interests of a Latin American country being in place – in a region where the US historical interference in the internal affairs was a still alive and sensitive topic

– Brazil wanted the other Latin American neighbors to be consulted on the Haitian issue. In the multilateral regional forum and within Latin America, Brazil believed to have more chances to lessen the US attempts of interference in Haiti. Therefore, these two Brazilian preferences reflected the concern behind its actions in the Haitian case: the expansion of a unilateral US power under an aura of multilateralism provided by Security Council.

This position can be seen as a paradox in the history of Brazilian foreign policy. Brazil had traditionally positioned itself in favor of dealing with the decision-making process of adoption of economic sanctions within the UNSC. In Haiti case Brazil preferred to confine the issue in the OAS or, alternatively, at the UNGA. The preference for addressing a crisis case at the regional level is traditional in the Brazilian foreign policy. The preference for addressing a crisis that already considered an imposition of economic sanctions at the UNGA instead of the UNSC was something new. This paradox can be explained.

Venezuela had brought the Haitian crisis to the Security Council in informal consultations in February 1993. Despite of the initial objections to deal with the issue in the UNSC, even from permanent members as China, Brazil noticed US moving fast in the direction of the use of the force. Only three months later the Venezuelan informal consultations, the Permanent Representative of Brazil to the United Nations met Boutros-Ghali, the UN Secretary-General, who said he had been working on an eventual operation under the aegis of the United Nations. He also said that this operation would consist in presence of international forces in Haitian soil and finally mentioned the US and the necessity to be careful to "avoid an US intervention or interpretation that the United Nations would be acting as a 'Trojan horse' for the US"<sup>227</sup>(DELBRASONU 1993ap).

The idea of international forces in a Latin America country and the use of the word intervention confirmed Brazil's suspects that dealing with the Haitian situation in the UNSC would mean clearly more than approving economic sanctions. Latin America resented of a recent past of US interventionism and Brazil noticed that US was moving in a direction to use the force again in the region – and now with the authority of a UNSC decision and the aura of legitimacy that it provided. That's the reason why Brazil preferred the UNGA in spite of UNSC to deal with the Haitian crisis: that was not about the preferred forum to address eventual economic sanctions. It was about a movement from a country toward intervention that, in a very recent past, had directly intervened in almost all countries of Latin America.

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<sup>227</sup> In the original: "evitar uma intervenção norte-americana ou a interpretação de que as Nações Unidas estariam atuando como um 'cavalo de Troia' para os EUA".

This concern explains, in the Haitian case, the unusual Brazilian preference for UNGA instead of UNSC to address a case involving the imposition of economic sanctions.

In fact, when sanctions started to be effectively discussed at the Council, Brazil faced the US intentions to impose not only economic sanctions (oil and weapons lock), but also a naval blockade. In the Brazilian perspective, the approval of the naval blockade represented the use of force – a non-existent element in UNSC sanctions' regimes in general. Furthermore, it differed from the treatment given to economic sanctions regimes already in place, such as those on Iraq, Liberia or Yugoslavia, none of them with a naval blockade.

Brazil was initially able to resist the rise of US aspirations. Brazil was president of the GRULAC when the first UNSC resolution imposing sanctions on Haiti was discussed. Brazil still managed to quickly hold a meeting in the group on the topic. An impasse was evident, as some countries totally opposed any measure against Haiti and others fully supported the proposal, including the naval blockade. On this meeting, Brazil could show how its position (agreeing with the sanctions, but not with the naval blockade) was the most balanced, for being halfway between the poles on which stood the Latin American countries. Brazil managed to negotiate the adoption of Resolution 841 (1993) with the approval of economic sanctions, without the naval blockade. Also at that time it was possible to establish a connection between Council resolutions and OAS actions, in order to not discredit the regional forum.

Yet, Brazil's position to make the General Assembly the preferred forum for addressing the issue was clearly rejected. This proposition did not get support even in the bilateral talks that preceded formal Council meetings. Haiti would definitely be a theme in which the Security Council would remain "seized of the matter" – as it remains at present, over 20 years later.

After an apparent improvement of the situation with the implementation of some measures decided upon the Governor Islands Agreement, the sanctions were temporarily lifted. This lasted a short period of time. In October 1993, not only were sanctions re-established as three days after this decision, but the Security Council approved the naval blockade against Haiti.

With the obduracy of the Haitian de facto authorities in not advancing the negotiations and not re-establishing the elected president (living in exile in the United States), Brazil had its concerns progressively confirmed. The response of the international community to the Haitian question was gradually concentrating in the hands of the Security Council, where the

United States had great influence. In this sense, it is worth remembering that, after the fall of the bipolar world, the Council spent more than 3 years without any permanent member using the veto power.

Under the UNSC, in the period between the adoption of sanctions in 1993 and the Aristide's return to power in 1994, Brazil saw UNSC confirming several questions on the Haitian matter with which Brazil disagreed. So much so that the UNSC approved the use of Chapter VII anchored in the association of refugee flows with the menace to international peace and security; the naval blockade was imposed; and, at the end of the Brazilian mandate, resolution 940 was adopted. By using expressions such as authorization for members to use "all the necessary means", this resolution legitimated the US intentions to invade Haiti and restore Aristide into presidency. This was the limit that Brazil could accept. However, the Brazilian protest would not come in the form of an open vote against the resolution at the Security Council. Regarding this resolution as well as the following ones making reference to resolution 940, Brazil abstained from voting. In view of the US pressure for not vocally voting against resolutions, in addition to the uselessness and the political stress caused by voting against resolutions that would be approved anyway, abstaining was the way found by Brazil to protest against the indiscriminate means that the Security Council invoked to address a political crisis within a country in Latin America.

### 3.4 ANGOLA

Since its independence, in 1975, Angola has been a scenario for power disputes mainly between the rival parties Movement for the Popular Liberation of Angola (Movimento Popular pela Liberação de Angola = MPLA) and National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola = UNITA). During the 1990s, the conflict escalated. The election held in 1992 did not put an end to the disputes, as UNITA did not accept the victory of MPLA for the presidency of the country. Addressing the worries that the conflict in Angola could destabilize its African neighbors because of the involvement of countries such as Namibia, Zimbabwe, Congo and Uganda, the UNSC approved economic sanctions against Angola on three different occasions. Resolution 864 (1993) imposed an arms and oil embargo on UNITA, resolution 1127 (1997) imposed a ban on the supply of aircraft parts and also introduced other diplomatic sanctions against UNITA, and resolution 1173 (1998) imposed financial sanctions and a diamond embargo also against

UNITA. All these sanctions specifically targeted UNITA's territory, assets, and supplies.

In the 1990s, Brazil was a loyal partner of the Angolan government in the multilateral field, especially advocating the right of the Angolan government to defend itself from the UNITA's rebel movement. Brazil was a member of the Security Council in both cases in which significant economic sanctions were approved against this group. The first in 1993, when oil and weapon supplies to UNITA were prohibited (resolution 864). The second in 1998, when financial sanctions and a diamond embargo against UNITA were approved (resolution 1173).

### 3.4.1 An overview of the case

During the 1970s and 1980s, Angola offered a hot spot scenario in which the great Cold War opponents had the opportunity to confront each other. On the ground, disputing the leadership in the post-colonial Angola, on one side was the National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola = UNITA), at various times supported by the United States and South Africa. On the other, the Movement for the Popular Liberation of Angola (Movimento Popular pela Liberação de Angola = MPLA), supported by the Soviet Union and Cuba<sup>228</sup> (Pycroft 1994, 242). These connections with the two main players of the Cold War reflected more a way to attract outside attention than an effective link to the political and economic principles of either side. This became evident from the continuity of conflicts in Angola for more than a decade after the end of the Cold War. At the heart of the political dispute between UNITA and MPLA was the fight for control of the rich Angolan oil and diamond reserves. During the 1990s, the MPLA, in the government, controlled the trade in oil (Angola had 1/5 of world reserves), while UNITA controlled the diamond reserves (the equivalent of 1/6 of world market for these stones) (Cortright, Lopez, and Conroy 2000, 149).

After 15 years of confrontation, the government of Angola, controlled by the MPLA, and UNITA signed the Peace Accords for Angola (Bicesse Accords), in May 1991. This

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<sup>228</sup> Both MPLA and UNITA have had connections with the Maoist stance and both had fought against Portuguese colonial rule (UNITA, at the end of the colonial period, fought with the Portuguese against the MPLA but this alliance was broken by the Portuguese). The MPLA, in 1977, declared itself a Maoist-Leninist inspired party. UNITA, initially, had a Maoist influence, with the party's leader himself – Savimbi – having been trained in China, but it later declared as an anti-left movement when it began getting strategic support from the conservative United States' think tank The Heritage Foundation, and also cooperating with Portuguese officials against the MPLA (Gleijeses 2002, Encyclopædia Britannica Online 2015a, c, b).



comprehensive agreement consisted of four documents that defined the ceasefire, the principles for the establishment of peace, the concepts for resolving pending issues and the Protocol of Estoril, which included, among other things, issues such as elections, internal security, UNITA's political rights and the formation of the Angolan Armed Forces (United Nations 2015a). These agreements seemed to seal the collaboration between opposing groups and carried the hope for an end to the civil war that erupted in Angola after independence, in 1975. In the September 1992 elections, the acting president, José Eduardo dos Santos, beat the UNITA leader Jonas Savimbi, but only by a small margin and no candidate achieved the 50 per cent plus one of the vote that was required for an outright victory. "The 'winner takes all' nature of the election threatened Savimbi and UNITA with the minimal influence in the government after 16 years of civil war". UNITA decided to reject the election results and quickly rejoin its forces to restart the war (Pycroft 1994, 252).

In order to address this scenario in 1993 the UNSC began to adopt a series of resolutions to weaken UNITA's power in addition to continuing the search for a diplomatic solution to the problem. No effective efforts were made to enforce these sanctions until the end of the decade (Cortright, Cosgrove, and Lopez 2002, 65-66). In this context, on 15 September 1993, the UNSC adopted Resolution 864. The UNSC called on UNITA to implement the Bicesse agreements and imposed on this group an arms embargo, a petroleum embargo - except through ports of entry designated by the Angolan government - and created the sanctions committee (Security Council 1993b).

UNITA initially responded with a declaration of cessation of hostilities but soon afterwards exhibited a non-cooperative behavior as it proclaimed acceptance of the elections but then declared them fraudulent (Cortright, Lopez, and Conroy 2000, 152). In the arc of three years, the Security Council approved resolutions that threatened UNITA at different moments. For instance, on 15 December 1993, Resolution 890 was adopted. It threatened stronger sanctions if UNITA did not cooperate, but gave no deadline for action (Security Council 1993d). On 11 October 1996, Resolution 1075 was adopted. It also threatened additional sanctions against UNITA for its failure to comply with the Lusaka Protocol (Security Council 1996a). On 11 December 1996, Resolution 1087 was approved. It authorized the gradual withdrawal of UNAVEM III<sup>229</sup> (created in February 1995), but made

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<sup>229</sup> "Established to assist the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) in restoring peace and achieving national reconciliation on the basis of the Peace Accords for Angola, signed on 31 May 1991, the Lusaka Protocol, signed on 20 November 1994, and relevant Security Council resolutions" (United Nations 2015b).

no mention of the threat of additional sanctions made in Resolution 1075 (Security Council 1996b). For three years, then, the Security Council threatened but did not take any effective measure against UNITA despite its non-cooperative behavior. Secretary General Boutros Boutros-Ghali's dispirited initiatives to attempt a peaceful reconciliation were partially responsible for this behavior as were his recommendations to postpone, several times, the tightening of sanctions or the implementation of additional measures against UNITA.

In one interstice of the chain of threats made by the UNSC, in 1994, during a period that UNITA was weakening in their confrontation with government forces, the Lusaka Protocol was signed. The negotiation of the protocol had been facilitated by the new UN Special Representative Alioune Blondin Beye and the Troika (the United States and Russia, the great international players in Angola during the Cold War, and Portugal, the former colonial ruler). It established a monitored ceasefire by the United Nations first, and it seemed to express the lesson that it was necessary to disarm and integrate UNITA to start the national reconciliation. Unfortunately, "the agreement was signed in a context of absolute mistrust between the parties, and it overlooked the fact that both parties were utterly determined not to abide by the rules of the game if necessary". Savimbi himself did not sign the agreement, in a clear sign of the unimportance of these negotiations to build peace with agreements instead of arms (Messiant 2004).

Between August and October 1997, new pressure was brought to bear on UNITA. This was because of the failure of the Lusaka protocol. Travel sanctions were imposed and tightened due to UNITA's failure to prove its disarmament.

In 1998, ignoring the international pressure of sanctions, the fighting escalated again. On 12 June 1998, Resolution 1173 was adopted. It froze UNITA's financial assets, banned all its financial transactions, and imposed a boycott on diamonds not certified by the Angolan government. It also banned any form of travel to the territories controlled by the rebel group (Security Council 1998f).

However, with regard to sanctions, things began to change when the UNSC adopted Resolution 1237, of 7 May 1999. A panel of experts with a six-month mandate to collect information and make recommendations was established. Robert Fowler, who assumed the chair of the Angola sanctions committee that year, adopted a new approach to the role of sanctions committees. He met with a broad range of public and private actors in order to understand the sanctions process and in July 1999 he issued a report with important recommendations to enhance sanction compliance. Added to this was the release, in March

2000, of a report by the panel of experts. This report was a very objective and fearless document that identified the sanctions violations and named the names of groups, states and heads of states involved in these violations (Cortright, Cosgrove, and Lopez 2002, 65-66).

In addressing the violation of economic sanctions, the report implicated Togo (import of military equipment for supplying UNITA), Burkina Faso (supply of weapons and smuggling diamonds to UNITA), Bulgaria (for selling weapons with no regard to the destination), Ukraine, Belarus and Russia (as possible sources of weapons), Belgium (for its flawed regulatory environment in Antwerp, where the diamonds were commercialized) (Fowler 2000). Zambia facilitated transshipment for the weapons and supplies (Beaumont 2002).

In order to enforce the sanctions, the UNSC adopted Resolution 1295, of 18 April 2000. This resolution addressed only one of the report's recommendations, signaling that the UN was moving in the direction of continuing to identify those responsible for violations but searching for a diplomatic negotiation to demobilize the international support provided to UNITA (Cortright, Cosgrove, and Lopez 2002, 68, Security Council 2000a). Resolution 1295 established a monitoring mechanism with a six-month mandate to investigate relevant leads initiated by a panel of experts. The six-month mandate was extended later and more than once by Security Council Resolutions 1295, 1336 and 1348.

In the early 2000s UNITA was deprived of much of its war capacity and lost significant territories to government forces<sup>230</sup>. UNITA's movement was weakening and suffered a severe coup with the death of Jonas Savimbi in an attack by Angolan army units in February 2002 (Beaumont 2002). The leader of the 30 years insurgency was dead and his armed movement was finished. On 9<sup>th</sup> December 2002, welcoming the efforts of the Government and the rebels to end the conflict, the Security Council voted unanimously for the approval of resolution 1448, which lifted the 9-year-old sanctions against Angola's UNITA movement (Security Council 2002).

### **3.4.2 Brazilian behavior**

Brazil was a member of the Security Council in 1993, when the Council adopted resolution 864, which imposed an arms and oil embargo against UNITA, and in 1998, when

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<sup>230</sup> Even in these circumstances UNITA's representatives succeeded in meeting important international political forces, like the members of the incoming Bush administration in 2001 (Cortright, Cosgrove, and Lopez 2002, 70).

the Council adopted resolution 1173, which imposed financial and commercial sanctions on Angolan diamonds not certified by the government.

In more than 15 years of fighting for power between MPLA and UNITA, the Bicesse agreements (1991) were the most palpable mark for forwarding peace. After UNITA did not agree with the results of the 1992 elections and recommenced fighting, Brazil was interested that the conflict was settled in the terms of this agreement. In early 1993, Brazil nourished expectations on the normalization of the situation in Angola. Brazilian diplomatic documents reveal that Portugal had similar interests. Considering that UNITA's rejection of the presidential election results was recent, Brazil began its mandate on the Security Council perceiving it as a space where it could "closely watch developments and nuances in the positions of other members in relation to the Angolan question". Brazil quickly noticed that, in the Security Council, it could access "views that do not necessarily match the perceptions collected in different capitals"<sup>231</sup>(DELBRASONU 1993I). This marked the Brazilian recognition of the Security Council as a privileged locus for gathering information on the topics under discussion in general and on the Angolan question especially.

Since its first declarations at the beginning of the 1993-1994 mandate, Brazil marked its position in defense of the elected government of Angola, headed by Mr. José Eduardo dos Santos. According to the Brazilian representative, after Brazil, which defended "vigorously" the "interests of Angola", Angola's support came "from Spain, Cape Verde and to some extent the Russian Federation"<sup>232, 233</sup>. France and the UK, without as much emphasis as the previously mentioned members, had condemned the movement of Jonas Savimbi (UNITA) shortly before. The only country that seemed to be isolated in the defense of Savimbi, in early 1993, was Morocco. Finally, the United States, which had supported Savimbi during the Cold War, would still be trying to define a policy for dealing with Angola. (DELBRASONU 1993I).

The connection between Brazil and the MPLA was the result from a gradual withdrawal process of Brazil from the Portuguese positions initiated in 1974 as part of the Responsible Pragmatism policy adopted by General Ernesto Geisel. This policy provided the defense of economic and political interests of Brazil in the medium and long terms through

<sup>231</sup> In the original: "observar de perto a evolução e as nuances nas posições dos demais países membros em relação à questão angolana"... "pontos de vista que não correspondem necessariamente a percepções colhidas em diferentes capitais".

<sup>232</sup> Spain prioritized trade with Luanda in the sale of consumer goods and was experiencing growth in exports (BRASEMB\_Luanda 1993b).

<sup>233</sup> The Angolan neighboring Cape Verde, with cultural, historical and economic ties with Angola in turn, supported the negotiation (DELBRASONU 1993aa).

the performance of more autonomous positions in the international arena and the diversification of external relations (Silva 2007, 203). The detachment from Portugal's positions was part of this new political orientation, which initial formal framework can be located in 1974, when Brazil recognized the independence of Guinea Bissau without consulting Portugal. This Brazilian attitude broke the terms of the 1953 Friendship and Consultation Treaty and formally marked the Brazilian detachment from the Portuguese colonial regime and the approach to Africa, of which new states Brazil would recognize the independence (Santos 2011, 15).

Because of cultural, linguistic, economic and even geographic connections, Brazil's Responsible Pragmatism policy followed Angola's independence process with interest. The 1973 oil crisis and the need to search for new suppliers contributed for the strengthening of the interest of Brazil on the oil-wealthy Angola. On November 11, 1975, the MPLA, in control of the capital Luanda, and two other movements for independence, one of them UNITA, proclaimed the independence of Angola. On the same day, Brazil recognized the independence of Angola and the MPLA government. This decision on the recognition of the independence, independently from the movement that would be leading the government, had been taken long before these facts. This decision had been formulated by the Ministry of External Relations and approved by President Geisel. It was inspired directly by the expansion of self-reliance and diversification of partnerships in Brazil <sup>234</sup> (Silva 2007). Thus, when the three liberation movements proclaimed independence and Brazil saw the control of the capital Luanda in the hands of MPLA, the country quickly recognized the independence of Angola and the MPLA government. Brazil thus guaranteed political capital in Angola and other African countries that were in the independence process sympathy.

In the 1990s the MPLA victory in the national elections would ensure the continuity of the Brazilian support to MPLA against the UNITA armed resistance. In July 1993, the discussions on the draft text that days later would become resolution 851 had taken place. This resolution extended the mandate of the United Nations Angola Verification Mission II (UNAVEM II) until 15 September 1993. Brazil enrolled actively in discussions, always condemning the actions of UNITA. The possibilities to impose sanctions began to be discussed. The US ambassador in Luanda said that his country preferred a language that combined carrots and sticks in relation to UNITA. The Brazilian representative at the UN

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<sup>234</sup> Para compreensão do reconhecimento brasileiro da Independência de Angola e do Governo do MPLA ver Márcia Maro da Silva, 'A independência de Angola', Fundação Alexandre de Gusmão, Brasília, 2007.

agreed with this position, stating that "the Brazilian government also favors a policy that combines 'carrots and sticks' with the aim of encouraging UNITA to display a more favorable willingness to cooperate"<sup>235</sup>. On the question of economic sanctions, the Americans preferred a "less binding" language (DELBRASONU 1993m).

During the whole decade, especially the US but also the Western European countries hesitated in taking stronger and more decisive measures against Savimbi. The US connection with Savimbi came from the support the Americans received from him during the Cold War. These connections gave Savimbi the support of some influential lobbies in Washington. They weakened over the decade, but their reminiscences were responsible for the odd position of the US in the UNSC during the 1990s. Another reason for the absence of a more decisive position against Savimbi had other roots. As Pimentel considers: "The 'CNN factor' does not address the Angolan problems, perhaps because the large US and European companies were not affected because they extract oil off shore"<sup>236</sup> (Pimentel 2000).

Russian preferences were much more assertive than Brazilian ones, but they had a very different approach in comparison to the US preferences. While Brazil wanted the recognition of right of defense to the government of Angola, Russia preferred a resolution that ensured the Angolan government had the right to purchase weapons and that imposed sanctions on UNITA immediately. Facing a lower profile approach of the US and a more aggressive approach of Russia, Brazil realized that it could play an important role and have a significant influence in this case (DELBRASONU 1993m). In the words of the Brazilian Permanent Representative on the UN, ambassador Sardenberg:

Under these conditions,... the picture that emerges leaves us in a comfortable and considerable influential position, as our proposals are situated halfway between the hardest language suggested by the Russian Federation, that we would not have trouble accepting, but we are neither interested in supporting in a militant way, nor the more cautious line of the US [...] <sup>237</sup> (DELBRASONU 1993m).

Thus, since the initial discussions on the Security Council about the Angolan government's conflict with UNITA, Brazil positioned itself as a major player alongside

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<sup>235</sup> In the original: "também o governo brasileiro favorece uma política que combine 'carrots and sticks', com vistas ao objetivo de estimular a UNITA a dar mostras de disposição mais favorável".

<sup>236</sup> In the original: "O "fator CNN" passa ao largo dos problemas angolanos, talvez por não terem sido afetadas em maior medida as grandes empresas norte-americanas ou européias, que extraem petróleo off shore."

<sup>237</sup> In the original: "Nessas condições [...] o quadro que se delineia nos deixa em posição confortável e de considerável influência, na medida em que nossas propostas se situam a meio caminho entre a linguagem mais dura sugerida pela federação russa, que não teríamos problemas em aceitar, mas que tampouco nos interessa apoiar de forma militante, e a linha mais cautelosa dos EUA...".

Angola in condemning Savimbi's rebel movement. During its mandate in the Security Council, Brazil also established itself as one of the main interlocutors on this issue. The Permanent Representative of Brazil to the United Nations reports that, when the UK presented the draft text for resolution 851 the initial consultations were made first with the US and Russia and then with Brazil and Cape Verde (DELBRASONU 1993n).

Regarding resolution 851, Brazil was concerned that the future Security Council's deliberations regarding the adoption of sanctions against UNITA would be influenced by the Secretary-General's report (DELBRASONU 1993n). This Brazilian interest not to have the Secretary-General influence when sanctions were being considered derived from a perception that Boutros-Ghali, the Secretary-General, had his own agenda on Angola, which contradicted the Brazilian position and also, in general, the Security Council preferences (DELBRASONU 1993s).

Boutros-Ghali historically had a personal proximity to several members of UNITA and he was also "quite compliant" in relation to Savimbi and his actions. This was brought to Brazil's attention (DELBRASONU 1993m). As diplomatic documents reveal, it was greatly significant that Boutros-Ghali was referring to Jonas Savimbi as "President Savimbi," and to the government of Angola, "a UN member state, as the 'MPLA'."<sup>238</sup> More significant was that this was done on the same day that the United States, Russia and Portugal (the Troika, or P3, or the three observer countries for the case of Angola), gathered to adopt a statement [the statement of Moscow] in order to isolate diplomatically UNITA (DELBRASONU 1993p). Hence the intention of Brazil to detach the future adoption of sanctions against UNITA from the Secretary-General's influence.

Given the possibility to be an influential player, Brazil sought more assertive action against UNITA. Brazil suggested to the representative of the United Kingdom, who presented the draft for the resolution, to think about sanctions that could be more specific and not limited to the arms embargo. Brazil realized there existed a consensus in the Security Council regarding the fact that UNITA was responsible for the deteriorating situation in Angola, and that Russia, France and Djibouti had assertive positions on the condemnation of the actions of Savimbi (DELBRASONU 1993n). As the trade relations Brazil had with Angola related primarily to projects with the government, especially in the oil sector, the sanctions against UNITA had no potentially harmful effects to Brazilian economic interests in Angola, thereby facilitating the role played by Brazil in this matter.

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<sup>238</sup> In the original: "President Savimbi" and "estado-membro das Nações Unidas, como o 'MPLA'".

According to the terms of Resolution 851, adopted unanimously, the Security Council condemned the actions of UNITA and expressed its willingness to consider a mandatory embargo on arms and related material against the group, unless the Secretary-General informed it before the 15th of September of the establishment of a ceasefire and reached an agreement for the full implementation of the peace accords and relevant UNSC resolutions. As Brazil intended, the terms of the resolution defined that the SG's report would not be a basis for the Council's action. So, an SG's report could not block a UNSC decision against UNITA once the ceasefire and other conditions were met. A number of African countries (Tanzania, Zambia, Zimbabwe, Namibia and Egypt, with the notable absence of Zaire - whose cooperation would be important for a possible arms embargo) participated at the UNSC meeting that adopted the resolution, demonstrating support to the government of Luanda and the isolation of UNITA at the regional level (DELBRASONU 1993q).

Continuing discussions regarding resolution 851, Brazil and Spain expressed their concern that its terms should not empty paragraph 10 of Resolution 834, which already urged countries not to supply weapons to UNITA. The expression of the right of "self-defense" of the Angolan government, proposed by Russia, Spain and Brazil was not included in the resolution. The UK and the US argued that this right only applied to States, and not to governments. In addition, these countries considered that the word 'defense' suggested an endorsement to the deployment of foreign troops to Angola in support of the government. China, on the other hand, found in the use of the word "defense" as proposed by Brazil "a calling to states to cooperate with the government of Angola in forming a 'democracy', [which] would constitute interference in the internal affairs of Angola" (DELBRASONU 1993q).

The mandatory sanctions, which would eventually be adopted, were already on the horizon. Russia suggested measures such as the ban on trade with UNITA or a freeze of the group assets abroad (DELBRASONU 1993q). In this scenario, Brazil started to discuss internally, within its diplomatic structure, the imposition of sanctions on UNITA, its characteristics and possibilities.

From the earliest stages, diplomatic documents reveal that Brazil was concerned that any sanctions against UNITA should be effective. The State Secretariat of External Relations assessed that, "as a movement that until recently operated clandestinely, any sanctions against Savimbi's movement are likely to have little practical content"<sup>239</sup>. Therefore it was suggested

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<sup>239</sup> In the original: "como se trata de movimento que até pouco tempo atrás operava na clandestinidade, qualquer



that an effective measure could be to cut UNITA's communications (provided by an US company)<sup>240</sup> (SERE 1993y).

Ambassador Sardenberg, Permanent Representative of Brazil to the UN, also sent subsidies to Brazil to discuss economic sanctions against UNITA. He analyzed that the purpose of Resolution 851, adopted recently, was to stop the military campaign and not to take Savimbi out of the political game. To exclude Savimbi from future political scenarios in Angola was not among the objectives of the Secretary-General or of "the most influential countries of the Security Council". For these reasons, he recommended a gradualist approach in the case of sanctions - that is, to allow the mechanism of the "carrot and stick" approach to operate. He argued that a resolution that pursued sanctioning UNITA should mention Chapter VII of the Charter. It was considered that it would be difficult to verify the violation of the arms embargo because there were no documents linking these transactions with UNITA. It was underlined that the committee should have a restrictive mandate to examine only the violations of sanctions and not all the supply of arms to Angola. It was recommended that an embargo on oil and oil products against UNITA and any embargoes on services (such as telecommunications) should be well specified (DELBRASONU 1993r).

The Brazilian Ambassador in Angola, Ruy Vasconcellos, was positively receptive to the idea of imposing sanctions against the Savimbi movement through the supplies of their goods and services from abroad (BRASEMB\_Luanda 1993f). He also welcomed the imposition of other sanctions, such as visa and passport restrictions, freezing of assets and cutting of communications. The latter, he evaluated, would be unlikely to be accepted by the US delegation because apparently the company providing the telecommunication services for Savimbi was American (BRASEMB\_Luanda 1993c).

Considering other factors as to how Brazil should position itself in relation to possible sanctions, Vasconcellos said that the Savimbi movement only sustained itself because it received logistical support and weapons from other countries through two main routes: one from South Africa and one from Zaire (BRASEMB\_Luanda 1993f). These international connections excluded the characteristics of a totally domestic conflict and legitimized a Brazilian position concerning the Angolan issue as it would not be concerned to an interference on domestic affairs. In other words, the principle of non-intervention on other

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sanção contra o movimento de Savimbi corre o risco de ter escasso conteúdo prático”.

<sup>240</sup> Still on this subject, Angola's Vice-Minister of Foreign Affairs warned about the difficulty of implementation of sanctions because Zaire and South Africa easily smuggled weapons to Savimbi (DELBRASONU 1993aa).

state domestic affairs would be preserved. In this same line and maintaining the coherence in his text, the ambassador, positioned himself against a mandate for the sanctions committee to review complaints in general "that will always, moreover, be subject to political criteria... I believe it is viable, instead, to think of inspections in the most plausible places in Southern Africa"<sup>241</sup>. Regarding the possible oil embargo, he said the impact on residents would be minimal as their main source of energy was wood, but for the rebels this impact would be significant (BRASEMB\_Luanda 1993f).

Brazil wanted to keep the Security Council seized of the Angolan matter and maintain the condemnation of UNITA on UNSCs declarations and decisions. The SERE noted that, with the adoption of Resolution 851, economic sanctions had become the main option for the Security Council and it was clear that the main source of UNITA's resources came from the illegal sale of diamonds. Brazil was monitoring the negotiations seeking to avoid they would "be used, as happened on so many previous occasions, as a pretext for postponing both the political resolution of the issues and the adoption of measures by the UNSC"<sup>242</sup>. To expedite issues, SERE sent texts to "contribute to preliminary discussions with Council members to be located in a range compatible with the effective defense of democracy and respect for the law in Angola."<sup>243</sup> The text suggested that sanctions should be adopted under the authority of Chapter VII and could embrace an oil and weapons embargo, a freeze of assets, a boycott of diamonds and a suspension of communication services. The document expressed awareness that perhaps this list was greater than it was feasible to adopt (SERE 1993a).

The general lines along which Brazil began to work to discuss a regime of sanctions concerning the Angolan conflict clearly sought to preserve the Angolan government and its right of defense. The Brazilian idea was to prevent the government from being eventually affected by the economic sanctions and to avoid creating a regime of sanctions that submitted the government to the permanent interference of the Security Council.

The Brazilian embassy in Luanda noted that Spain, France, UK and Russia believed that the environment at that moment was favorable to some sanction that could reduce the military capacity of Savimbi (BRASEMB\_Luanda 1993a). On September 15, 1993, with

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<sup>241</sup> In the original: "que sempre poderão, de resto, submeter-se a critérios políticos [...] julgo viável, ao invés, pensar em inspeções nos locais mais plausíveis na África Austral".

<sup>242</sup> In the original: "utilizadas, como ocorreu em tantas ocasiões anteriores, como pretexto para postergar tanto a resolução política das questões quanto a adoção de medidas pelo CS".

<sup>243</sup> In the original: "contribuir para que as discussões preliminares com os membros do Conselho situem-se em faixa compatível com a defesa eficaz da democracia e do respeito ao Direito em Angola".

international pressure increasing, the Security Council adopted Resolution 864 and imposed sanctions against UNITA.

The Brazilian representative to the UN reported that resolution 864 brought new elements to the question because the Security Council: a) determined that there was in Angola a threat to peace and security citing Chapter VII of the UN Charter. Legally these conditions met the requirement of what is deemed necessary for the decisions of the UNSC to have binding force. Politically, the resolution placed the situation in Angola as the most serious being examined by the UNSC and Jonas Savimbi joined a position similar to S. Hussein, Gaddafi M. and G. Aidid; b) imposed proper sanctions (arms and oil embargo) and established, in the same resolution, the sanctions committee (DELBRASONU 1993s). The creation of a sanctions committee was important because in other cases, such as Somalia and Liberia (that had showed a flawed implementation of sanctions), the sanctions' committees had been created a posteriori.

Brazil was, with the US, the UK, Russia, Spain, France and Cape Verde, one of the main actors in the consultations that prepared the resolution. According to diplomatic documents, other countries were limited to follow the consensus that they reached. The US, France and Japan objected to any sanctions beyond the arms and oil embargo. The mechanism for imposing sanctions sparked some difficulties. Brazil "on this and other points remained in constant contact with the Angolan delegation"<sup>244</sup> and considered positive the British suggestion to submit the sale or supply of arms and oil to Angola to the condition that the arms and oil must enter the country through points to be defined by the government. The Brazilian delegation managed to avoid the acquisition of arms by Angola to be subjected to a sort of analysis of the UNSC or the sanctions committee. Instead, Brazil proposed that the points of entry authorized by the government would be merely disclosed on a list, without a requirement to be further authorized by the UNSC. This list would be sent to the Secretary-General, who would simply notify the UN member states (DELBRASONU 1993s). Brazil acted thus in order to avoid the interference of the Security Council in the internal affairs of Angola. In the same way, Brazil stressed the importance of preserving the right of the Angolan government to be consulted on the implementation of sanctions and the extension of the sanctions regime (DELBRASONU 1993s).

The US reinforced, as they had already done months earlier, that they wanted an express mention of the review periods for the sanctions. The reviews would be the "carrot" of

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<sup>244</sup> In the original: "sobre este e outros pontos manteve constante contato com a delegação angolana"

the sanctions regime. The Brazilian delegation agreed that this approach was useful, but Brazil was concerned that this measure should not imply that in the future the Security Council could allow the supply of weapons to UNITA. That meant that the Brazilian government did not want it implied from the text of the resolution that the review of the oil and arms embargo could mean that at some point in the future the arms sales to the Savimbi group would be authorized. The argument used was that a rebel movement in this case and in any other case could not invoke the right to purchase or receive weapons from abroad. After this argument, the United Kingdom delegation withdrew its proposal, but the US delegation reiterated and "presented it as indispensable requirement for the adoption of the resolution."<sup>245</sup> Facing this situation, "the Brazilian delegation was limited in its efforts to dilute the paragraph content [...] what was possible, in particular, by removing the reference to the idea that the review would be made 'with a view to lifting them', which appeared in the original version of the text"<sup>246</sup> (DELBRASONU 1993s). On this occasion Brazil noticed clearly, for the first time, the move of the Secretary-General to try to postpone the analyses of the case and the imposition of sanctions (DELBRASONU 1993s).

Angola recognized the progress in the Security Council with the adoption of resolution 864 and "the importance of Brazil's role in achieving these results"<sup>247</sup> (BRASEMB\_Luanda 1993d). With the positive results in the Security Council, Brazil presented itself as an influential broker in the Angolan process.

In this context Brazil found a space to move and influence the behavior of the Security Council. It was with caution and attention that Brazil observed a more proactive movement of the US in Southern Africa. Brazil's embassy in Luanda noticed the protection that the US and UK tried to give against the possibility of inspections in South Africa for checking the implementation of the sanctions regime. The suspicion was that the US wanted to minimize the Angola conflict and consider it in the context of the entire Southern African region. This would allow the Anglo-Saxon countries to consolidate their influence in the region through the leadership of South Africa (BRASEMB\_Luanda 1993e). In this political framework the Brazilian embassy noted that the US could be persuaded "to be able to resume its role as the main 'broker' between the contending parties"<sup>248</sup> (BRASEMB\_Luanda 1993e).

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<sup>245</sup> In the original: "apresentando-a mesmo como requisito indispensável para a aprovação da resolução".

<sup>246</sup> In the original: "a delegação brasileira limitou seus esforços a diluir o conteúdo do parágrafo em questão [...] o que foi possível, em particular, mediante a eliminação da referência, que constava no texto originalmente circulado, à ideia de que a revisão das medidas se faria 'with a view to lifting them'"

<sup>247</sup> In the original: "a importância da atuação do Brasil na consecução desses resultados".

<sup>248</sup> In the original: "ter condições de retomar seu papel de principal 'broker' entre as partes em contenda"

The trade talks between Angola and Brazil in this period - and throughout the decade - involved essentially the oil sector. The Brazilian Embassy in Luanda confirmed that Angola was a reliable commercial partner, who paid its debt to Brazil through oil shipments, even under the circumstances of war. By its turn, Brazil informed that it would not be releasing the credit lines that had been negotiated and that Angola planned to use for the purchase of trucks and contracting services before the expedition of the oil shipping remaining. Angola threatened to review the order of priority for oil shipping if Brazil did not review its position. The lack of an adequate funding mechanism, since PROEX (program under which the financing requests were approved) did not contemplate consumer goods or short-term credit lines, had reduced Brazil's economic presence in the country. In the same period there were indications that countries that sold consumer goods - such as Spain - increased their exports to Angola (BRASEMB\_Luanda 1993b).

The SERE recognized the efforts of Angola but, regarding the requests, guided the ambassador to state the importance of Angola maintaining Agreements in place (20 thousand barrels of oil per day in two shipments every three months). Brazil considered that some technical measures to eliminate operational difficulties could be taken, but that, in general, it was important for bilateral relations to maintain the terms already accorded. Brazil was aware of its political relevance to Angola: "Brazil is perhaps the main political ally of Angola"<sup>249</sup> (SERE 1993x).

The impossibility of constructing more flexible financing programs did not affect the continuation of Brazil's political support for Angola. Thus, when Angola denounced violations of the sanctions regime to the sanctions committee, Brazil supported the formulated demands. According to Angola, the main violations of the sanctions regime came from South Africa and Zaire. The Brazilian delegation's suggestion was that the committee should act against UNITA and request the investigation and clarification by the authorities of the countries mentioned, as was usual with other committees (DELBRASONU 1993t). The SERE considered that "it seems important that the Committee of sanctions against UNITA start, in fact, its primary mandate as a Council support with the investigation of possible violations of the sanctions imposed against Savimbi"<sup>250</sup> (SERE 1993j).

Brazil made informal consultations in order to check whether there existed conditions to impose additional sanctions on UNITA. The result was negative. So, at the next meeting of

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<sup>249</sup> In the original: "...o BR ser talvez o principal aliado político de Angola".

<sup>250</sup> In the original: "parece importante que o Comitê de sanções contra a UNITA inicie, de fato, seu mandato precípua, como auxiliar do Conselho, na apuração das possíveis violações das sanções impostas a Savimbi".

the Security Council to discuss the Angolan question it would not be possible to adopt new sanctions or a resolution reinforcing the condemnation of UNITA. The option would be to rely on a statement issued by the President of the Council. Brazil noted a US retraction on its political position (and the UK followed the US). They wanted to consider UNITA as an equal with the Angolan government. This position was opposed by the Brazilian proposal that requested especially that UNITA should cooperate with the negotiation process. Due to this absence of political conditions, Brazil would not be able to make explicit reference to the condemnation of UNITA or the prevision to consider further sanctions (DELBRASONU 1993u). This impossibility for the Brazilian delegation reflected the obvious power of the United States, both as a permanent member of the Security Council holding the veto power and as the only superpower to emerge from the Cold War period.

Although disappointed with the Security Council, the government of Angola recognized the "continuity of Brazil's efforts" to condemn and sanction UNITA (DELBRASONU 1993u).

As expected, on November 1, a new resolution was not adopted by the Security Council, but only a presidential statement regarding the situation in Angola was made. One issue of Brazil's concern, reported by Ronaldo Mota Sardenberg, Permanent Representative of Brazil to the United Nations, concerned the stipulation of a deadline to reconsider the tightening of sanctions against UNITA in the presidential statement. "Isolated" and "inflexible", the US representative insisted on not stipulating this period (DELBRASONU 1993v). Brazil sought through the effort of negotiation to reach a "compromise formula":

The solution was a redesign of the third paragraph of the declaration, which went on to state that the consideration of additional sanctions will be undertaken by the Council 'at any time' if the Council determines that UNITA is not cooperating in good faith or if a report from the Secretary-General presented information in this sense. It was defined that the Council will consider again the issue of additional measures no later than December 15, the date already stipulated in resolution 864 for the submission of the Secretary-General's new report <sup>251</sup> (DELBRASONU 1993v).

Therefore, in this case, for Brazil, "more serious than the lack of a deadline would be if the Council would be unable to take a decision on the matter because its action would be

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<sup>251</sup> In the original: "A solução encontrada foi uma reformulação do terceiro parágrafo da declaração, que passou a afirmar que a consideração de sanções adicionais será feita pelo Conselho 'a qualquer momento' se o Conselho determinar que a UNITA não está cooperando de boa-fé ou se o secretário geral apresentar relatório com informações nesse sentido, ficando definido que o conselho considerará novamente a questão de medidas adicionais no mais tardar em 15 de dezembro, data já prevista na resolução 864 para a submissão de novo relatório do secretário geral".

conditional on the Secretary-General's report"<sup>252</sup>. That's why the stipulation that the action of the Council concerning the matter could be done "at any time" was considered a success by the Brazilian delegation (DELBRASONU 1993v).

This conciliatory and assertive attitude reflects Brazil's particular way of positioning itself on the multilateral system. Brazil has demonstrated that, if it faces a situation where the optimal solution cannot be achieved, it considers it better to adopt a conciliatory position with a smaller victory rather than remaining intransigent. Brazil has understood, in the broad field of multilateral relations, that irreducibility can give space to the riskier dynamics of alliances and unilateral expressions of power. In fact, Brazil had already accepted the non-optimal solution in order to avoid the worst one. The best example of this was when the country opted for being one of the original members of the United Nations despite its delusion for not having been integrated as a permanent member of the Security Council in 1945 (Seixas Corrêa 2012, 38).

With political relations maintained in their proper perspective, the SERE was interested in diversifying the exports of Brazilian goods and services to Angola.

As soon as the internal circumstances of Angola permit, that means, when the country is pacified and normalized and restarts its reconstruction project, I will determine the relevant areas for the Ministry of External Relations to apply all efforts to create and negotiate with their Angolan counterpart the mechanisms necessary for essential diversification of our exports of goods and services to that country<sup>253</sup> (SERE 1993).

As will be noted later, Brazil had interests in Angola's infrastructure projects and specially in the oil, construction and electricity sectors. From these interests derived Brazilian concerns that the country should be "pacified and normalized", beginning its "reconstruction project", in order for there to be in place the conditions for greater Brazilian participation in the Angolan economy.

At the end of 1993, the Secretary-General announced the agreement reached between the government of Angola and UNITA on the ceasefire and withdrawal of UNITA troops. The expectations were that these circumstances would lead to more political gestures (political

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<sup>252</sup> In the original: "mais grave do que a ausência de uma data-limite seria que o conselho resultasse incapacitado de tomar decisão sobre o assunto por estar sua ação condicionada à apresentação do secretário-geral".

<sup>253</sup> In the original: "Tão logo as circunstâncias internas de Angola o permitam, ou seja, quando o país, pacificado e normalizado, der início ao seu projeto de reconstrução, determinarei às áreas competentes do Itamaraty que todos os esforços sejam envidados para criar e negociar com a parte angolana, os mecanismos necessários à indispensável diversificação de nossas exportações de bens e serviços para esse país".

reorganization, UNITA's participation in government, etc.) thereafter and bring forward the normalization of the situation (DELBRASONU 1993x).

The news about the Lusaka talks changed the focus from sanctions against UNITA to prospects for the expansion of the UN troop presence to support the eventual agreement between the parties. However, with the possibility of termination of the conflict on the horizon, the US and the UK showed little disposition to commit themselves to send more troops to Angola. In general, the Brazilian delegation at the UN also perceived some deterioration in the international position of Angola government in contrast to the explicit support it had received in September (DELBRASONU 1993z).

The active and constant Brazilian diplomatic support to Angola resulted in a close relationship with the Angolan president-elect, José Eduardo dos Santos. In 1994, dos Santos decided to spend his vacation in Brazil and the President of Brazil, Itamar Franco, received him. On that occasion, dos Santos showed his appreciation for Brazilian support in various sectors: "He referred in particular to the efficient coordination that has been evident on the Security Council between the Brazilian Mission and the representatives of his country."<sup>254</sup> Regarding the situation with his regional neighbors, he mentioned that he believed the elections in South Africa (Mandela's election) could neutralize pro-UNITA sectors in that country. Dos Santos revealed also that he noticed a paradoxical posture from the US. On the one hand, President Clinton had a flexible posture, but there were sectors in the State Department, CIA and Congress that supported UNITA in all sorts of ways. The Brazilian President reiterated his "full support to the cause of peace and democracy in Angola, and his personal commitment to strengthening traditional bilateral cooperation"<sup>255</sup> (SERE 1993}).

The Brazilian ambassador in Luanda, Ruy Vasconcellos, also observed the US support for UNITA that would preserve Savimbi. About Angola's neighbors, he held the opinion that pressure on Mobutu (the Zairian dictator) could force him to reduce the aid he was providing to rebels. From the international community Savimbi received signals that the sanctions, if any, would be late and inefficiently enforced. The result of these various factors allowed Savimbi to continue the war. Vasconcellos believed that the alternatives would be to allow a greater role for the Security Council and the sanctions committee or to contain the aid provided to the rebel group by different South African groups. In both situations, the

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<sup>254</sup> In the original: "Referiu-se, em particular, à eficiente coordenação que se tem verificado no Conselho de Segurança entre a Missão brasileira e os representantes de seu país".

<sup>255</sup> In the original: "irrestrito apoio à causa da paz e da democracia em Angola, e seu empenho pessoal pelo fortalecimento da tradicional cooperação bilateral".



difficulties seemed to be related to the support provided to both Mobuto and UNITA from the US and other Western countries. These supports remained from the ashes of the Cold War. There were "lobbyists who acted on his [Savimbi's] behalf in Western government circles, and the apartheid regime of South Africa. Others would reside in the diamond industry and more particularly in the 'De Beers' group, which so far has failed to obtain a market monopoly of Angola's gems. Some people in these groups did not accept the supremacy of the MPLA "of heterogeneous composition and more habituated to democracy, but stigmatized by the original sin of Marxism-Leninism"<sup>256</sup> (BRASEMB\_Luanda 1994a).

With the Security Council in this impasse, Maitre Baye, the UN Secretary General's representative to Angola, visited the Brazilian delegation at the UN. Baye showed appreciation for Brazil's position at the Security Council with regard to Angola, and praised the posture of Ambassador Ruy Pinheiro de Vasconcellos. Expressing the current position of some countries in the Council, Baye suggested that Brazil called UNITA to closer negotiations. Ambassador Sardenberg, by return, said that the Brazilian attitude derived: a) from special relations with Angola and emerging countries, "in the context of foreign policy in which African interests receive high priority"<sup>257</sup>; b) from historical and cultural ties; and c) from their belonging to the same macro-region (the South Atlantic). Sardenberg also mentioned that Brazil could contribute with troops to UNAVEM. Regarding peace operations, he also stressed that two principles guided the Brazilian position: a) they should be intended to alleviate tensions stemming from regional conflicts; b) they should be impartial and organized to adhere to a strict fulfillment of their mandates (DELBRASONU 1994b). During the Angolan conflict and during the 1990s, Brazil participated in the United Nations, Angola Verification Mission (UNAVEM) I, II and III and the United Nations Observer Mission in Angola (MONUA) (Mourão, Cardoso, and Oliveira 2006, 225).

After the signature of the Lusaka protocol, in 1994, the situation in Angola stabilized without a definitive solution. The conflictual situation was still there. The MPLA, in government, and the UNITA, in the rebel movement, confronted each other, but there was a sort of equilibrium. The Security Council decided for the gradual withdrawal of UNAVEM III in 1996. In 1997, fights escalated again. That year, the Security Council decided on travel bans for the members of UNITA (Security Council 1997b). In 1998, when Brazil was back at the Security Council for its 1998-1999 mandate, financial sanctions and a diamond embargo

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<sup>256</sup> In the original: "de composição heterogênea e mais afeita à democracia, mas estigmatizado pelo pecado original do marxismo-leninismo".

<sup>257</sup> In the original: "no contexto de uma política externa na qual os interesses africanos recebem alta prioridade"

were approved. Brazil was also at the end of the first 4-year mandate of President Fernando Henrique Cardoso. Cardoso's foreign policy is usually depicted as one with very little attention given to the African continent in general, but among the Africans, Angola deserved a especial attention (Pimentel 2000). The Brazilian foreign policy toward the UNSC economic sanctions during the 1990s was confirming that Angola deserved special attention from Brazil.

Back to the Security Council in 1998, the first information Brazil had about the situation in Angola was that, unlike previous cases, the Angolan government itself was delaying implementation of tasks defined in the "Final Schedule for the Implementation of the Lusaka Protocol." Regarding the restructuring of MONUA, Brazil considered that "the UN presence in the country was essential to ensure the progress of the Angolan peace process."<sup>258</sup> Brazil considered that the UN's precipitate disengagement could compromise the modest progress achieved. The first guidance concerning the economic sanctions that the Brazilian delegation at UN received from Brazil was that "If the sanctions against UNITA are addressed, we should support the effective implementation of the sanctions approved by the UNSC avoiding to adopt, for a while, additional measures other than stipulated by Resolution 1127"<sup>259</sup> (SERE 1998e).

The Brazilian delegation reported that the sanctions committee was active and expanded the list of senior UNITA officials targeted by sanctions. The decision-making procedures were basically conducted by the Troika, which decided the issues, consulting Brazil informally. The sanctions in place would bother Savimbi because they: 1) made him an international pariah; 2) made him lose the little international support that he still had; 3) increased the cost of flights to UNITA for receiving supplies of weapons and other goods (DELBRASONU 1998c).

With the conflicts between the two parties escalating again, resolution 1173 was adopted on 12 June 1998. It decided on further economic sanctions against UNITA: "these are the most decisive measures against the movement of Savimbi since resolution 864 (1993)"<sup>260</sup>. These sanctions affected the different sources of UNITA's income (prohibit the commercialization of diamonds not certified by the government, prevent the sale of mining

<sup>258</sup> In the original: "a presença da ONU naquele país é indispensável para assegurar a evolução do processo de paz angolano"

<sup>259</sup> In the original: "Caso seja abordada a questão das sanções contra a UNITA, deve-se apoiar a implementação efetiva das sanções aprovadas pelo CSNU resguardando-se de adotar, no momento, medidas adicionais àquelas previstas na Resolução 1127"

<sup>260</sup> In the original: "trata-se das medidas mais decididas contra o movimento de Savimbi desde a resolução 864 (1993)"

equipment or motorized vehicles to UNITA) and the group's financial resources (freeze of UNITA's assets). "The resolution 1173, besides condemning UNITA and its leadership without adjectives or conditions, goes forward with sanctions on UNITA revenues, insulates its leadership from international contacts and demonstrates the exhaustion of the Council with the procrastination of Savimbi"<sup>261</sup> (DELBRASONU 1998d).

According to Celso Amorim, the Brazilian permanent representative at the UN at that time, the US slowed down as much as possible the discussion within the Troika (US, Russia and Portugal) and the presentation of projects proposing new sanctions. Pressured by Russia and Portugal, the United States yielded after recognizing that they would be virtually isolated by their stance (DELBRASONU 1998d).

The Security Council met to extend the mandate of MONUA for 30 days. Brazil agreed but emphasized the responsibility of UNITA for the worsening of the situation in Angola. US and Costa Rica "sought to convey the impression that this responsibility could also be attributed to the government of Luanda"<sup>262</sup> (DELBRASONU 1998q).

From Brazil's perspective, a certain downplaying of UNITA's responsibility was also due to the action of Lakhdar Brahimi, Special Envoy of the Secretary-General to Angola. In early 1998, when the demilitarization of UNITA and its regularization in the political process should have started, Brahimi, who had returned from a mission to southern Africa, met with Celso Amorim. According to Amorim, Brahimi tried to soften the violent actions of UNITA, saying that they took place on both sides. He reported that in his perception, neighboring governments could oppose Savimbi but they should not engage human or material resources to confront him. "He pointed out that the inefficiency of sanctions should be attributed mainly to European producers of weapons that circumvented the embargo. He stressed that in the case of diamonds, the pressure should be placed on De Beers and Belgian buyers from Antwerp"<sup>263</sup> (DELBRASONU 1998t).

In September 1998, a new resolution was approved extending the MONUA's mandate for a month (until October 1998). Brazil considered it positive to extend it for 30 days (and not for months, as was the preference of the Secretary-General), but it observed that in other

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<sup>261</sup> In the original: "A resolução 1173, além de condenar sem adjetivos ou condicionantes a UNITA e sua liderança, avança com sanções sobre as fontes de receita da UNITA, isola sua liderança de contatos internacionais e demonstra à exaustão do Conselho com as procrastinações de Savimbi"

<sup>262</sup> In the original: "procuraram transmitir a impressão de que a culpa também poderia ser atribuída ao governo de Luanda"

<sup>263</sup> In the original: "Assinalou que a ineficiência das sanções deve ser atribuída, principalmente, aos produtores europeus de arma que conseguem burlar o embargo. Ressaltou que no caso dos diamantes, a pressão deveria ser colocada sobre a De Beers e os compradores belgas de Antuérpia"

aspects the resolution favored UNITA. Brazil tried to correct the distortions and succeeded in proposing a clearer criticism of Savimbi in respect of certain points. It also succeeded in inserting a paragraph that mentioned that states needed to comply with the sanctions adopted by the Security Council. However, it was not made without resistance. United States did not admit the right of the Angolan government to self-defense. Brazil announced the possibility of abstention because the text was unbalanced. Other delegations followed Brazil (France, China, Costa Rica and Gabon). Brazil met with the Troika and found a solution in which the new text included Brazilian concerns (DELBRASONU 1998e).

Brazil's interest was preserved because of its great diplomatic skills. During the draft discussion, Brazil succeeded in having an insertion in a paragraph in order to make it clear that "the reintegration of UNITA by the government is bound to the observation, by that entity, of the terms agreed in Lusaka."<sup>264</sup> Celso Amorim highlighted what can be interpreted as the recognition of the Brazilian role in the success of the negotiations: "At the end [of the voting on resolution 1195 which was approved unanimously] I was greeted by several delegations and the [US] ambassador Sodeberg, who acknowledged the constructive spirit of Brazil in dealing with this sensitive issue"<sup>265</sup> (DELBRASONU 1998e).

Despite the new sanctions imposed in 1998, in 1999 UNITA shot down two UN airplanes in Angola. The Embassy of Brazil in Pretoria announced that the Vice Chancellor of South Africa stated emphatically his country's support for Luanda, condemned the actions of UNITA, and advocated the tightening of sanctions against the rebel group. This behavior seemed to indicate a change in the traditionally conciliatory posture of Pretoria, which had been causing misunderstanding and dissatisfaction on both sides (DELBRASONU 1999s).

Celso Amorim reported that the question of Angola was included in informal consultations of the Security Council every day and that this was unusual. In the month in which Brazil held the Presidency of the Security Council, Amorim offered a dinner and, accordingly, the theme of Angola took 80% of the available time. The members of the Council feared that the conflict could destabilize the entire region due to the support that the government of Angola received from Namibia, Congo and Zimbabwe, and due to the support that UNITA received from Uganda, Zambia and South African companies. Additionally, the situation in Angola gave signs of deteriorating again, especially after the shooting down of the

<sup>264</sup> In the original: "a reintegração da UNITA pelo governo fica vinculada ao cumprimento, por aquela entidade, do que fora acordado em Lusaka"

<sup>265</sup> In the original: "Ao final [da votação da resolução 1195, aprovada por unanimidade] fui cumprimentado por várias delegações e pela própria embaixadora Sodeberg [dos EUA], que agradeceu o espírito construtivo do Brasil no tratamento deste tema delicado".

two aid airplanes. "On sanctions, it was said that each member had a role to play in enforcing them. The Africans did not want the UN to leave Angola on its own (there was fear that an UN withdrawal would represent total war, with consequences for others countries)"<sup>266</sup> (DELBRASONU 1999f).

The arrival of the Canadian Robert Fowler as chairman of the sanctions committee created a new momentum for the economic sanctions imposed on UNITA. Once he assumed his position, he provided data on Savimbi's material and human resources and stated that the sanctions that had been adopted had not affected his group in almost anything. At this time the United States was less influenced by the pro-Savimbi lobby and it affirmed that the sanctions outcomes were an example of the negative effect of sanctions adopted by the Security Council when there was no real commitment to their implementation. A consensus that the Security Council should show that there was real political commitment to implement its resolutions emerged. Brazil used this moment to advocate the increase of sanctions to target the telecommunications capacities of Savimbi (DELBRASONU 1999f).

The Security Council endorsed the report of Robert Fowler, the Chairman of the Sanctions Committee against UNITA. The report recommended the implementation of existing sanctions against UNITA. Brazil, which was in favor of increased pressure on Savimbi, expressed support for the document's recommendations and reiterated the need to ensure implementation of sanctions against UNITA. Brazil also stressed that it was necessary to establish a dialogue with the government of Angola <sup>267</sup> (DELBRASONU 1999d). Fowler also proposed the creation of a study group to examine the purchase of arms and supplies by UNITA and financing arrangements. All Council members supported this initiative (DELBRASONU 1999a).

The report highlighted that, at that time, UNITA controlled large parts of Angola. In response, the Angolan government criticized the Troika for having turned a blind eye to the rearmament of UNITA. It was reported that the situation in the humanitarian field was "catastrophic" and the climatic conditions were expected to result in food shortages in the near future. Brazil defended the government of Angola that, paradoxically, had disarmed itself while UNITA consistently disrespected the Lusaka Protocol (DELBRASONU 1999c).

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<sup>266</sup> In the original: "Sobre as sanções, disse que cada membro tinha um papel a desempenhar para torná-las efetivas. Os africanos não queriam que a ONU entregasse Angola à própria sorte (existe temor de que a saída da ONU represente a guerra total, com consequência para outros países).

<sup>267</sup> Brazil had information obtained from the Brazil Embassy in Maputo, Mozambique, that UNITA still had a high level of personnel trained in the US when the country still supported the UNITA. It was also informed that UNITA was receiving heavy weapons from Israel and South Africa via Zambia and that the Israeli suppliers would be paid in Diamonds (DELBRASONU 1999b).

At that time Celso Amorim had a conversation with the President of the Security Council, the representative of France, who initially introduced the Iraq and Kosovo issues. Amorim, in his turn, stressed "the constant concern of Brazil with the Angolan situation.":

I recalled, in particular, the worrying news about the military reinforcement of UNITA and the claims about the continued supply to them of military equipment, including airplanes. Countries from the Community of Independent States, especially Ukraine, have been cited in this regard. I stressed the need that not only the sanctions committee, but the chairman of the Sanctions Committee give proper attention to this information by pressing the countries that allegedly violate the embargo to provide information, similar to what occurs in cases involving other countries under sanctions<sup>268</sup> (DELBRASONU 1999o).

In the meantime, the Ambassador of Angola in Harare revealed that Angola believed that results could be reached by the sanctions' committee led by Robert Fowler. He was a renowned expert who had already participated in the sanction's committee against Rhodesia. The ambassador said that Angola had, under US influence, relaxed the internal control mechanisms for the sale of diamonds and that this gave room for the strengthening of UNITA, who found space to exploit to its advantage diamonds and other resources in the country. According to him, once the government realized that it had been the only one to cooperate, it turned to a harder position. Finally, the ambassador revealed that "his government considered that the new style sanctions, if provided with adequate expertise, could be an effective mechanism against Savimbi"<sup>269</sup> (BRASEMB\_Luanda 1999e).

Fowler also believed in the potential of an improved sanctions regime. According to him, though the sanctions could not determine the end of the conflict, their improvement would help the process. The sanctions approved were already more severe than the past ones because they were aimed directly at reducing Savimbi's ability to sell diamonds and use the telecommunications systems (BRASEMB\_Luanda 1999d).

Following Fowler's guidance at the sanctions committee against UNITA and believing that the measures of the sanctions committee could be effective, Brazil sought to contribute to the solution of a crisis that it believed could not be solved by domestic actors alone: "Brazil is

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<sup>268</sup> In the original: "a constante preocupação do Brasil com a situação angolana"... "Recordei, em particular, as preocupantes informações de imprensa sobre o fortalecimento militar da Unita e as alegações sobre o continuado fornecimento de material bélico, inclusive aviões. Países da CEI, em especial a Ucrânia, tem sido citados a esse respeito. Sublinhei a necessidade de que não só o comitê de sanções, mas também a presidência do conselho deem a devida atenção a essas informações, pressionando os países que alegadamente violam o embargo a prestarem esclarecimentos, a exemplo do que ocorre em casos referentes a outros países sob sanções"

<sup>269</sup> In the original: "seu governo considerava que as sanções ao novo estilo, caso dotadas de expertise adequada, poderiam constituir elemento efetivo contra Savimbi"

concerned about the developments of the conflict. Savimbi has no credibility to bring forward serious negotiations and President dos Santos does not seem to be able to overcome this. The humanitarian crisis is getting worse every day and may develop into genocide” (BRASEMB\_Luanda 1999k).

The SERE guided the Brazilian delegation at the UN to propose informally to the US that they develop together a “multifaceted strategy” toward Angola: "Brazil is ready to play a role consistent with its willingness to seek solutions to the Angolan conflict" and "reiterates its interest in constructing with the US a ‘multifaceted strategy’". Brazil expected that both countries would identify what they could offer to the Angolan government. Brazil had a realistic approach to what they could expect from Angola: "It would not be realistic, however, to propose to the Luanda government to abandon the military option." As usual, Brazil reinforced the interests of the Government of Angola by stating its position that "the two parties (Government and UNITA) cannot be treated with equidistance" (BRASEMB\_Luanda 1999k).

At the end of the decade, the situation improved significantly for the Angolan government. The Brazilian embassy in Luanda reported that the foreign ambassadors accredited in that city were in consensus on the Government of Angola’s right to use weapons to defend itself and thereby attempt to neutralize the initial advantage that UNITA obtained by violation of the Lusaka agreements. They agreed that Savimbi was unreliable and that made it difficult to find scenarios to negotiate in. In this context, the condemnation of the UN by the government was understandable because the government was the main victim of the peace process. They understood that the end of the conflict was far off if Savimbi was not captured or killed and that endemic corruption was the most significant problem of the government. Finally, most of the ambassadors considered that Baye committed a very serious mistake in underestimating the rearming of UNITA (BRASEMB\_Luanda 1999j).

Meanwhile, the support of the Brazilian government demanded some special attention. Colonel Pedro Arruda, military attaché at the Brazilian embassy in Angola, was concerned about the safety of the embassy and its staff. He warned about explicit threats to Brazilian interests in Angola because “Tucanos” aircrafts, manufactured in Brazil, were critical to the success of the Angolan armed forces in the offensive against UNITA (BRASEMB\_Luanda 1999a). In November 1999, these air attacks by the Angolan government would result in the victory of the government over the forces of Savimbi (DELBRASONU 1999r). The perception at the time was that UNITA was being defeated.

After more than five years, the Brazilian position to consistently stand alongside Angola's government showed signs of being right. Pimentel reports that this support given to the government of Angola dated back to 1975, when Brazil recognized the MPLA as the legitimate government of Angola (Pimentel 2000). Brazil's mandates in the Security Council in the governments of Franco and Cardoso, during the period in which sanctions against UNITA were voted on, reinforced the continuation of support to the Angolan government started in the 1970s and continued throughout the 1990s. This period was usually described as a decade when there was a low level of general interest in Africa from Brazilian foreign policy.

In fact, since the country's independence in 1975, Brazil has shown interest in Angola. The fact that both countries are former colonies of Portugal, have Portuguese speakers, and the decisive contribution of Angola to the formation of the Brazilian population historically and culturally link the two countries. This shared culture and history enabled the development of diplomatic relations. Pragmatically, both countries seemed to realize that these links opened doors to the strengthening of their economic relations. On the Brazilian side, it was remarkable that the Angolan payment of the foreign debt in the form of sending oil shipments even in critical political and economic moments was constant, as is shown below.

1993 documents show that the main economic interest of Brazil in Angola concerned its oil sector. Braspetro, which since 1979 had operated in Angola, wanted to be awarded an oil block to expand its activities in oil exploration and production. The company asked the government to help it negotiate this possibility with the government of Angola. Because of the credit relations between Brazil and Angola Braspetro suggested the credit lines for export of goods and services to Angola and the Angolan debt to Brazil be used as alternative incentives to the Angolan government to facilitate the negotiation (SERE 1993{).

In 1994, it was with some regret that Brazil observed that there had been no increase in Brazilian exports to Angola. In addition, other factors also showed signs of economic relations weakening. Such was the case of VARIG airlines. In 1994, the company stopped operating the Brazil-Angola line because of the "very low utilization of the route". As Angola Airlines (Linhas Aéreas de Angola = TAAG) continued to operate regular flights to Brazil, air links between the two countries would not be disrupted. This is also to note that this decrease seemed to be a result not only of the diminishing economic relations between the two countries, but also because of the diversion of air traffic to South Africa. After the political opening of South Africa, some aerial traffic seems to have been dislocated (SERE 1994b).



Still in 1994, Brazil sought to encourage Brazilian companies setting up mining activities in Angola. The Brazilian embassy in Luanda informed the SERE, for example, that the Angolan government had been asked to consider the importance of making official the approval of the situation where the Andrade Gutierrez company had won an international competition for gold exploration in the province of Huila. This would be the first Brazilian investment in southern Angola (BRASEMB\_Luanda 1994b).

With oil resources, diamonds, gold and water provision, Angola was a promising economic partner for Brazil. In addition, the government's commitment to pay its debt with Brazil was highlighted as a trust factor. Therefore, by the end of 1999, the Brazilian embassy in Luanda communicated to SERE that the National Bank of Angola sent to the Bank of Brazil (Banco do Brasil) a proposal to stabilize the oil shipments in 1999. There was a delay in the shipment of oil. The ambassador reminded SERE that since the Brazil-Angola Memorandum of Understanding was signed, Angola religiously kept sending oil to Brazil. A delay was observable only in 1999, during the civil war and when the international market experienced a drastic drop in the barrel prices (BRASEMB\_Luanda 1999f). Considering the difficulties Angola was facing for sending shipments, by not always having the oil available, the Brazilian embassy in Luanda suggested that, if necessary, Brazil accepted the Angolan offer to pay its debt in cash. The ambassador also stressed that it would be important to restart the disbursements of Angola's imports from Brazil (BRASEMB\_Luanda 1999i). The Bank of Brazil financed exports from Brazilian companies to Angola with a credit line that depended on Angola's oil shipment to Brazil (SERE 1999a).

In Luanda, Brazil kept in contact with senior government officials responsible for the oil industry. There were reports from the Brazilian ambassador in Luanda that the Chairman of the Council's Directors and main executive of Angolan National Fuel Society (Sociedade Nacional Angolana de Combustíveis = SONANGOL) had looked for him to discuss the participation of BRASPETRO/PETROBRAS in the oil market in Angola. He said that Brazil's participation was low compared to that of Chevron and Elf –companies which operated, together, 85% of Angola's oil production keeping Angola dependent on American and French companies. The chairman suggested a joint technical work with the SONANGOL to detect promising areas to be negotiated directly (rather than by public tender) with Brazil. This would avoid competition with the foreign giants. He seemed to find interesting the proposal of Brazilian participation via amortization of the Angolan debt with Brazil. At that time, Brazilian participation occurred in only one block, with a minority share and declining

production. That would cause the company to lose interest in the country (BRASEMB\_Luanda 1999h).

New consultations between the Brazilian representative in Angola, the President of Angola and the Vice-Minister for the oil sector also opened good prospects for the greater presence of BRASPETRO/PETROBRAS in Angola. The Brazilian representative stressed that the presence of BRASPETRO would be a presence with the best Brazil had to offer because of this company's technological and managerial excellence. His technical argument with the Angolan authorities was that Brazilian technology for exploration in ultra-deep waters was the best: "for ultra-deep waters, no one has better technology than Petrobras. The Norwegians do not face in the North Sea depths greater than 600-700 meters, while the Brazilian firm already reached three times that"<sup>270</sup>. His political arguments were based on the information received at a previous meeting: Angola was politically vulnerable since 85% of its operation was in the hands of the Americans and the French. The Brazilian representative finished the meeting feeling that Brazil had received the commitment of the two authorities for Brazilian participation. In another meeting with the Minister of Energy and Waters, the diplomat revealed Brazil's interest in deepening cooperation for technical assistance in the energy sector, which was already under way in some projects such as Capanda Dam and Luanda's Waters (Águas de Luanda) (BRASEMB\_Luanda 1999c).

There appeared to be indications for the possibility of economic approaches in other areas too. HELIBRAS (helicopters) and JPX (jeeps and commercial vehicles), for example, requested, in 1999, that Brazil help manage the sale of their products to the Angolan armed forces and national police. The operations involved more than 100 million dollars and, in principle, would be supported by PROEX under the Angola-Brazil Memorandum of Understanding (SERE 1999b). The Brazilian ambassador to Angola reported that Brazil lacked political support from the presidency for specific military cooperation, and that the US, China and Russia had already established political agreements with Angola on military cooperation. Without political support, particularly from the Presidency of the Republic of Angola, "no contract concerning military equipment is realized"<sup>271</sup> (BRASEMB\_Luanda 1999b).

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<sup>270</sup> In the original: "para águas ultraprofundas, ninguém tem melhor tecnologia que a Petrobrás, não enfrentando os noruegueses no Mar do Norte profundidades superiores a 600-700 metros, enquanto a firma brasileira já atinge o triplo disso"

<sup>271</sup> In the original: "negócio algum de venda de material bélico se concretiza"

The Brazilian embassy in Luanda made it clear there were many possible and different interests for Brazil in Angola, but that "the most important area to be covered, as I already indicated, is the oil sector"<sup>272</sup>. In economic terms what also deserved attention was the renegotiation required by Brazilian companies, such as Furnas and Odebrecht, with projects under PROEX for the provision of services in the Capanda dam, but which the civil war prevented to be completed (BRASEMB\_Luanda 1999g).

With several major interests in the country, despite its low-profile policy for Africa in general, the Cardoso government maintained an active relationship with and support for the government of Angola. Strengthening political ties, in December 1999 President Cardoso received President José Eduardo dos Santos for an intimate lunch at the Alvorada Palace, in Brazil. The Angolan President requested Brazil to continue seeking an increase in sanctions against UNITA. Cardoso "assured that Brazil will continue to provide appropriate political and diplomatic support to the Angolan government at the United Nations and other appropriate bodies."<sup>273</sup> He also pointed out that the Brazilian participation in the exploration of Block 34, as controller, was an anchor for further Brazilian cooperation in Angola. The Angolan President responded positively to this (SERE 1999c).

In the first years of the twenty-first century, even without being a member of the Security Council, Brazil continued referring to the importance of the sanctions committee against UNITA. In 2001, Amorim highlighted the conduct of Fowler's work ahead of the committee and mentioned that the actions he took (based on the strategy of name and shame) along with a less favorable political atmosphere toward UNITA (both by Africans as well as other Western leaders), resulted in a more effective implementation of the sanctions regime (DELBRASONU 2000).

Thus Brazil continued supporting the Angolan government and participating in the condemnation of UNITA on occasions such as, for example, open sessions of the Security Council for the Monitoring Mechanism of sanctions.

UNITA gradually lost ground to oppose the government. In February 2002 Jonas Savimbi was killed in an attack by the Angolan army and his UNITA movement came to an end (Beaumont 2002). On 9<sup>th</sup> December 2002 the Security Council lifted the 9-year-old sanctions against Angola's UNITA movement (Security Council 2002). Brazil did not

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<sup>272</sup> In the original: "A área mais importante a ser coberta, como já indicado, é a petrolífera"

<sup>273</sup> In the original: "assegurou que o Brasil continuará prestando adequado apoio político-diplomático ao governo angolano nas Nações Unidas e em outras instâncias cabíveis"

participate in this vote as, after the 1998-1999 mandate it would only come back to the Security Council in 2004.

**Table 13 - Relevant UNSC voting records on mandatory economic sanctions regarding Angola (UNITA)'s case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Angola	Res. 864 15.sep.1993 Arms and oil embargo on UNITA	15 Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, UK, US, Venezuela	0	0
	Res. 890 15.dez.1993 Threatened new sanctions on UNITA	15 Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, UK, US, Venezuela	0	0
	Res. 1173 12.jun.1998 Imposed on UNITA financial sanctions and diamond embargo, condemning the group for the failure in implementing the Lusaka protocol	15 Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, UK, US.	0	0

Source: Author's own elaboration.

### 3.4.3 Summary notes

The 1990s are often described as a decade in which Brazil's foreign policy had privileged relations with the United States and Europe. Except in very specific cases, relationships with African countries faded. The history of Brazilian foreign policy toward the UNSC economic sanctions imposed against UNITA confirms that Angola was one of the few African countries that deserved Brazil's special attention during this time.

In the 1990s, Brazil was a loyal partner of the Angolan government in the multilateral field, especially condemning UNITA and advocating the right of the Angolan government to defend itself from the rebel movement. Brazil was a member of the Security Council in both cases in which significant economic sanctions were approved against this group. The first in 1993, when oil and weapons supplies to UNITA were prohibited (resolution 864). The second in 1998, when financial sanctions and a diamond embargo against UNITA were approved (resolution 1173).

As in other episodes (e.g., as would happen in cases of sanctions against Libya, Somalia, Sierra Leone and Rwanda), the diplomatic documents reveal that Brazil attached particular importance to its participation in the Security Council. The participation in this forum was seen as essential to analyze better the game international forces that existed, the main actors, their interests, etc. As Ian Hurd points out, the importance of nonpermanent members Council membership goes beyond that “the Council is an enormously influential body, and the number of seats is very limited relative to the number of eligible states”. It also does not come from the influence to make or break Council decisions. Rather, “it [the value of a nonpermanent seat] comes in the ability to raise points of interest in discussions; to learn about the views of others and about the leanings of the Council given issues; and to appear to be at the center of important things” (Hurd 2002, 42). All these elements were important to Brazil contribute to support the government of Angola against the UNITA rebel movement as the Security Council was seized of the Angola’s matter.

However, contrary to other sanctions’ episodes in the decade, in which Brazil carefully calculated its degree of involvement, in the Angolan case Brazil was open and decisively involved alongside Angola’s government against UNITA. Since 1975, Brazil supported the MPLA (which also meant to support the Angolan government elected in the 1992 election), when it recognized the MPLA as the legitimate government of Angola. As Pimentel stressed concerning the Brazilian support to Angola during the 1990s: “This is not a capricious bet”<sup>274</sup> (Pimentel 2000). Angola is a country rich in water, diamonds and other mineral resources, a potential consumer of Brazilian products and rich in oil, the pillar of bilateral cooperation. In addition, Angola and Brazil share the experience of Portuguese colonization, which connects them in cultural, linguistic and historical terms, facilitating transit of diplomats and between entrepreneurs and companies from both countries.

This support for the government of Angola was reflected in Brazil’s behavior in the Security Council, where Brazil looked : a) to make it clear that UNITA was responsible for the conflict and the scale of its violence; b) to prevent the Angolan government being harmed by measures of the Security Council. This implied a calibration of sanctions in a way that only harmed UNITA. It also implied a calibration of the sanctions regime to prevent the management of the conflict depending on the Secretary-General's (who was pro-UNITA) action and prevent the exposure of the internal affairs of Angola to the power dynamics of the Security Council or its Sanctions Committee. Within the limits of influence and decision

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<sup>274</sup> In the original: “Não se trata de uma aposta caprichosa”.

making power of a country that does not have the veto privilege, Brazil was successful in its performance in both cases. Regarding the Secretary-General's interference, Brazil managed, as it wished, that the terms of the resolution 851 defined that the SG's report would not be an influence for the Council to take into account when considering the case and the adoption of sanctions. Considering the safeguarding of Angolan interests, when the sanctions were adopted by resolution 864, the Brazilian delegation managed to avoid the acquisition of arms by Angola to be subjected to a sort of analysis of the UNSC or the sanctions committee. Instead, Brazil proposed – and it was accepted – that the points of entry authorized by the government would be merely reported in a list, without a requirement to be further authorized by the UNSC.

It is possible to say, then, that in other cases Brazil assumed a position of a passive and analytic observer, but in the case of Angola regarding the sanctions on UNITA Brazil acted actively to enhance and implement the sanctions. In this sense, its role manifested in different ways, as when Brazil suggested the list of measures to be adopted against UNITA, acted to strengthen the duty of the sanctions committee in the pursuit of the implementation of sanctions, contributed to the progressive definition of the characteristics of the sanctions regime, etc.

This active approach was complemented by the consensus building profile Brazil assumed when it confronted an impasse. Instead of retreating when confronted by an unyielding position contrary to its interests, in the Angolan case Brazil proved to be an active player, working for reaching an alternative solution. This happened, for instance, when it was necessary to move the reference to UNITA from a text of the Security Council. This softened Brazil's original intention but it mentioned the condemnation of UNITA and made it possible to reach a compromise with a reluctant United States. Thus, during the four years in which Brazil held a seat at the Security Council in the 1990s, to shaped and influenced the sanctions' regime in place against UNITA. In figurative language it is possible to say that the strategy Brazil adopted was to accept a more flexible route in order not to lose the course.

The behavior of Brazil toward Angola gave it back political and economic dividends at the bilateral level. In the political sphere, there was Angola's recognition of the important role that Brazil played in coordinating with the Angolan delegation and condemning UNITA at the Security Council. This was expressly mentioned in the words of diplomats and President dos Santos on the occasions when he met with Presidents Itamar Franco in 1993 and Fernando Henrique Cardoso in 1999. On the economic level, this recognition reverted in a

faithfully honored payment of the Angolan debt to Brazil. On the multilateral level, in the UN environment, the influence of Brazil as a consensus builder was also recognized. Brazil soon realized this opportunity existed. Initially, it was connected with the space left by the antagonistic postures of the United States and Russia on how to treat UNITA and Savimbi. Later, in the 1998-1999 mandate, with a reduced Savimbi influence in the US scenario, Brazil saw an opportunity to look for a greater role in the case by offering itself to jointly articulate with the US a strategy to approach the conflict.

In economic terms, the sanctions imposed on UNITA did not result in any loss to Brazil. Since 1979, oil was the anchor sector for Brazilian initiatives in Angola. While Savimbi had the diamond trade as the main source of UNITA's resources, oil exploration was in government hands. So, as the main Brazilian interest was controlled by the government, and as sanctions were directed to the diamond industry, finance and fuel supplies to Savimbi - with which Brazil had no relation - Brazilian economic interests were preserved with the imposition of sanctions.

There was another point to observe regarding Brazilian interaction with other groups of countries. Unlike the Cold War period, when Brazil considered the position of groups of countries to define its behavior especially in the multilateral field, in the diplomatic documents related to sanctions on UNITA it is not possible to identify any Brazilian concern to articulate positions with groups of countries, whether the African group, Asian or Latin American.

Finally, Angola's case did not allow a direct observation of Brazil's concerns to preserve multilateralism. This contrasts with other cases such as Iraq, Somalia, Rwanda, Sierra Leone, Libya and Liberia when Brazil observed flaws in the multilateral system, which gave space to unilateral action. However, the documents do not allow us to conclude that Brazil was not interested in safeguarding multilateralism. Rather, what the diplomatic documents and the constant action of Brazil suggest is that, in addressing sanctions against UNITA at the Security Council, Brazil has practiced multilateralism. Brazil recognized multilateralism as already operating because of the influence that the country could exercise in negotiations and in shaping the sanctions regime.

### 3.5 SOMALIA AND RWANDA

In the first half of the 1990s, both Somalia and Rwanda were involved in a scenario in which former rulers were removed and a violent struggle for power, with tribal and ethnic elements between opposed groups, developed. During the 1990s, the Security Council applied economic sanctions (arms embargos) against both countries and deployed missions to contribute to the end of hostilities on the ground. None of these measures can be said to have been successful in effectively contributing to the end of the conflicts.

In the Somalia case, Brazil was not a member of the Security Council when the complete arms embargo was imposed (1992) and the sanctions committee was created (1992). Its only participation was in voting for a resolution that requested the sanctions committee to fulfill its mandate (1994), in a sign that the Security Council was not totally ignoring the conflict. In Rwanda's case Brazil was part of the Security Council when the violence escalated in the country, the massacre against Tutsis and moderate Hutus was committed, and when the arms embargo was imposed and the sanctions committee was created (1994). However, this did not reflect a more intense Brazilian discussion about the sanctions regime in any of its aspects.

#### 3.5.1 Somalia

##### **An overview of the case**

Located in the horn of Africa, Somalia occupies a strategic position. The political scenario is dominated by an unresolved competition among diverse clans (United Nations 1997a). In January 1991 Mohamed Said Barre, head of the Somali since 1969, was forced to flee Somalia's capital, Mogadishu, to his clan homelands (Greenfield 1995). Since then the clan-based disputes for the control of the state and also food escalated dramatically and remain unsolved until now.

When the fighting between clans approached Mogadishu the Security Council acted. The Security Council first imposed a general and complete arms embargo on Somalia on 23 January 1992 with the adoption of resolution 733. It had a broad objective, which was ensuring peace and security in Somalia. The conditions to be met for lifting the sanctions were not specified on the resolution and this created difficulties to understand the precise objectives of the sanctions. Moreover, the sanctions committee was created three months



later, on 24 April, by resolution 751, but met sparsely<sup>275</sup> (Conroy, Cortright, and Lopez 2000, 183-184).

Also in April 1992 a United Nations Operation in Somalia (UNOSOM I) was set up to: attempt to stop the conflict that threatened to take control of Mogadishu, the capital of Somalia; facilitate humanitarian aid; and provide protection and security for United Nations personnel and supplies. Following a United States offer to help create a secure environment in Somalia, a stronger Unified Task Force (UNITAF) was authorized to unite with UNOSOM I. It was also authorized to help in providing security for humanitarian relief (United Nations 1997a). Both operations were followed by UNOSOM II, which took over in March 1993 and was charged to establish a secure environment for humanitarian relief operations in Somalia and contribute to the restoration of peace, stability and law and order. UNOSOM II was withdrawn in March 1995. This was because of the several attacks on UN soldiers (and especially because of the U.S. casualties) that occurred in 1994 (United Nations 1997b).

On 4 November 1994, Resolution 954 requested the committee to fulfill its mandate and monitor the arms embargo that had been imposed. But, effectively, neither the UNOSOM operation nor the UNITAF had the mandate to enforce the arms embargo on the ground. With no resources and no enforcement on the ground the request sounded empty. Anyway, incidents of lack of ammunition were reported during combats between rival factions and this indicated some difficulty in the supply of ammunitions. By the available data, it is difficult to assume a causal relation between the lack of ammunition and the effectiveness of sanctions. In 1998 there was a new flow of arms to the country as a result of a spillover of the conflict between Ethiopia and Eritrea<sup>276</sup> (Conroy, Cortright, and Lopez 2000, 185-187).

Following resolution 733 of 1992, subsequent resolutions elaborated, amended and introduced exemptions to the arms embargo on Somalia. In the 2000s the conflict in Somalia intensified. The arms embargo, and also other economic sanctions, including a charcoal ban and an assets freeze, were adopted and are still in place, as the crisis in the Horn of Africa (Security Council 2015a).

### **Brazilian behavior**

When Brazil occupied its seat at the Security Council in its first term in the 1990s, economic sanctions (the general and complete arms embargo imposed by Resolution

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<sup>275</sup> Between 1992 and 1998 the committee met less than 3 times a year on average (Conroy, Cortright, and Lopez 2000, 183-184).

<sup>276</sup> Both Ethiopia and Eritrea supplied Somali factions sympathetic to their cause in Somalia (CeL, p. 186).

733/1992) had already been adopted and the sanctions committee (Resolution 751/1992) created. The UNOSOM I mission to monitor the cease-fire and humanitarian provision had been activated, and the supporting force, UNITAF, had been authorized to act in its support.

In February 1993, the first year of the biennium 1993-1994, in which Brazil participated as a non-permanent member of the Security Council, the monthly work program of the body considered an assessment of the situation in Somalia. Brazil limited itself to note with the president of the Security Council for the period, Moroccan Ambassador Ahmed Snoussi, that "given the difficult conditions in Somalia, [Brazil] would be particularly attentive to the treatment given to the problem of United Nations personnel security, especially from the perspective of comparing this case with others such as Angola"<sup>277</sup> (DELBRASONU 1993d).

In the same month that year the first meeting of the sanctions Committee on Somalia took place. A complaint was discussed regarding an arms shipment that had originated in Serbia (Federal Republic of Yugoslavia) and had been directed to Somalia by a Greek ship, operating under a Honduran flag. The shipment would be discharged in Kenya. If the allegations (that had originated in a New York Times article and had been confirmed by the United States delegation) were confirmed, it would be configured as a violation of the sanctions regime applying both to RFY and Somalia (DELBRASONU 1993e). The Brazilian delegation at the UN reported these facts to the Brazilian Ministry of External Relations (MRE) without further comment or conclusions.

At the end of the year, when the non-permanent members met with the Secretary General Special Representative for Somalia (Jonathan Howe), Brazil continued to follow the behavior of a privileged observer of the conflict. At best, all that Brazil's participation sought to achieve was to seek to understand the rules that were consolidating on the United Nations institutional level. In the case of this meeting, for example, Ambassador Sardenberg reported that Howe:

[...]continues to have as a central element in his political strategy the formation of the so-called 'district or regional councils', which would be an embryo of the future Somali authority. [...] In response to questions presented by myself and by my Spanish colleague (in which we seek to stimulate Howe to comment more explicitly about the absence of councils in the northwest region, former British Somaliland, he was laconic [...] but stated that he would negotiate the type of relationship to be established. [...] Also in response to my question on the situation of people still held by UNOSOM and the decision-making process involved in such cases, Howe

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<sup>277</sup> In the original: "tendo em conta as difíceis condições na Somália, [o Brasil] estaria particularmente atento ao tratamento a ser dado ao problema da segurança do pessoal das Nações Unidas, inclusive do ponto de vista da comparação entre esse caso e outros como o de Angola".

explained that eight Somali nationals are detained and said that the issue has been 'actively discussed' with the Secretary-General<sup>278</sup> (DELBRASONU 1993f).

In the following months the situation in Somalia deteriorated progressively. Sardenberg, Brazil's representative, emphasized that "Somalia is an illustrative example of a United Nations peacekeeping operation that receives the legacy of a failed unilateral action"<sup>279</sup> (DELBRASONU 1994{). Sardenberg referred probably to the US-led UNITAF force, proposed and led by the United States, which accounted for almost 70% of UNITAF personnel. UNITAF and UNOSOM I were replaced in March 1993 by UNOSOM II, which also had several difficulties in effectively contributing to a ceasefire in Somalia.

When voting on Resolution 954, on 4<sup>th</sup> November 1994, which requested the sanctions committee to fulfill its mandate, the Brazilian representative, Ronaldo Mota Sardenberg, stated, after voting in favour that as the end of presence of UNOSOM II approached Brazil considered that it was difficult to bring peace to the country. He made a pro-forma statement:

My delegation voted in favor of the resolution just adopted because it provides the necessary framework for the role of the personnel of UNOSOM II and for the continuation of a United Nations presence in Somalia. The United Nations should do its utmost to continue to support the political process and all efforts that could lead to an effective cease-fire and to the formation of a transitional Government of national unity (Security Council 1994b, 15).

**Table 14 - Relevant UNSC voting records on mandatory economic sanctions regarding Somalia's case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Somalia	Res. 954 04.nov.1994 Requested sanctions committee to fulfill its mandate	15 Argentina, Brazil, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, UK, US.	0	0

Source: Author's own elaboration.

<sup>278</sup> In the original: "continua a apresentar como elemento central em sua estratégia política a formação dos chamados 'conselhos distritais ou regionais', que constituiriam um embrião da futura autoridade pública somali. [...] Em resposta a indagações minha e de meu colega espanhol (na qual procuramos estimulá-lo a comentar de forma mais explícita a ausência de conselhos na região noroeste, ex-somalilândia britânica, Howe foi lacônico [...] mas que negociaria com estes o tipo de relação a ser estabelecido. [...] Também em resposta a indagação minha, relativa à situação das pessoas ainda detidas pela UNOSOM e ao processo decisório envolvido nesses casos, Howe esclareceu que permanecem detidos oito nacionais somalis e afirmou que a questão tem sido 'ativamente discutida' com o Secretário-Geral".

<sup>279</sup> In the original: "A Somália é exemplo ilustrativo de uma operação de paz das Nações Unidas que recebe o legado de uma malograda iniciativa unilateral"

For Some years the Somali case continued at the same drastic pace and Brazil continued its passive involvement. The Brazilian representative, Celso Amorim, told the MRE that in a formal session, "more than a year after its last meeting regarding this issue, the Security Council held on 23/04 a general debate on the situation in Somalia. It was reaffirmed on any occasions that the factions vying for power in the country needed to establish dialogue with each other. What was most often heard was that the responsibility for the future of Somalia was that of the Somalis themselves"<sup>280</sup> (DELBRASONU 1997).

### 3.5.2 Rwanda

#### Overview of the case

Between the late nineteenth and early twentieth century, when Rwanda fell first under German domination and then under Belgian rule, Europeans encountered a society formed mostly by groups of Hutus, the agricultural farmers, and Tutsis, the cattle farmers. One was defined as a Tutsi by the possession of cattle (a symbol of social and economic status). Therefore, it was not a condition guaranteed by birth, by genetically inherited traits, nor was it assured to last a lifetime. At those times being a Tutsi depended on owning cattle (Prunier 1995). It was under the colonizers' rules that the image of superiority of the Tutsi "race" over the Hutu "race" was created and the Belgian government arrived at the point of identifying the "race" of Rwandans in identification documents issued in the colony (Charbonneau 2008).

Following World War II the territories of actual Rwanda and Burundi were defined as a United Nations trust territory and Belgium was designated as their administrative authority. Since the 1950s, tensions between the Tutsis, who wanted to preserve acquired privileges and resisted power sharing, and the Hutus, were increasing until they exploded, by the end of the decade, in a Hutu 'social revolution' that led to the death of hundreds of Tutsi and thousands of others being displaced to neighboring countries (United Nations 2015c). In the early 1960s the anti-colonial movements raised Rwanda's conditions and its de facto independence. In 1961 a referendum was held in which Rwandans decided to remove the monarchy and replace it with a republican form of government. The Hutu Gregoire Kayibanda was elected the first

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<sup>280</sup> In the original: "mais de um ano após sua última reunião sobre o tema, o Conselho de Segurança realizou em 23/04 debate geral sobre a situação na Somália. Reafirmou-se diversas vezes a necessidade de que as facções que disputam o poder naquele país estabeleçam diálogo entre si. O que mais frequentemente se ouviu foi que a responsabilidade sobre o futuro da Somália é dos próprios somalís".

Prime Minister of Rwanda, thereby officially ending the Tutsi prominence in Rwandan political affairs (Harrell 2003, 23).

In 1973, President Gregoire Kayibanda was ousted in a military coup led by Juvenal Habyarimana. His successive reelections gave rise to suspicions of electoral fraud. In the early 1990s Habyarimana's regime counted on French and Zairian militaries to face an attack launched by the Rwandan Patriotic Front (RPF), a political and military movement formed by mostly Tutsi refugees that crossed the border from Uganda and intended to repatriate Rwandans in exile and promote power sharing in the centralized Rwandan government. Confrontations between the then Hutu dominated government and the opposition RPF continued and, on 4 August 1993, the Organization of African Unity (OAU) and the governments in the region reached an agreement that led to the signature of the Arusha Agreements (United Nations 2015c). The UNSC created the United Nations Assistance Mission for Rwanda (UNAMIR) to help implement the peace process in Rwanda that had been initiated by the Arusha Agreements<sup>281</sup> (United Nations 2001).

In early 1994 the tensions were at a high level. Radical Hutus insisted on not sharing any power. They supported the eradication of their Tutsi opponents with militia formations and intensive propaganda (Conroy, Cortright, and Lopez 2000, 195). According to Clark, during Habyarimana's extremely centralized government, the rivalries of Hutu politicians from different regions were also an important – if not the main – element in Rwandan political life (Clark 2006, 89-91). On April 6, in a moment of increased tension between Hutus and the RPF, and between different Hutu political leaders, Habyarimana's airplane – which also carried Cyprien Ntaryamira, the Hutu president of Burundi - was shot down close to Kigali International Airport. This event, the circumstances of which remain unclear (BBC 2012) (Associated Press 2010), was reported by a broadcast of the Hutu Radio Television Libres Des Mille Collines to be an act of the Tutsis and a contingent of UN soldiers. It was the trigger for an escalation of violence. In the following weeks a wave of massacres killed as many as 1 million Tutsis, moderate Hutus and also 10 Belgian peacekeepers charged to protect the Rwandan prime minister (United Nations 2015c).

In response to the murder of UN peacekeepers, Belgium withdrew its forces and asked other countries to proceed likewise. In two weeks the UNAMIR force was reduced from an

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<sup>281</sup> “UNAMIR's mandate and strength were adjusted on a number of occasions in the face of the tragic events of the genocide and the changing situation in the country. UNAMIR's mandate came to an end on 8 March 1996” (United Nations 2001).

initial 2,165 to 270 (United Nations 2015c). When the mission was reinstalled, thousands of people were already killed or were refugees in Zairian camps (United Nations 2015c).

Facing an uncontrolled situation the UNSC approved Resolution 918, to be implemented from 17 May 1994. This resolution imposed an arms embargo and created a sanctions committee. These sanctions were poorly implemented. For instance, the committee met only 5 times in 4 years and, finally, it was later considered that “[with] so much propaganda and hate already developed [...] no form of sanctions could have been effective in bringing an immediate halt to the killing” (Conroy, Cortright, and Lopez 2000, 196).

In July 1994, RPA succeeded in launching an offensive and by 19 July a new government was installed in Kigali. Tutsi exiles from Burundi, Tanzania and Uganda started returning to Rwanda, while Hutus went to refugee camps in Zaire (Clark 2006, 96). Since then, Rwanda has been controlled by a Tutsi nationalist regime, whose main objective is to protect the remaining Tutsi parts of the population. This regime was also responsible for abuses and atrocities (Clark 2006, 86).

A year later, on 6 June 1995, Resolution 997 specified that the arms embargo applied to groups in other countries operating against Rwanda. This referred to the extremists Hutus who took control of refugees camps in eastern Zaire. But in this case, again, “the prospects for effective implementation of an arms embargo were even lower in the chaotic conditions of eastern Zaire than they were in Rwanda” (Conroy, Cortright, and Lopez 2000, 197).

On 16 August 1995, UNSC resolution 1011 suspended the arms restrictions on the Rwandan government, but maintained the embargo against the rebel Hutu groups in Eastern Zaire (Security Council 1995c). A month later, on 6 September 1995, Resolution 1013 requested the Secretary General to create an International Mission of Inquiry with a mandate to collect information, investigate and identify arms embargo violations and also to recommend measures to end the illegal flow of arms to former Rwandan forces<sup>282</sup> (Security Council 1995d).

### **Brazilian behavior**

Brazil was in the second year of its term as non-permanent member of the Security Council when the Rwandan conflict broke out between 6 and 7 May 1994. After tangling with the violence of the conflict and the withdrawal of troops from several countries, UNAMIR

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<sup>282</sup> The success of this model resulted in Belgium proposing to make this a permanent mechanism (Conroy, Cortright, and Lopez 2000, 199).

being reduced to about 10% of its effective capacity in less than 20 days, the Security Council adopted resolution 918 on 17 May 1994. With it, the Security Council authorized the expansion of the United Nations Assistance Mission for Rwanda (UNAMIR) and imposed an arms embargo.

In a telegram, the Brazilian representative to the UN, Henrique Valle, reported to the MRE on the conditions of adoption of Resolution 918. He said that the resolution was initially proposed as a text of the Secretariat and had received the agreement of practically all Security Council members. The US delegation then requested time to further analyze the text and returned with nine amendments.

The attitude of the US representation [...] reflected, among many other things, their disagreement with a focused operation on the protection of displaced persons and on the supply of humanitarian aid emergency lines throughout Rwandan territory. [...] The US delegation] also reiterated its preference for a buffer zone along the Rwandan border where there would flow, with the close cooperation of neighboring countries, the necessary humanitarian supplies to the population<sup>283</sup> (DELBRASONU 1994y).

**Table 15 - Relevant UNSC voting records on mandatory economic sanctions regarding Rwanda's case with Brazilian participation**

Case	Resolution and content of mandatory economic sanctions	In favor	Against	Abstention
Rwanda	Res. 918 17.May.1994 Imposed arms embargo	15 Argentina, Brazil, China, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, UK, US. <sup>284</sup>	0	0

Source: Author's own elaboration.

At the formal session to vote on the resolution in the Security Council, Brazil lamented the humanitarian crisis underway in the country and reaffirmed it favored the expansion of the UNAMIR's mandate so that it could contribute to the security and protection of displaced persons, refugees and civilians at risk. Brazil added that UNAMIR

<sup>283</sup> In the original: "A atitude da representação norte-americana [...] refletia, entre muitos outros aspectos, sua discordância com uma operação voltada para a proteção de pessoas deslocadas bem como de linhas de fornecimento de auxílio humanitário de emergência por todo território ruandês. [...] A Delegação dos EUA] reiterou também sua preferência por uma zona de proteção ao longo da fronteira de Ruanda de onde, com a estreita cooperação dos países vizinhos, fluiriam provisões humanitárias à população necessitada do país"

<sup>284</sup> With the new formulation of the text the delegation of Rwanda proposed the text to be voted separately on the part (arms embargo) and on the rest, what actually occurred. The resolution was voted in two parts. The first one (regarding the arms embargo) received one vote against from Rwanda, but the project was adopted as a whole later.

should continue to act as an intermediary between the parties in the conflict [5178-5185]. Brazil limited itself to augur the restoration of peace and did not make any substantive comment on the content of the sanctions approved by the same resolution (Security Council 1994a, 13).

Deprived of material resources or political influence to contribute to the peace process and reconstruction of Rwanda, Brazil continued monitoring how institutions and international regimes had been molded in the multilateral system and paid special attention to the US role in this process. Thus, in April 1998, the MRE was informed that after the visits of Secretary of State Madeleine Albright and President Bill Clinton in 1998, and following a US initiative, the Security Council adopted Resolution 1161 that re-established the commission to investigate the illegal sale of weapons in Rwanda (DELBRASONU 1998r).

As a critical observer of how the multilateral world was being institutionalized, more than a year later, in December 1999, Ambassador Gelson Fonseca Jr., reported to the MRE about the report of the Independent Commission appointed to assess the UN actions during the Tutsi genocide in Rwanda. The report, which was different from the report on Srebrenica because it was drafted by an independent commission, gave a thorough description of what occurred from October 1993 to July 1994, and pointed out that the Council, the Secretariat and the troops in the field all had had their responsibility (Security Council 1999b). From the Commission report the Ambassador concludes that "The fundamental flaw would have been, then, the lack of resources and political commitment to the United Nations presence"<sup>285</sup>(DELBRASONU 1999p). Commenting on the reaction of other countries to the report, he noted that interpretations emerged among some non-council members that the text would be:

[...] A good hook to promote the idea of the Security Council's reform. They highlighted the UNSC's lack of political will, and failure to act for reasons of selectivity, even if it was in possession of the instruments recommended by UNSC in its 'culture of prevention'. Progress is being made, so, with the idea that in an extended Security Council the Rwandan tragedy would not have gone unnoticed. In the most recent meeting of the G-16 [...] the Indian representative went on to say that if at that time the Security Council had a permanent African member there would not have been inaction in Rwanda. For this group, therefore, what the report reveals is that there is no lack of a doctrine of humanitarian intervention in the United Nations, but there is a lack of democracy in the Security Council<sup>286</sup> (DELBRASONU 1999p).

<sup>285</sup> In the original: "A falha fundamental teria sido, então, a falta de recursos e de comprometimento político com a presença das Nações Unidas".

<sup>286</sup> In the original: "[...] um bom 'gancho' para se promover a ideia de reforma do Conselho de Segurança. Ressaltam esses que faltou vontade política do CSNU, que não teria agido, por seletividade, mesmo que dispusesse dos instrumentos preconizados pelo SGONU em sua 'cultura de prevenção'. Avança-se, assim, na ideia de que em um Conselho de Segurança ampliado a tragédia ruandense não teria passado despercebida.



The Brazilian Ambassador concludes that in one way or another the Security Council would have to consider the report. Because even though it may carry some imperfections, it "is a respectable piece for what it reveals about a decision process that, in real terms, led to an immense tragedy that, like it or not, will be recorded in the UN proceedings as a terrible failure of the instruments of the Council"<sup>287</sup> (DELBRASONU 1999p).

### 3.5.3 Summary notes

Both in the case of sanctions against Somalia as in the case of sanctions against Rwanda, Brazil introduced itself as a passive but analytical observer of the conflicts' development and of the adoption and implementation of the 1990s sanctions' regimes. Comments made by diplomats belonging to the Brazilian delegation to the United Nations served as elements for Brazilian diplomacy to evaluate the characteristics of the institutional structure of world power and to criticize the United Nations', and more specifically the Security Council's, systemic failures. These criticisms make it possible to notice the Brazilian concern with the movements against the institutionalization of a more democratic multilateral decision-making space. Nevertheless, it is not possible to observe any reflection of these analyses or criticisms in the form of any effective Brazilian contribution toward the creation and shaping of the sanctions regime.

In short, in the case of Somalia and Rwanda observations and criticisms from Brazilian representatives who accompanied the treatment of conflicts and the imposition of sanctions by the Security Council contributed to Brazilian diplomacy by accumulating knowledge and experience regarding structure and power in the post-Cold War international system. This knowledge and experience identified flaws in the multilateral system and failures in tackling international issues unilaterally but, with regard to economic sanctions imposed on Somalia and Rwanda, they have not been translated into effective Brazilian action to change them. Definitely, Brazil had no role in discussions on the use of international force or coercion in Somalia and Rwanda during the 1990s.

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Na mais recente reunião do G-16 [...] o representante da Índia chegou a afirmar que se naquela época o Conselho de Segurança contasse com um membro permanente africano não teria havido falta de ação em Ruanda. Para esse grupo, portanto, o que o relatório revela é que não falta uma doutrina de intervenção humanitária para as Nações Unidas, mas democracia no Conselho de Segurança".

<sup>287</sup> In the original: "é uma peça respeitável pelo que revela de um processo de decisão que, por força da realidade, levou a uma imensa tragédia que, quer se queira quer não, ficará nos anais da ONU como uma terrível falha dos instrumentos do Conselho".

### 3.6 LIBERIA AND SIERRA LEONE

Responding to requests from ECOWAS, the UNSC imposed economic sanctions on both the Sierra Leonean RUF and the Liberian rebel movement and later the government of Charles Taylor in Liberia. The purpose of these sanctions was to end the armed conflicts in these areas. The sanctions were not satisfactorily enforced and in both cases military force was also applied. No sanction was able to end the conflict that developed in both countries during the 1990's decade. These conflicts drove both countries and the region to a human tragedy and an international security threat.

Brazil was not a member of the Security Council when in the Liberian case the relevant economic sanctions (1992), the creation of the sanctions committee (1995), and the decision to maintain the sanctions after the election of Charles Taylor (1999) were decided.

Brazil was not part of the Security Council in the Sierra Leone case when the oil and arms embargo (1997) was imposed, but only in less decisive moments, when the arms sanction on government was lifted (1998) and when there was a specific adjustment clarifying that the arms embargo was in place for the former military junta and RUF rebels (1998).

#### 3.6.1 Liberia

##### **An overview of the case**

Liberia was officially founded by the American Colonization Society, a private organization established in the United States that supported the repatriation of freed black slaves. The Liberian colonists and their descendants officially proclaimed independence in 1847 and governed the country for almost 140 years (Ejigu 2006, 1). After a coup in 1980 led by Samuel K. Doe and a said fraudulent election in 1985, ethnical and tribal rivalries erupted in war in Liberia. In 1989, the former government minister Charles Taylor, leading the National Patriotic Front of Liberia (NPFL) opposed the regime of President Samuel K. Doe. This was the beginning of what was latter known as the First Liberian Civil War. Since Doe's execution, in 1990, Taylor forces (the NPFL), and Prince Johnson, a NPFL dissident, battled for the control of Monrovia. These conflicts would remain in place until 1997, when Taylor was elected president of Liberia (Adebajo 2002).

Taylor's economic power came from a structured chain of smuggling and theft. He supported strongly the creation of the rebel group Revolutionary United Front (RUF) in Sierra

Leone. The RUF had taken control of diamond fields in the Mano River region, across the border of the two countries. The diamonds were internationally commercialized by Taylor's groups, making Liberia, the once small producer, one of the major diamond exporters in the world<sup>288</sup>. The profits from diamond sales (also called conflict diamonds or blood diamonds) were used to finance RUF's and NPFL's rebel operations. Taylor organized the sale of RUF's collected diamonds in exchange for weapons. This chain of illegal activities has been at the heart of the West Africa crisis in the 1990s (Cortright and Lopez 2000, 82).

The Economic Community of West African States (ECOWAS) mobilized and in October 1992 imposed regional economic sanctions on Liberia<sup>289</sup> (Cortright and Lopez 2000, 185). The regional organization started intervening militarily in Liberia in August 1990, through its military arm, the Economic Community of West African States Monitoring Group (ECOMOG), a West African multilateral armed force, in order to prevent Taylor and NPFL from taking power (Cortright, Lopez, and Gerber 2002, 83). The ECOWAS decision to deploy ECOMOG forces was not able to avoid the capture and killing of Liberian president Samuel Doe in September 1990, by the Independent National Patriotic Front of Liberia (INPFL), a dissident group of NPFL lead by Prince Johnson.

On 19 November 1992, acting in response to an ECOWAS request, the Security Council adopted Resolution 788 and imposed an arms embargo against Liberia, but exempted ECOMOG forces from its constraints (Security Council 1992d). There was, however, not a decisive intention to make sanctions effective. This was evident from the fact that the sanctions committee to monitor sanctions was only created two years later, on 13 April 1995, by Resolution 985 (Security Council 1995a).

External influences were strongly present and determined the role of the main actors. NPFL was supported with arms by Ivory Coast and Burkina Faso, which disliked the government of Doe. Much of Burkina Faso's arms were provided by Libya, having Liberia as the final destination. In the regional perspective, Nigeria, via ECOMOG (the military arm of ECOWAS), gave protection against NPFL but Western powers – and especially the United Kingdom - had no sympathy for the military that ruled Nigeria – Nigeria was, in fact, suspended from the Commonwealth for not having a democratic government. By its turn, France had commercial ties with the NPFL, especially in relation to timber exports. At that

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<sup>288</sup> Some of the diamonds sold by the Liberians came from the territories controlled by Angola's UNITA.

<sup>289</sup> These sanctions consisted in an arms embargo, financial sanctions and a general trade embargo on NPFL controlled territory. They would remain in place until the NPFL's full compliance with the Yamoussoukro IV agreement, signed in October 1991. ECOMOG was empowered to ensure compliance with the sanctions (Cortright and Lopez 2000, 189).

time, 37% of France's timber came from Liberia<sup>290</sup> (Cortright and Lopez 2000, 190, Cortright, Lopez, and Gerber 2002).

Regarding specifically the United States, President's Doe regime received U.S. economic and military aid during the 1980s, "making it the largest recipient of U.S. assistance in sub-Saharan Africa" (Cortright and Lopez 2000, 189). During the Cold War years, Liberia served as the main base for the Central Intelligence Agency in Africa and it hosted the Voice of America, which broadcast throughout the continent (Ejigu 2006, 3). After the Cold War, the country lost importance for the United States which, moreover, was much more concerned with the conflicts underway in Iraq, Yugoslavia and Haiti.

The war ended with the July 1997 elections. Charles Taylor was elected president of Liberia on that occasion, but sanctions remained in place because its government supported the rebel RUF in neighboring Sierra Leone.

On 7 March 2001, as the Liberian support for the RUF in Sierra Leone continued, the Security Council adopted Resolution 1343. This resolution reaffirmed the arms embargo and imposed an assets freeze, travel bans, and a diamond embargo after a two months grace period (Security Council 2001b). It was the first time the UNSC imposed sanctions motivated by the lack of will of one country (Liberia) to cooperate in implementing sanctions (the arms embargo on RUF) (Cortright, Lopez, and Gerber 2002, 83).

According to the Report of the Secretary-General in pursuance of paragraph 13 (a) of resolution 1343 (2001) concerning Liberia, sanctions on timber could have hit Liberia severely, both economically and socially (Security Council 2001a). During the 1990s, however, China, but especially France were highly dependent on Liberia's timber, and would not be supportive of an eventual timber sanction (Cortright, Lopez, and Gerber 2002).

At this time the Second Liberian Civil War was already in progress, when it was Charles Taylor's turn to confront a rebel group that opposed his government. In 1999, Liberians United for Reconciliation and Democracy, and in 2003, Movement for Democracy in Liberia, launched attacks against Taylor from the northeast and southeast respectively. A peace agreement was achieved in 2003, and led to democratic elections in 2005. Ellen Johnson Sirleaf, an economist who had studied at Harvard, and who in the previous decades had opposed both the Doe and Taylor regimes, was elected as the first female president in Africa (Parker 2011).

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<sup>290</sup> France was the larger (or largest) customer of Liberian timber and other European countries also bought Liberian resources controlled by Taylor like diamonds and rubber (Cortright and Lopez 2000, 192).

### **Brazilian behavior**

Brazil began its first mandate in the Security Council during the 1990s with an arms embargo already in place against Liberia by force of Resolution 788/1992. This resolution imposed an arms embargo but exempted ECOMOG forces. Brazilian diplomats observed the political situation but without any significant diplomatic interventions to criticize or reshape the UN sanctions' regime in Liberia.

Following a request of the Brazilian Minister of External Relations, Celso Amorim, the Representative of Brazil at the UNSC from 1993 to 1994, Ronaldo Mota Sardenberg, met the Minister of External Relations of Liberia, Gabriel Baccus Matthews, in 16<sup>th</sup> February 1994. The information gathered from this meeting concerned the disarmament process, the general elections previewed for September, the financial difficulties ECOMOG forces faced and the necessity for the international community to provide resources to fund the peacekeeping operation (DELBRASONU 1994f).

Brazil's concern at that time had to do with the debate about Liberia's electoral law and the proposals to change it. Without intervening substantively or emphatically, Brazil questioned, for example, "to what extent an election based on proportional representation for a national constituency could yield results different from elections based on single-member constituencies?" (DELBRASONU 1994u). The question highlights Brazilian interest in the construction of democratic processes in post-civil war situations. This participation reflected Brazilian experience with its own process of democratization after the military regimes and maybe represented the sole contribution possible for the country at that time. On the same occasion, Brazil justified its support for the extension of the mandate of United Nations Observer Mission in Liberia (UNOMIL) for a six-month period, stressing that this timeframe would cover the period of the elections scheduled (DELBRASONU 1994u).

In 1994, Brazil received telegrams from the Brazilian Mission to UN that the military situation in Liberia had not improved and that there were accusations that the peacekeeping operation in the country was not behaving with the required impartiality. It was further reported that there were delays in the disarmament process that could threaten the implementation of general elections. The Mission also reported on the financial difficulties faced by ECOMOG (DELBRASONU 1994v). As previewed, the ceasefire and the 1994 scheduled elections failed to take place. No other resolutions regarding sanctions on Liberia would be taken until 1995, when Resolution 985 created a sanctions committee.

In 1996, reporting on the situation in Africa from a presentation made by US Ambassador Madeleine Albright to the Group of Latin American and Caribbean countries, the Brazilian representative noted that the Ambassador considered the operations in Liberia [via ECOWAS and its armed arm ECOMOG] a model of cooperation to be preserved and assisted. However, she considered that would require stronger support from the international community. In her words: "How to induce people to give up their arms? Of course not by giving them toothbrushes in exchange" (DELBRASONU 1996).

When Brazil returned to the Security Council, in 1998, the former rebels were in power in Liberia, following the election of Charles Taylor as Liberian president in 1997. In January 1998, in the context of the work of the sanctions committee, Brazil had been requested by the ambassador of Liberia, William Bull, to support the lifting of the arms embargo against Liberia. According to Bull, the government, although not pursuing to arm itself, nevertheless needed to keep security forces to patrol and monitor national borders and to contribute to the implementation of the sanctions established by the UN against the military junta of the neighboring country Sierra Leone. According to Ambassador Bull, the United States would have agreed to co-sponsor a project to suspend the arms embargo. At that time it was said to the Ambassador that Brazil favored the normalization of the situation in Liberia but that, as there was no UN representation in the country since the end of the mandate of UNAMIL in September 1997, Brazil felt it had no evidence to assess the question regarding the lifting of the weapons embargo (DELBRASONU 1998o).

According to the information collected by the Brazilian Mission at the UN, Kenya urged caution on the situation in Liberia because it was so connected with the neighboring Sierra Leone. The mission of the United States, in turn, reported that "the information from the Ambassador of Liberia... results from a misperception" as it would have been said to the Chancellor of Liberia that "in theory the United States were in favor of the suspension of the embargo, but this would not be the right time"<sup>291</sup>. It was recommended though to adopt a cautious position with regard to the question of lifting the sanctions on Liberia. On the one hand, the end of the sanctions regime was considered desirable; on the other hand, because of the connection between President Taylor and the Sierra Leonean RUF it was advised "to wait

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<sup>291</sup> In the original: "As informações do embaixador da Libéria... resultam de uma percepção equivocada" and "em tese os Estados Unidos eram favoráveis à suspensão do embargo, mas este não seria o momento oportuno".

for a definition of the action to be taken by the international community in Sierra Leone before complying with the request of President Taylor"<sup>292</sup> (DELBRASONU 1998o).

The Brazilian MRE followed the caution advised regarding lifting the arms embargo, both within the Security Council and the Sanctions Committee. For the MRE, the prudent posture toward economic sanctions was informed by both the "[violent] practices recently adopted domestically by President Taylor " and by the "linkages between the conflict in Sierra Leone and Liberian factions." Finally, it was clear that Brazil would continue to follow the situation as a passive and privileged observer: "The postponement of a definition on the matter would allow more details of the situation to be gathered, especially in view of the fact that, as noted by Your Excellency, the United Nations no longer have a presence in the country. Additionally, in the interim, the international community could define the modalities of action for the treatment of the conflict in neighboring Sierra Leone"<sup>293</sup> (SERE 1998b)

In 1999 it was President Charles Taylor's turn to face an armed opposition movement that came from the northeast. As the conflicts and the support of Liberia for the Sierra Leone rebels continued, the Security Council again mobilized in early 2001 to impose sanctions on Liberia. At a meeting in January 2001 regarding the situation in Liberia and Sierra Leone, the Security Council discussed at length the reported violations of the embargo on the export or supply of arms to the rebels in Sierra Leone. The chargé d'affaires Maria Luiza Ribeiro Viotti reported to the Brazilian MRE that the Liberian government was harshly criticized by Council members, the majority of whom advocated the imposition of additional sanctions against Liberia due to its involvement in the illegal trade of arms and diamonds with rebel groups in Sierra Leone, particularly the Revolutionary United Front (RUF):

According to what experts estimate, the volume of funds obtained by the RUF to trade diamonds vary widely, from \$ 25 million to \$ 125 million a year, but the diamonds' sale is certainly their main source of income. Most of the diamonds that leave Sierra Leone pass through Liberia with the permission and the involvement of high authorities. The diamond certification system recently implemented in Sierra Leone would be technically well designed, but while there is no control in neighboring countries RUF will continue to sell diamonds with impunity. [...] With regard to the involvement of Liberia, experts say there is unequivocal and

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<sup>292</sup> In the original: "esperar por uma definição da ação a ser tomada pela comunidade internacional na Serra Leoa, antes de se atender ao pedido do Presidente Taylor".

<sup>293</sup> In the original: "práticas [violentas] recentemente adotadas pelo presidente Taylor no plano interno"; "vinculações entre o conflito na Serra Leoa e as facções Liberianas"; "O adiamento de uma definição sobre a matéria permitiria recolher mais elementos sobre a situação, especialmente à vista do fato de que, conforme assinalado por vossa excelência, as Nações Unidas não mais contam com presença no país. Adicionalmente, nesse interim, a comunidade internacional poderia definir as modalidades de ação para o tratamento do conflito na vizinha Serra Leoa".

overwhelming evidence that this country provides training, weapons, logistical support, base attack and retreat to the RUF rebels<sup>294</sup> (DELBRASONU 2001).

On 7 March 2001, Resolution 1343 froze assets and imposed a diamond embargo. A new opposition armed group, now from the southern regions, joined the fights against Taylor in 2003. In that year the Peace Agreement was in all signed. Two years would pass until free elections occurred and Liberians would chose as president a women that had fought both President Doe and President Taylor.

**Table 16 - Relevant UNSC voting records on mandatory economic sanctions regarding Liberia's case with Brazilian participation**

Case	Resolution and content related to economic sanctions	In favor	Against	Abstention
Liberia	None with Brazilian participation	-	-	-

Source: Author's own elaboration.

### 3.6.2 Sierra Leone

#### **An overview of the case**

Liberia's neighbor, the Republic of Sierra Leone, is a small country located in West Africa, rich in mineral resources such as diamonds, bauxite, titanium ore, and rutile<sup>295</sup>. It is a former British colony that obtained independence in April 27, 1961. It remains a member of the Commonwealth.

Denunciations regarding corruption and misguidance in the management of natural resources led to a civil war during the 1990s. After the first confrontations in 1991 and until the 1996 elections, military elites ruled Sierra Leone. President Ahmed Tejan Kabbah, elected in 1996, planned to cancel some of the military's self-attributed privileges from illegal operations. This angered the military. Facing the uprising of rebel forces, in November 1996, the government negotiated the Abidjan Peace agreement with members of the military forces. The Abidjan terms stipulated that the rebel group Revolutionary United Front (RUF) was

<sup>294</sup> In the original: "De acordo com os peritos, as estimativas sobre o volume de recursos obtidos pela RUF com o comércio de diamantes variam muito, de US\$ 25 milhões a US\$ 125 milhões por ano, mas a venda de diamantes seguramente é sua principal fonte de renda. A maior parte dos diamantes que deixam Serra Leoa passariam pela Libéria com a permissão e o envolvimento de altas autoridades liberianas. O sistema de certificação de diamantes implantado recentemente em Serra Leoa seria tecnicamente bem concebido, mas enquanto não houver controle nos países vizinhos a RUF continuaria a vender diamantes impunemente.[...] Com relação ao envolvimento da Libéria, os peritos afirmam que há provas inequívocas e contundentes de que aquele país fornece treinamento, armas, apoio logístico, base de ataque e refúgio aos rebeldes da RUF."

<sup>295</sup> A bright white pigment used in paints.



recognized as a legitimate party and the perpetration of former crimes was forgiven. In return, the RUF military would stand down and it would accept a UN peace mission. As the RUF has not been assigned positions in the government, several RUF rebels refused the agreement. In May 1997, disaffected members of military forces and the Armed Forces Revolutionary Council (AFRC) overthrew the newly elected President Kabbah (Kabbah was later restored to the government in 1998). RUF subsequently joined AFRC to confront external resistance to the coup (Cortright and Lopez 2000, 167-171).

Following the escalation of the hostilities between the RUF and the government in Sierra Leone, the Economic Community of West African States (ECOWAS) imposed comprehensive economic sanctions (including an arms and oil embargo and also a food and medicine embargo, except if specifically authorized), froze the assets of the junta and their families, and imposed travel bans on these same people. It also deployed troops to take the junta out of power and to restore the elected government (ECOWAS 1997).

Politics and the confrontations going on in neighboring Liberia heavily influenced the civil war in Sierra Leone. In the late 1980s, Charles Taylor, leader of the rebel National Patriotic Front of Liberia (NPFL), met Foday Saybana Sankoh, former army corporal and television cameraman, in Libya (Abalo 2015). Later, Sankoh went to fight with Taylor's NPFL in Liberia. Taylor, then, supported the creation of RUF under the command of Sankoh. Taylor's reason for incentivizing disorder in Sierra Leone was connected to controlling the wealthy diamond mines in the region (Brown 2000). It was also connected to the support that the Sierra Leonean government gave to ECOMOG, which bombed NPFL territories in Liberia, thereby preventing Taylor from taking the capital, Monrovia. Nigeria was the principal player in ECOMOG's forces confronting Taylor in Liberia. One of Taylor's aims in supporting the RUF was his expectations that the RUF would attack Nigerian peacekeeping troops, who were also in Sierra Leone (Keen 2005, 37).

Sierra Leone was a member of the Commonwealth and, in a more comprehensive scenario, especially regarding the US and European states, it was considered to be a case mainly of interest to Britain. According to the Harare Declaration, Commonwealth states should fulfill the responsibility to have democratic governments and, in cases of failure to fulfill this requirement, members could be suspended by the Commonwealth Ministerial Action Group (although they would remain members of the organization). From a Western perspective though, it was expected from the United Kingdom to lead the international

support for Sierra Leone's government as this country was a Commonwealth member (Hirsch 2001, 64).

The United Kingdom supported the elected president as much as necessary, but it refused to provide financial or material support to the regional ECOWAS Cease-fire Monitoring Group (ECOMOG) where, as stated before, the Nigerians had a strong influence and provided most of the command structure for its operations. At that time British-Nigerian relations were poor and Nigeria had even been suspended by the Commonwealth for its failure in fulfilling the responsibility to have a democratic government<sup>296</sup> (Hirsch 2001, 64, Ingram 1999, 547).

Nevertheless, the UN initiative to impose sanctions on the military junta came from the UK and on 8 October 1997 the Security Council, answering a request from ECOWAS for sanctions, approved Resolution 1132, which imposed an oil and arms embargo against Sierra Leone and travel sanctions on members of the AFRC military junta. This resolution also created the sanctions' committee and conditioned the lifting of sanctions on the junta's relinquishment of power (Security Council 1997c). Trade sanctions were not considered appropriate because of the humanitarian harm they would cause. However, the rise of transportation costs for food supplies caused by the oil embargo would harm the trade anyway (Cortright and Lopez 2000, 171).

After the removal of the AFRC junta by the ECOWAS forces, the UNSC approved Resolution 1156 on 16 March 1998 and lifted the sanctions against the government (the oil embargo) (Security Council 1998c). The government was restored but RUF attacks continued. On 6 June the Security Council approved Resolution 1171 and imposed new sanctions, which confirmed the removal of sanctions against the government and imposed again the arms embargo and travel sanctions on members of the former junta and on RUF rebels (Security Council 1998e).

In 1998 RUF launched a violent attack and took control of most of the country<sup>297</sup>. In 1999 the RUF's increase in power led to the terms of the Lomé agreement. It consolidated the efforts pursued to settle the dispute between the RUF and the elected government of Kabbah by granting to the RUF representation in government (what was not previewed in the former

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<sup>296</sup> Nigeria was readmitted to full membership of the Commonwealth on 29 May 1999 (when Olusegun Obasanjo was elected as the first civilian president for 15 years). It had been suspended on 11 November 1995 (following its execution of Ken Saro-Wiwa) (Ingram 1999).

<sup>297</sup> The RUF's actions were notorious for their systematic barbarity. They included "a high proportion of press-ganged and brutalized children, became notorious for abduction, gang rape and summary execution. Its specialty was hacking off the limbs of children. In a land with chronic food shortages, the RUF is also said to have practiced cannibalism" (Brown 2000).

Abidjan agreement). This agreement has been violated by the RUF, which even captured and killed UN peacekeepers (UNAMSIL troops), and has been severely criticized because of its transformation of people responsible for thousands of civilian deaths into legitimate political leaders. British Army troops intervened to free UN peacekeepers and trained the armed forces of Sierra Leone to resist the RUF (Cortright, Lopez, and Gerber 2002, 87).

Regarding the main actors positions, the former US ambassador to Sierra Leone agreed not to finish the conflict in favor of pursuing more negotiations, but also including pursuing the RUF's surrender. On the other side, some at the UN and ECOWAS favored a more conciliatory approach. The largest member of ECOWAS, Nigeria, was hesitant to make a further military intervention and members of the organization were divided between supporting the Sierra Leone government (Nigeria, Côte d'Ivoire, and Ghana) or the RUF (Liberia and Burkina Faso) (Cortright, Lopez, and Gerber 2002, 88).

Recognizing that diamonds were fueling the conflict in Sierra Leone, the Security Council strengthened sanctions on 5 July 2000 when Resolution 1306 imposed a diamond embargo on all diamond exports not under the control of the government. The resolution also established a panel of experts, which would later document violations of the arms embargo (Security Council 2000b). It was found that the arms came primarily from arms dealers operating in Eastern Europe; they were passed on to Burkina Faso and arrived in Liberia from where helicopters delivered them to RUF forces. The panel report also recommended the imposition of sanctions on Liberia, because it was implicated in the conflict by supporting the RUF (Cortright, Lopez, and Gerber 2002, 81; 159).

In 2000 and 2001 cease-fires were proclaimed and finally in January 2002, the civil war that ravaged Sierra Leone ended. According to a UNDP report, the civil war resulted in some 70,000 casualties and 2.6 million displaced people (Kaldor and Vincent 2006). During this period, arms and diamond embargoes in Sierra Leone are considered to have had little impact in demobilizing the RUF's rebellious activities (Cortright, Lopez, and Gerber 2002, 159).

### **Brazilian behavior**

In the same year that Taylor was elected president in Liberia (1997), the UNSC approved sanctions against Sierra Leone (an oil and arms embargo via Resolution 1132).

When Brazil arrived at the Security Council, in 1998, it sought information regarding the current situation in Sierra Leone. The Brazilian embassy in Accra transmitted the

Ghanaian perspective. According to Ghanaian Chief Director at the Ministry of Foreign Affairs, Ambassador Annan Cato, efforts directed to a peaceful solution had proved to be in vain and there had been a failure to dissuade the military junta headed by Colonel Paul Koroma. About the sanctions he considered that:

Even the sanctions adopted by the UN Security Council, with the embargo on imports and introduction of weapons, were not enough to dissuade the coup junta of its intent to settle permanently in charge of the government of Sierra Leone. [Annan Cato] Pointed out the difficulties of imposing effective sanctions in a country like Sierra Leone, especially due to the impossibility of controlling extensive borders that coincide with forest areas and due also to the lack of cooperation from Liberia, which, surprisingly, continued to facilitate not only trade and the introduction of weapons but also maintained supplying troops to the coup junta<sup>298</sup> (SERE 1998g).

Such situations regarding the lack of enforcement of sanctions would have contributed to making members of the military junta increasingly audacious and provocative. They reacted by taking military actions when issues in Sierra Leone were going to be addressed by international actors (SERE 1998g).

A few weeks later, the MRE was informed that the Sierra Leone mission at the United Nations had received guidelines for requesting the UNSC to lift sanctions on oil imports. The Brazilian representative reported that most of the UNSC members should meet the request to lift the embargo on fuel but not the request to lift the arms embargo because of the continuing conflict in rural areas. He advised also that most ECOWAS Ministers supported this idea (DELBRASONU 1998af). Brazil adopted the suggested approach, commanding the Brazilian representative that:

Your Excellency will be favorable to lifting the oil embargo, thereby following the African consensus. Indeed, even if there are reasons that advise extreme caution and reflection before the lifting of the embargo of arms and related materiel [...] and travel restrictions [...], a purely commercial sanction which began to harm a legitimately elected government no longer justifies its maintenance<sup>299 and 300</sup> (SERE 1998d).

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<sup>298</sup> In the original: “Tão pouco as sanções aprovadas pelo Conselho de Segurança das Nações Unidas, com embargo de importações e de introdução de armas, foram suficientes para demover a junta golpista de seu intento de se estabelecer em caráter permanente na chefia do governo de Serra Leoa. Salientou, a propósito, as dificuldades de imposição efetiva de sanções, num país como Serra Leoa, sobretudo em decorrência da impossibilidade de controlar extensas fronteiras coincidentes com áreas florestais e da falta de cooperação da Libéria, que, surpreendentemente, continuou facilitando não só o comércio e a introdução de armas como até mesmo fornecendo tropas à junta golpista”.

<sup>299</sup> In the original: “vossa excelência deverá ser favorável a esse levantamento, seguindo o consenso africano. Com efeito, mesmo que haja razões que aconselhem maior prudência e reflexão antes do levantamento do embargo de armas e material correlato [...] e das restrições de viagem [...], não mais se justificaria a manutenção de uma sanção puramente comercial que passou a prejudicar um governo legitimamente eleito [...]”.

<sup>300</sup> Kabbah was overthrown from power in May 1997 and restored in the government in March 1998.

On 16 March 1998, Resolution 1156 was approved. It lifted sanctions on oil and other related material to the government of President Kabbah, recently restored. Other sanctions continued in place.

In 1998 another situation involving economic sanctions against Sierra Leone was discussed at the Security Council. It was triggered by the alleged British involvement in providing arms (through the company “Sandline”) to the ECOMOG forces, ultimately aiming to assist the government of President Kabbah. The British representative made the case in the sanctions committee that the embargo did not apply to ECOMOG, intending to obtain a statement that would safeguard the British position. The juridical opinion requested by the Committee adduced that only the Security Council or the Committee could formally interpret the resolution that created the embargo. As the lifting of sanctions on the government did not mention explicitly that ECOMOG was exempted of the arms sanctions, the juridical opinion did not protect the British position. Facing this situation, the British proposed to suspend the arms embargo in Sierra Leone and in the same resolution, to impose a specific one against the rebels (DELBRASONU 1998s).

This proposal proceeded and, on 5 June 1998, Resolution 1171 was approved stressing that the arms embargo applied to the military junta and to the rebels. In 1999, the situation worsened with the rebels occupying the capital Freetown and the United Nations leaving the city. In a declaration the Security Council expressed deep concern with the military rebels and the RUF attacks, reinforced its support for president Kabbah and requested the sanctions’ committees on Liberia and Sierra Leone to investigate violations of the arms embargo (DELBRASONU 1999g).

The outlook of the supporters of the elected government was not good as the rebels arrived in the capital and managed to present themselves as interlocutors for the government and for the international community. The Brazilian representative at the UN, Celso Amorim, listed the possible reasons that contributed to the failure of ECOMOG operations. According to several sources and rumors circulating in the UN in unofficial conversations the reasons were: excessive self-confidence of the Nigerian Armed Forces, deep dependence on contributions from the international community, neglect of the troop’s conditions, ECOMOG misguidance in the chain of command, ignorance of aspects of an ethnic nature that led to northern and southern populations being opposed to each other (DELBRASONU 1999h).

In this extensive and analytical document, Amorim highlights what seems particularly interesting to Brazil because it refers to precedents on the use of force, unilateral measures and most broadly, to the rule making process in the multinational arena. According to Amorim, "the presence of ECOMOG also suffers from an 'original sin': the lack of UNSC authorization for the use of force"<sup>301</sup>. Amorim was referring to Nigeria's decision to launch a military offensive in the country via ECOMOG forces, thereby unilaterally breaking with the negotiations mediated by the United Nations between the government of President Kabbah and the former military junta. At that time, ECOMOG managed to remove the military junta from the capital and retake the main cities of the country (DELBRASONU 1999h).

Many UNSC member states saw the Nigerian initiative as "a necessary evil". Amorim recalled that Brazil reminded the UNSC members at the time of the principles and limits that should guide international action in the conflict:

The Brazilian delegation considered at the time that resolution 1132 pointed to a peaceful solution, and that the ECOMOG's mandate was limited to the imposition of sanctions, as it not granted authorization for the use of force. In an indirect response, the US ambassador in Freetown, which was part of the US delegation to the UNSC, said to the Brazilian legation that the international community should provide Sierra Leone with more solid support and cling less to principles such as the inadmissibility of the use of force<sup>302</sup> (DELBRASONU 1999h).

Amorim observed that as the commitment of the international community was not enough, and as the use of force by ECOMOG helped indirectly to legitimize the rebel movement, "the government of President Kabbah, the states of ECOWAS and the international community were compelled to deal with a movement responsible for committing serious abuses of human rights and humanitarian law"<sup>303</sup> (DELBRASONU 1999h).

Addressing the political, financial and humanitarian difficulties in question, Amorim summarized that:

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<sup>301</sup> In the original: "a presença da ECOMOG também padece de um 'pecado de origem': a falta de autorização do CSNU para o uso da força".

<sup>302</sup> In the original: "A delegação do Brasil ponderou na ocasião, que a resolução 1132 apontava para uma solução pacífica, e que o mandato concedido ao ECOMOG limitava-se à imposição de sanções, não concedendo autorização para o uso da força. Em resposta indireta, o embaixador do EUA em Freetown, que fazia parte da delegação dos EUA ao CSNU, comentou com a delegação do Brasil que a comunidade internacional deveria propiciar à Serra Leoa um apoio mais sólido e apegar-se menos a princípios tais como a inadmissibilidade do uso da força".

<sup>303</sup> In the original: "o governo do presidente Kabbah, os estados da ECOWAS, e a comunidade internacional foram compelidos a tratar com um movimento responsável pela prática de sérios abusos contra os direitos humanos e o direito humanitário".

[...] what remains to the Council is to continue its efforts to establish indicative principles and standards for international community actions oriented to promoting peace and preventing conflict in Africa. Given the Brazilian impossibility to contribute with significant resources to reconstruction programs, the Brazilian contribution could focus on the development of these norms and on the defense of the principles enshrined in the Charter. The temptation to reach quick solutions by force, as a substitute for diplomatic negotiation, often results in disastrous situations. As in Somalia, the intervention of ECOMOG in Sierra Leone, with support from the US and the UK, seems to have caused more suffering to the people of Sierra Leone than the patient persuasion work accompanied by diplomatic and military pressure from classic peacekeeping operations. Brazil's performance must continue to take these considerations into account<sup>304</sup> (DELBRASONU 1999h).

**Table 17 - Relevant UNSC voting records on mandatory economic sanctions regarding Sierra Leone's case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Sierra Leone	Res. 1156 16.Mar.1998 Lifted oil embargo on government	15 Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, UK, US.	0	0
	Res. 1171 05.Jun.1998 Reinforced that arms embargo was in place against the former junta and rebels	15 Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, UK, US.	0	0

Source: Author's own elaboration.

On 5 July 2000, Resolution 1306 imposing a diamond embargo was adopted by the Security Council. Brazil was no long a member of the UNSC. Also between 2000 and 2003, when the embargoes on diamonds were approved both on Liberia and Sierra Leone, Brazil was not a member of the Security Council. In general, it has been at the margins of the coercive decisions against Liberia and Sierra Leone. It has not made a contribution by defining and modelling the sanctions regimes against these countries.

<sup>304</sup> In the original: “resta ao Conselho dar continuidade aos seus esforços de estabelecer princípios e normas indicativas para a atuação da comunidade em ações destinadas à promoção da paz e da prevenção do conflito na África. Na impossibilidade conjuntural do Brasil aportar recursos significativos para programas de reconstrução, a contribuição brasileira poderá centrar-se no desenvolvimento dessas normas e na defesa dos princípios inscritos na carta. A tentação de chegar a soluções rápidas pelo uso da força, como sucedâneo da negociação diplomática, muitas vezes resulta em situações desastrosas. Como na Somália, a intervenção do ECOMOG em Serra Leoa, com apoio dos EUA e do Reino Unido, parece ter causado mais sofrimento ao povo de Serra Leoa do que o paciente trabalho de persuasão acompanhado de pressão diplomática e militar das operações de paz clássicas. A linha de atuação do Brasil deve continuar a levar em conta estas considerações”

### 3.6.3 Summary notes

As in the cases of sanctions against Somalia and Rwanda, in the cases of Liberia and Sierra Leone Brazil introduced itself as a passive but analytical observer of the conflicts' development and of the adoption and implementation of the 1990s sanction regimes. After a decade of sanctions and after a decade of US superiority in shaping international politics, Brazil observed the UNSC treatment of conflicts in a critical perspective. Brazil detected flawed structures in international institutions, which according to its viewpoint were fundamental to multilateral governance in the post-Cold War era.

The Brazilian position emanated suspicion regarding the unilateral measures used to deal with international conflicts. This perception was present in the documents sent by the Brazilian delegation at the United Nations in general, and in special in documents signed by Celso Amorim. Amorim had been Minister of External Relations under President Itamar Franco, when Brazil announced again its intention to be a permanent member of the UNSC. Lately, as Brazilian representative to the UN, his belief in the importance of reforming the Security Council and improving the decision making processes in multilateral arenas was reinforced by what was perceived as failures arising from unilateral actions.

However, Brazilian perceptions, criticisms and positions were not presented openly in the Security Council. As the document sent by Amorim regarding the case of Sierra Leone to the MRE stated, the country recognized it had no resources to contribute on the ground to the reconstruction of African societies after their civil conflicts, thus, Brazils' contribution should continue to focus on developing the norms and principles of the UN Charter. In the Liberian and Sierra Leonean cases during the 1990s, the contribution was almost nonexistent, with Brazil participating mainly to question the way of dealing with electoral laws during the attempts to restore the democratic processes.

In synthesis, the environment of the Security Council offered a privileged arena for observing and detecting the flaws of multilateral governance at the UNSC during the 1990s. However, considering the economic sanctions regimes imposed on Liberia and Sierra Leone, Brazil did not contributed to discuss, criticize or shape them. In conclusion, Brazil played no active part in discussions on the use of international coercion on Liberia and Sierra Leone during the 1990s.



### 3.7 LIBYA AND AFGHANISTAN

Since the 1970s terrorism has been a cause of worry among Western governments. In the field of UNSC economic sanctions this issue was addressed for the first time in the 1990s, when Gaddafi's Libya was sanctioned for its support of a specific act of terrorism. It was the first time the UNSC used sanctions to combat international terrorism. By the end of the decade, the radical Afghan based group, the Taliban, had its assets frozen for supporting international terrorism. These were the starting points to a more institutionalized and comprehensive approach to the so-called terrorism, which until then had no international definition and had since served to justify different kinds of sanctions and interventions in the world.

In the Libyan case, Brazil was not a member of the Security Council when the first economic sanctions on weapons and on the aviation industry (1992) were decided, but it was a member when the additional sanctions and financial sanctions were imposed (1993) and when the promise of sanctions suspension was made if Libya delivered the suspects to court in the Netherlands (1998) and again when sanctions were in fact suspended (1999). In the Afghanistan/Taliban case, Brazil was a member of the Security Council at the very beginning of the financial and aviation sanctions against Afghanistan/Taliban (1999), voting in favor of them in October 1999, when its last mandate in the 1990s was finishing.

#### 3.7.1 Libya

##### **An overview of the case**

In 1969 the King of Libya was overthrown in a coup led by Gaddafi. This coup brought an end to the Libyan monarchy. There followed a series of measures directed toward nationalizing key sectors of the economy. An intense statist program was launched and, over more than a decade, Libya nationalized banks, hospitals, the oil industry, insurance companies, and announced the end of private property and the elimination of private saving accounts. In addition, Libya put in place a centralizing and restrictive program. For instance, cultural centers were closed (except the French one), the right to strike was abolished, political activities outside the single party system were decided to be punishable by death, "Revolutionary Courts" were created, etc. (Vandewalle 2012, xxii-xxvi).

Under Gaddafi, Libya pursued a more autonomous foreign policy, which was progressively seen as hostile to U.S. and Western interests in the Middle East and North Africa<sup>305</sup> (Wright 1981, 22). In this scenario, Western governments were increasingly worried about Libya's involvement in terrorist activities. When Reagan's administration (1981-1989) was in power, the preoccupation with Libya's behavior especially as a sponsor of terrorism escalated the rhetoric. There were many diplomatic and economic approaches that attempted to isolate Gaddafi's regime (Ohaegbulam 2000, 112). It was not a surprise when, weeks after the US embassy in Tripoli was attacked and set on fire, on December 29, 1979, Libya joined the list of countries that the United States considered sponsors of state terrorism. During the 1980s, tensions only increased, with the US even launching an air attack on Tripoli and Benghazi in April 1986 (Vandewalle 2012, xxvii).

This was the tense background that existed when, on 21 December 1988, Pan Am Flight 103 exploded in the air over Lockerbie, Scotland. All 259 passengers and crew and also 11 residents of Lockerbie were killed. Investigations carried by British and American authorities concluded that a device had been detonated causing the explosion and that there was evidence pointing to involvement of Libya's Intelligence Services members in the case. Warrants for the arrest of the two Libyans were issued in the United States and, in late 1991, British and American authorities made a request to the Libyan government, in a joint statement, to hand over the suspects, provide all information related to the crime and pay for compensation. In a statement in the House of Commons, the UK Foreign Secretary explained the government's position regarding the acts he categorized as "terrorist" (Beveridge 1992, 907, Weller 1992, 303-304).

On 19 September 1989, a French UTA Flight 772 exploded over Niger, killing 171 passengers and crew. The French investigation found evidence that connected the tragedy with four Libyan nationals and France requested Libya's intense cooperation – facilitating access to documents, contacts and information - in investigations in order to establish responsibilities for "this terrorist act", as stressed by the French authorities (Beveridge 1992, 907, Weller 1992, 304).

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<sup>305</sup> "Qaddafi either openly or clandestinely supported revolutionary and terrorist groups inside and outside Africa by means of financing, training, provision of safe havens and by serving as a conduit of Soviet and communist arms. Opposition and rebel groups he is accused of financing, supplying, and training included the Irish Republican Army and forces in El Salvador, the Philippines, Tunisia, Chad, and Sudan. In addition, Qaddafi supported the Ayatollah Khomeini-led revolt against the shah of Iran, expecting that upon seizing power in Iran Khomeini would transform the country into an "outpost of Libyan style 'popular authority.'" (Ohaegbulam 2000, 113).

In order to try to avoid sanctions, Libya offered to surrender the UTA suspects to the French court and the two Lockerbie suspects to an international tribunal, but the Western powers refused the proposal because they intended to have the trial in the US, the UK or France. One month later Gaddafi offered to turn the suspects over to the Arab League (Cortright et al. 2000, 109-111).

Justifying their decision by the lack of cooperation from the Libyan government, the UNSC approved Resolution 748, on 31 March 1992, by ten votes to none, with five abstentions<sup>306</sup>. In this resolution the UNSC condemned Libya for not addressing accordingly the requests to contribute to eliminate international terrorism. Libya was also condemned by the UNSC for failing to cooperate fully in the attempt to establish responsibility for the terrorist acts mentioned in Resolution 731. Regarding economic sanctions, resolution 748 imposed mandatory sanctions on weapons and on the entire Libyan aviation industry and created a sanctions committee. Additionally, it required the reduction of personnel at Libyan diplomatic/consular missions abroad, restricted travel of Libyan nationals suspected of terrorist activity and called on Libya to compensate the families of Pan Am Flight 103 and UTA Flight 772 victims (Security Council 1992a). The delegations of Jordan, Mauritania, Iraq, Uganda, Cape Verde, Zimbabwe, India and China insisted, with no success, in debates that preceded the adoption of resolution 748 that the Security Council should await the International Court of Justice decision on the legal dispute regarding the jurisdiction for the suspects' trial (Weller 1992, 320).

Libya resisted complying with the UN demands in their exact terms. After several refusals to hand over the suspects, Libya tried to offer the suspects to be submitted to trials under the supervision of the Arab League or the United Nations. But, according to Cortright et al, Gaddafi's difficulties to comply exactly with UN demands came from domestic pressures - one of the suspects was from the Megrahi tribe, whose support Gaddafi needed in order to maintain power. As the UK and US refused Libyan offers the diplomatic negotiations stagnated at this point (Cortright et al. 2000, 112-113).

On 11 November 1993, UNSC passed Resolution 883 that imposed additional sanctions, froze Libyan government assets abroad, strengthened the existing aviation sanctions and banned the import of some spare parts for the oil industry (Security Council 1993c). The US would also have liked to impose an oil embargo but this was a difficult measure for European countries to accept because they depended heavily on Libyan exports

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<sup>306</sup> Abstentions: Cape Vert, China, India, Morocco and Zimbabwe.

(Cortright et al. 2000, 112). Then, on 5 August 1996, the US Congress unilaterally imposed the Iran and Libya Sanctions act, which penalized all firms (even the foreign ones) that continued to do business with Libya and especially those that invested more than \$40 million in the Libyan energy sector (Vandewalle 2012, xxix).

Between April and August 1998 Libya, the United States and the United Kingdom agreed on bringing to trial the Libyan Lockerbie suspects in the Netherlands, a neutral country. Then on 27 August 1998, the UNSC passed resolution 1192 by which it promised to suspend sanctions after the Secretary-General reported that the two suspects had arrived in the Netherlands for the proposed trial. It also threatened additional sanctions if Libya did not accept the offer. After the delivery of the two accused, the sanctions against Libya were suspended in July 1999 (BRASEMB\_Tripoli 1999a). In 2001, the Lockerbie trial found one defendant guilty and acquitted the other (Security Council 1998g, Vandewalle 2012, xxix-xxx).

The Arab League and the Organization of African Unity pressured the Security Council to end sanctions and adopt a more flexible diplomacy (Cortright et al. 2000, 109). Finally, on 12 September 2003, following Libya's acceptance for the responsibility of Libyan nationals to make compensation payments to the Lockerbie victims' families, after renouncing terrorism and committing to co-operate with further requests for information, the UNSC lifted the sanctions against Libya. Resolution 1506 was proposed by the United Kingdom and Bulgaria and adopted by 13 votes to none with the United States and France abstaining (Security Council 2003c). In January 2004 Libya would also agree on paying additional compensation to the families of the French UTA victims (Vandewalle 2012, xxx).

### **Brazilian behavior**

Following the explosions of the Pan Am 103 and UTA 772 flights, economic sanctions on Libyan weapons and the Libyan aviation industry were imposed by the Security Council through resolution 748. On that occasion, Brazil was not a member of the Security Council but it would later participate in voting on resolutions regarding economic sanctions on Libya in both mandates it had in the Security Council during the 1990s. The first, resolution 883, was approved on 11 November 1993, and imposed additional sanctions and financial sanctions. The second, resolution 1192, of 27 August 1998, promised suspension of the sanctions if the suspects were sent for trial in the Netherlands.

In March 1993, the permanent representative of Libya, Ambassador Ali Ahmed Elhoudori, met the Permanent Representative of Brazil to the UN, Ronaldo Mota Sardenberg, to present the position of the Libyan government on the extradition of its nationals accused by France, UK and US (P-3) in the airplane attack cases. The ambassador mentioned the flexibility of his government in relation to the trial of the accused in proposing, for example, their judgement by a neutral country or to assign to the International Court of Justice (ICJ) to define the competent court for trial. He said that despite this good will, Libya still found no space for negotiations due to the inflexibility, especially from the UK and US, in wanting to judge the accused in their territories. He added that he did not consider fair the P-3 use of the Security Council to address the issue, but he said Libya would comply with any decision of the Security Council which defined that Libya should surrender the suspects. The ambassador pointed out the many negative effects caused to his country by the sanctions which had been imposed without any guilt having been established. The Libyan ambassador said he "counted on Brazilian help to look for a solution to the problem"<sup>307</sup> (DELBRASONU 1993g).

Despite the negative effects alleged by the Libyan ambassador, the sanctions seemed to have no significant economic or political repercussions in Tripoli. However, a month after this meeting, the Brazilian Embassy in Tripoli communicated that "changes in the local state of spirit" could be noticed regarding the sanctions regime and, at that time, especially because of the aerial blockade. Local media had published "virulent editorials attacking the UNSC." The telegram highlighted editorials that pointed out what would be "the loss of legitimacy of the Security Council, which was being manipulated by powerful members, with the aim of promoting unjustified attacks on small and weak nations." The news suggested that the Security Council resolutions had loosened their legitimacy. However, it was observed some apprehension among members of the diplomatic corps and oil companies in Tripoli that embargoes could be adopted against the supply of equipment for oil. If, in the short term, such a penalty would not affect the industry, in the long term it could reach "desperate levels." It was estimated that if the US order was for a "victory in the Libyan front," it could be expected that they would try to persuade their allies on the Security Council to deepen sanctions<sup>308</sup> (BRASEMB\_Tripoli 1993a).

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<sup>307</sup> In the original: "imposto, acentuou, sem que haja qualquer culpa estabelecida"; "contava com a ajuda do Brasil na busca de uma solução para o problema".

<sup>308</sup> In the original: "mudanças no estado de espírito local"; "virulentos editoriais atacando o CSNU"; "a perda de legitimidade do Conselho de Segurança, que estaria sendo manipulado por membros poderosos, com o intuito de promover agressões injustificadas a nações pequenas e fracas"; "níveis desesperadores"; "vitória no front líbio".

In a meeting with the ambassador of Pakistan, the Brazilian chargé d'affaires in Libya praised the "thoughtful and conciliatory role of Pakistan on the Council. [He also traced...] parallels between how his country was trying to drive the issue and the ideals of legality and understanding that characterize the formulation of Brazilian foreign policy. " The ambassador said that Pakistan and the Islamic countries as a whole "do not nourish any sympathy for the idea of hardening the action on Gaddafi"<sup>309</sup> (BRASEMB\_Trípoli 1993b).

Facing this scenario of opposition between Islamic states and mainly the US, Brazil has opted not to become directly involved in the issue. Its cautious stance was noted by Libya. In a courtesy visit to the head of the Latin American department of the Libyan Foreign Ministry, the Brazilian chargé d'affaires in Libya was questioned about the fact that Brazil had remained silent during discussions at the Security Council regarding a review of the sanctions. The answer was that "despite its sympathy for the Libyan nation, Brazil, recently elected to the Council, chose not to interfere with the progress of such a sensitive question."<sup>310</sup> (BRASEMB\_Trípoli 1993b).

Except for the fact that the absence of Brazilian demonstration was due to its recent arrival to the Security Council, the answer that Brazil provided (a decision not to intervene in the progress of sensitive issues) was reflected in Brazil's position on the Libyan case. Brazil did not ignore the pressure "of public opinion" under the P-3 or "a complex network of pressures faced by Gaddafi"<sup>311</sup> (BRASEMB\_Trípoli 1993b). In addition, Brazil's presence in the Arab world, and vice versa, was decreasing since the Gulf War. At the time, Brazil condemned Iraq's invasion in Kuwait but did not involve itself with the military coalition that brought about Iraq's withdrawal from Kuwait. In addition Brazil did not attend the Madrid conference of 1991, which launched the peace process in the region. This absence, as Messari argued, was "normal and natural, as the country had no role to play in that context"<sup>312</sup> (Messari 2006, 252). So, in order to avoid frictions in a matter in which it had no real influence, Brazil chose to keep to its constant and traditional condemnation of terrorism and

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<sup>309</sup> In the original: "atuação ponderada e conciliadora do Paquistão à frente do Conselho. [Traçou também...] paralelos sobre o modo como seu país tentava conduzir a questão e os ideais de legalidade e entendimento que caracterizam a formulação da política externa brasileira"; "não nutrem qualquer simpatia pela ideia de que seja adotado um endurecimento em relação a Kadhafi".

<sup>310</sup> In the original: "apesar de suas simpatias para com a nação Líbia, o Brasil, recém eleito para o Conselho, optara por não interferir no andamento de questão tão pungente".

<sup>311</sup> In the original: "da opinião pública" que sofriam os P-3, nem 2 "a complexa trama de pressões enfrentadas por Khadafi".

<sup>312</sup> In the original: "normal e natural, já que o país não tinha nenhuma função a desempenhar naquele contexto".

seek support for the compliance of Council resolutions with no further involvement in the question.

On August 16, shortly after the Security Council meeting that extended - without, however, reinforcing- the sanctions against Libya, the head of the Brazilian diplomatic mission to Tripoli was called to the Libyan Foreign Ministry. The head of the Foreign Ministry wanted to express satisfaction with the Brazilian statements made at the Security Council meeting. The Brazilian performance was praised for giving “proof of its independence and determination in focusing on both international law and the logic that should govern the mechanisms of multilateral forums”<sup>313</sup> (BRASEMB\_Tripoli 1993c).

At the UNSC meeting, without giving special attention to Libya or its efforts to negotiate a solution to the case, Brazil had demonstrated its condemnation of terrorism, that

[...] as all other Security Council resolutions, without exception, resolutions 731 [that requested the extradition of the Libyan accused] and 748 [that imposed sanctions] must be fully implemented”, and that it was the Brazilian expectation that “the situation may be reexamined with a view to finding a solution to this question in the framework of the resolutions of the Security Council (SERE 1993q).

Finally, regarding the expansion of the sanctions regime, Brazil reflected:

As a preliminary reaction, I would note that any initiative that would involve a modification of the existing sanctions regime should be the object of timely consultations among all the members of the Security Council and will need to be very carefully considered in our capitals (SERE 1993q).

It was probably this last part of the Brazilian speech that was most relevant to Libya, leading to the Libyan compliment. Given the whole content of the Brazilian speech, that compliment seemed to be more an attempt to bring Brazil closer to the Libyan position than a genuine expression of satisfaction with the effective Brazilian position.

Although not reinforcing sanctions against Libya in August, France, the UK and the US said that if progress was not made they would propose to expand the sanctions regime. The ultimate deadline for the Libyan government to hand over the suspects was 1 October. If the Libyan government did not cooperate "the three countries would draw a draft resolution reinforcing sanctions in the oil, financial and technological areas"<sup>314</sup> (DELBRASONU 1993h).

<sup>313</sup> In the original: “provas de sua independência e determinação em privilegiar tanto o direito internacional quanto a própria lógica que deve reger os mecanismos dos foros multilaterais”

<sup>314</sup> In the original: “os três países tabularão projeto de resolução reforçando sanções na área petrolífera,

Anticipating this situation and facing the probable maintenance of the status quo, the Libyan ambassador in Brasilia visited the head of the Department of International Organizations of the MRE, requesting Brazilian support for Libya. At the time Brazil reemphasized to the Ambassador that it was Brazil's understanding that the Security Council resolutions must be obeyed. Regarding the imposition of new sanctions "it was observed that Brazil always favors negotiated solutions to conflicts and strives regularly to prevent further disagreements."<sup>315</sup> The situation was interesting because the deadline given by the P-3 coincided with the date on which Brazil would assume the presidency of the Security Council. Regarding Brazil's position on 1 October it was conveyed to the Libyan ambassador that "Brazil would orient itself by the principles of moderation and respect for law that guide its international action"<sup>316</sup> (SERE 1993p). This was the consistent position of Brazil throughout the decade that sanctions were imposed on Libya.

In October, as promised, the P-3 sponsored the expansion of the sanctions' regime against Libya. The Permanent Representative of Brazil to the UN, Ronaldo Mota Sardenberg, consulted the SERE on the possible impact that sanctions (the freezing of assets of the Libyan government and an embargo on the supply of equipment for the oil industry) would have on Brazilian economic interests. If there was to be any impact, he thought there would be room for consultation with the sponsors because they showed a willingness to discuss technical arguments regarding this issue (DELBRASONU 1993i).

However, the SERE replied that the extension of the sanctions regime did not appear to have any negative consequences for Brazilian-Libyan trade. Although bilateral trade had declined compared to 1991, in 1992 Brazilian exports to the country amounted to 36 million dollars and the main products exported were pelletized hematite, sugar cane/beet, cane crystal sugar, products related to iron ore, gas cookers and bulldozers and angle dozers<sup>317</sup>. Imports, in turn, had increased by approximately 10 million dollars. In the first half of 1993 exports had already reached 30 million and imports had reached 3 million dollars (SERE 1993v).

After consultation, Braspetro, which could eventually be affected by sanctions on the oil industry, confirmed that the expansion of sanctions would not affect in principle its activities. Two of the contracts that somehow linked it to the Libyan government were still in

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financeira e tecnológica”

<sup>315</sup> In the original: “foi-lhe observado que o Brasil favorece sempre soluções negociadas para os conflitos e nos esforçamos regularmente para evitar o agravamento das discordâncias”

<sup>316</sup> In the original: “o Brasil se pautaria pelos princípios de moderação e de respeito ao direito que norteiam sua atuação internacional”

<sup>317</sup> Similar to tractors but fitted with a blade in front.



the exploration phase (and the sanctions would have no immediate effect on this phase of operations). In the case of the payment for drilling services provided by Brasoil (a Braspetro subsidiary) to the Libyan state company, the payments could somehow only be affected regarding its portion paid in dollars (25%). In addition, depending on the result of arbitration of an international dispute, any favorable decision for Brasoil against the Libyan state company could have its implementation somehow compromised as the payments were required in dollars. Thus SERE interpreted that, “an eventual expansion of sanctions against Libya would not affect, in principle, its [Braspetro] interests in that country [Libya]”<sup>318</sup> (SERE 1993w). Also in relation to the financial sanctions it was confirmed there was no record of Libyan debts with Brazil (SERE 1993n). If politically the country was already far from being interested in influencing the region, this information also confirmed that there was no economic incentive for Brazil to engage in negotiations on the sanctions regime imposed on Libya.

Considering, as indeed it was later confirmed, that at least 10 of the 15 members should vote for the reinforcement of the sanctions regime, the Brazilian government guided the Brazilian delegation to vote in favor of the resolution. It was mentioned on this occasion that Brazilian economic interests would not be, at least immediately, compromised (SERE 1993u).

In November, a few days before the approval of the expansion of the sanctions regime against Libya, the Brazilian government proposed to the P-3 two subtle changes in search of a little more objectivity to the draft resolution. The changes, which were partially accepted, sought to define more specifically the requirements to be met by Libya for the lifting of sanctions, but did not change the spirit of the resolution. On this occasion, the Brazilian representative reminded other states of his country’s willingness to support the text of the resolution despite the political and legal difficulties that Brazil found in it, among which he mentioned the part of the draft which “suggests that the measures adopted individually by member states to give effect to sanctions could also apply to subsidiaries of transnational companies abroad”. Brazil believed that the most correct expression would be “by persons under their jurisdiction”, in what was clearly an attempt to limit the extraterritorial effects of unilateral measures and preserve the states’ autonomy. He also mentioned that the draft previewed - and it remained in the text resolution - the necessary delivery of the two suspects

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<sup>318</sup> In the original: “eventual ampliação das sanções contra a Líbia não afetaria, em princípio, seus interesses naquele país”

to courts "in the US or in the UK", which would eliminate the alternative solutions being negotiated to end the conflict (DELBRASONU 1993j).

With no political capital binding Brazil to Libya and without a threat to its economic interests in the matter, the Brazilian interventions would be limited to trying to curb the formation of rules that legitimized a broader unilateral interference in states' domestic affairs that could harm states' sovereignty. Brazil's arguments repeatedly stressed the respect for international law as emphasized by itself in its foreign policy tradition. However, Brazil's involvement in the negotiation of resolution 883 showed that the defense of legal principles had to give way to a proposal sustained by the major Western powers at the UN. The clear limitation to influence the dispute, the concern with the rules of the multilateral game, and especially with international law, gave way to Brazil behaving in accordance with traditional power dynamics. Involved in a matter in which the interests of big players were at stake, Brazil chose not, and it would be unusual if it did, to confront the three major Western powers in the Security Council.

Diplomatic documents reveal satisfaction with what can be read as a certain degree of prestige gained in the process. According to the report of the Brazilian ambassador to the UN, the P-3 recognized the difficulty that Brazil had in supporting the initiative, "which is why our support was 'very greatly appreciated'." The ambassador of the United Kingdom "stressed that we should not underestimate the recognition by his government that our support generated"<sup>319</sup> (DELBRASONU 1993j). Similarly, later, after the approval of the resolution, the head of the Department of International Organizations of the Foreign Ministry received a P-3 document in which "the US diplomat said he wanted to express the appreciation of the P-3, in particular US, for the constructive role and support of the Brazilian Government to the draft resolution, and that they were aware that the negotiation had been a quite difficult process. He hugely thanked the flexibility demonstrated by Brazil (and Venezuela) regarding our traditional positions on the issue of extradition"<sup>320</sup> (SERE 1993o).

Thus, resolution 883, which imposed additional sanctions on the aviation and oil industries and imposed financial sanctions, was adopted on 11 November 1993, with 11 votes in favor and 4 abstentions. Among the abstentions counted was the Chinese vote, which was

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<sup>319</sup> In the original: "razão pela qual nosso apoio era 'very greatly appreciated'"; "acentuou que não deveríamos subestimar o reconhecimento que nosso apoio gerava junto a seu governo".

<sup>320</sup> In the original: "o diplomata norte-americano informou que desejava manifestar o agradecimento do P-3, em particular dos EUA, com o papel construtivo e o apoio do Governo brasileiro ao projeto de resolução, ciente de que sua negociação constituiu processo bastante difícil. Agradeceu imensamente a flexibilidade demonstrada pelo Brasil (e Venezuela) tendo em vista as nossas posições tradicionais sobre a questão da extradição".

traditionally against the use of economic sanctions to solve international conflicts. Russia, which threatened to vote against the resolution, changed its vote when its request to add a paragraph that provided that “nothing in this resolution affects Libya’s duty to scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt” was included (Security Council 1993c). The Russian intention was to receive approximately 4 billion dollars that Libya owed Russia for arms purchases (Mickolus and Simmons 1997, 66).

The Brazilian speech in the meeting that adopted the resolution stressed the country’s commitment to oppose acts of terrorism. Following the Brazilian foreign policy tradition of respecting international law, the Brazilian representative remembered that

[...] this goal should not be pursued by ignoring the presumption of innocence and also that ‘efforts to combat and prevent acts of international terrorism must be based on relevant principles of international law and existing international Conventions’ (Security Council 1993-1995a).

By means of Decree 1029, of December 29, Brazil legally imposed resolution 883 of the Security Council within the Brazilian territory.

With the expansion of the sanctions approved, the P-3 proposed an amendment on the procedures of the Libyan sanctions committee. According to a telegram of the Brazilian delegation at the UN, “rather than incorporating the provisions of resolution 883 (1993), the proposal seems to be seeking to extend them or authorize their interpretation more broadly [than the scope of the resolution recently adopted]”. The proposal included, “among other highly questionable points, the possible use of a group of experts that would advise the committee on financial affairs.” For the Brazilian delegation, the constitution of a group of experts “should be avoided at all costs as it would transfer part of the political responsibility of the member states to a group of experts that would represent neither the set of states represented on the Council, nor the universality of the General Assembly”<sup>321</sup> (DELBRASONU 1993k). It is noticed that, despite not being involved politically or economically in the issue, Brazil was concerned that its treatment within the major international organization would not form precedents for the simple exercise of power between the states involved.

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<sup>321</sup> In the original: “mais do que incorporar as disposições da resolução 883(1993), a proposta parece procurar estendê-las ou autorizar sua interpretação em termos mais amplos”; “entre outros pontos altamente questionáveis, o possível recurso a um grupo de especialistas que assessoraria o comitê em assuntos financeiros”; “se deveria a todo custo evitar na medida em que transferiria parte do exercício da responsabilidade política dos estados membros para um grupo de especialistas que não representaria nem o conjunto de estados representados no conselho, quanto menos a universalidade da assembleia geral”.

The reform of the procedures of the sanctions committee in 1994 began with a new text welcoming several amendments presented by the Brazilian and Pakistani delegations. The most relevant, product of a Brazilian suggestion, regarded the group of financial experts that were to advise the committee. Consultation with experts would continue to be required case by case, under the request of the committee, as was the current practice. Another Brazilian proposal accepted was to cancel the reference to monetary and fiscal authorities mentioned in the resolution. Brazil had argued that the designation of authority responsible for implementing the resolution was an internal affair of each state. In the same telegram that gave the previous information, it was revealed that, besides Brazil, only Pakistan and Egypt (from outside the UNSC) were fighting for changes in the original text presented by the P-3 (DELBRASONU 1994d).

Looking for to safeguard the space of political action in the Security Council and the basic principles of state sovereignty, Brazil demonstrated that the defense of multilateralism and international law were themselves important topics for its foreign policy. These considerations had Brazil's special attention as some months later, during the General Assembly meeting, when Brazil would present again its candidacy for a permanent seat on the Security Council.

In March 1994, SERE consulted DELBRASONU on the legality of the request of the Libyan Embassy in Brazil to receive foreign remittances in order to pay for the mission's expenses (SERE 1994c). In a detailed analysis of the practice of other sanctions committees, especially that of Yugoslavia, the Brazilian representative at the UN stressed that that practice and the legal regime of the Vienna conventions on diplomatic and consular relations authorized the use of the accounts as requested by the Libyan embassy in Brazil. He expressed there was no need to submit this question, citing international law and the practice of other committees, to the analysis of the Committee: "I'm afraid consulting the Committee is more than dispensable, and could subordinate any Brazilian decision to probably a long and rough process, considering the veto power that consensus ensures, in fact, to each of the delegations"<sup>322</sup> (DELBRASONU 1994c). Brazil's performance demonstrated knowledge of the facts and accurate political analysis, plus an ability to safeguard the unnecessary exposure of the country to a situation that eventually would limit its freedom of action.

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<sup>322</sup> In the original: "Temo que a formulação de consulta ao comitê, ademais de prescindível, venha a subordinar qualquer decisão brasileira a um processo provavelmente longo e acidentado, pelo poder de veto que o consenso assegura, de fato, a cada uma das delegações"

When Brazil returned to the Security Council in 1998, the situation regarding Libya had not changed substantially. The US and the UK insisted that the accused should be handed over for trial in their territories and resolutions 748 (1992) and 883 (1993) were still prescribing the regime of sanctions against Libya.

Soon after its arrival on the Security Council, Brazil had to deal with an impasse on the Libyan question. There was a standstill on the Council which prevented both the lifting of sanctions which was in general the position sought by China and Russia, with strong opposition from the US and UK, who tried to maintain or reinforce the regime (DELBRASONU 1998)}

Gaddafi sent a letter to Brazilian President Cardoso in January 1998, in which he revealed his "opinions and beneficial advices" in the sense they should "recover our international organization (UN)." This process would consist in putting the decision making power of the organization in the General Assembly, balancing regional representation among the permanent members of the Council, and regulating the use of the veto power. In the same letter Gaddafi supported Brazil to be a permanent member of the UNSC (BRASEMB\_Tripoli 1998c). The attempt, which could perhaps make sense in the context of the previous mandate of Brazil in the UNSC, when the country re-launched its candidacy for permanent membership, found no echo in 1998. In this, the final year of President Cardoso's mandate, the Brazilian emphasis on being a candidate for a permanent seat at the Security Council had diminished and Gaddafi's letter made no impact.

Libya faced various difficulties in its economic and public health sectors. The perception of the Brazilian chargé d'affaires at that time was that the Libyan government was fairly consistent in its line of argument that the humanitarian difficulties faced were caused by economic sanctions and by the aerial embargo imposed by the UN. He clarified, however, that in fact those difficulties derived from the bilateral sanctions imposed by the US. The UN sanctions were, then, used as a scapegoat by the Libyan government. Through this strategy, Gaddafi was making the population feel collectively and unfairly punished by the UN. Considering also that it was agreed among local analysts that the economic sanctions in force did not cause serious economic damage to the country, he concluded that isolated sanctions would only worsen the UN image among Libyans. The Brazilian diplomat suggested, finally, that it could be an improvement if Brazil worked for a change in focus "toward a partial lifting of the embargo followed simultaneously by a more precise approach of sanctions." According to his analysis, this would tend to contribute to improve the UN's image before the

Libyan population and make the sanctions regime more effective and focused (BRASEMB\_Tripoli 1998g).

The ICJ decided that it, itself, was competent to analyze the US and UK dispute against Libya. Despite the decision not to consider the merits of the dispute, it revived Libya's wish to have the sanctions lifted or at least suspended. In its endeavor, Libya managed to gather the support of important groups such as the Arab League, the OAU and the Organization for Islamic Cooperation (DELBRASONU 1998}).

In March, on the eve of the 18th revision of the sanctions against Libya, the Brazilian expectation was that, as advocated by US and UK, the decision of the ICJ would not influence the sanctions regime since nothing had been effectively resolved. Therefore, the orientation of the SERE was for Brazil to vote in favor of the "roll over" of the sanctions regime (SERE 1998c).

On July, the 19<sup>th</sup> a revision of the sanctions regime against Libya took place. The meeting demonstrated the increasing support received by Gaddafi in groups of countries within the Non-Aligned Movement (NAM), the OAU and the Arab League. These countries presented alternatives to the trial taking place as well as proposing the lifting of the sanctions or their suspension. In the letters of these groups there was a clear pressure as they stated they could be "compelled to take appropriate action to end the suffering of the Libyan population" and they mentioned as well a possible "constitutional crisis" among the main United Nations bodies (DELBRASONU 1998z).

While the UK, the US and France remained united on not changing the sanctions regime,

[...] the other members of the UNSC were divided between those who endorsed the views put forward by the OAU / LEA / MNA (China, Bahrain, Kenya, Gabon) and those who have adopted a less engaged posture, recognizing the fact that there is sufficient evidence for modification of the sanctions regime, without ignoring, however, the existence of new considerations of political significance which needed to be assessed with caution in the medium term (Brazil, Russia, Costa Rica and Portugal).<sup>323</sup> (DELBRASONU 1998z).

The stalemate between the groups led to the maintenance of the sanctions regime. Nevertheless a little progress was announced: it was agreed that the Security Council would

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<sup>323</sup> In the original: "compelidos a tomar as medidas apropriadas para colocar fim ao sofrimento da população Líbia"; "crise constitucional"; "os demais membros do CSNU dividiram-se entre aqueles que subscreveram as teses defendidas por OUA/LEA/MNA (China, Bareine, Quenia, Gabao) e os que adotaram postura menos engajada, reconhecendo o fato de não haver elementos suficientes para modificação do regime de sanções, sem que, no entanto, se pudesse desconhecer a existência de novas considerações, cujo peso político precisava ser avaliado com cautela, a medio prazo (Brasil, Russia, Costa Rica e Portugal)".

request greater involvement of the Secretary-General of the United Nations in the search for a solution to the issue (DELBRASONU 1998z).

The political support received in the UNSC was already materializing in concrete acts. Less than a week after the meeting that maintained the sanctions regime, the Brazilian Embassy in Tripoli reported the second violation of the air embargo imposed by the UNSC (BRASEMB\_Tripoli 1998f). The Egyptian President, the main US ally in the region, also asked - and was granted - authorization for the sanctions committee to fly to Libya. Successive violations demonstrated that the sanctions regime was unsustainable. At the same time, Libyan diplomacy made economic promises to the country's neighbors, all leading to a growing feeling of dissatisfaction with the current regime of sanctions: "Libya knows how to catalyze the discontentment with US policy on the issue of the peace process in the region"<sup>324</sup> (BRASEMB\_Tripoli 1998b).

Following increasing political pressure and facing the possibility of being discredited by a coalition that would expose the failure of sanctions US and UK diplomats confirmed that their governments were willing to accept the trial of suspects in the Lockerbie case in a third country. It was also possible to accept the lifting of sanctions against Libya. A telegram of the Brazilian delegation at the UN said the US concerns were related to: the treatment that the media would give to the issue and that it should not "transpire that this government relinquishes before Libyan demands"<sup>325</sup>; the fact that influential congressmen used the approval of the agreement in Congress as a bargaining chip on issues unrelated to the case; and that the families of the victims felt satisfied. The UK was concerned about the legal issues of jurisdiction and the applicable law. Both (the US and the UK) recognized that sanctions could be lifted if Gaddafi agreed with the resolution they would propose (DELBRASONU 1998p).

Finally, on 27 August 1998, resolution 1192 was adopted. It promised the suspension of sanctions if the Libyan government brought the two suspects in the Lockerbie case to appear before a court that would be established in the Netherlands.

Celso Amorim, the representative of Brazil in the meeting that adopted the resolution, adopted the traditional Brazilian position for the case. He reiterated the condemnation of terrorist acts and stressed the importance of diplomatic efforts. He welcomed the progress

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<sup>324</sup> In the original: "A Líbia está sabendo catalizar o descontentamento com a política de Washington na questão do impasse do processo de paz na região"

<sup>325</sup> In the original: "em hipótese alguma poderá transparecer que o seu governo transigiu diante de exigências líbias".

made by negotiations involving US, the UK, the availability of the Netherlands and mentioned the expectation that Libya would cooperate (Security Council 1998a). Interestingly, he also stressed legal concerns that Brazil formulated after almost a decade of intense economic sanctions imposed by the Security Council:

Five years ago we indicated our conviction that the imposition of sanctions must always be linked to the performance of limited, concrete and specific acts that are required as essential by decisions of the Security Council. Such acts must be specifically set out by the Council so that the State on which sanctions are imposed may be able to know in advance and beyond all doubt that the sanctions will be lifted as soon as those specific requirements are met. It is with the same conviction that we will vote in favor of the draft resolution before us (Security Council 1998a, 7-8).

Considering the previous action of Brazil, its behavior toward the sanction's regime against Libya reveals a legitimate interest of Brazil with the structure of the international rules system, more than with the economic sanctions effects or effectiveness. In fact, the few opportunities Brazil had to participate in the economic sanctions' debate were used to try to hold back the spread of unilateral power with the legitimacy of multilateral agreement in the Security Council.

Contrary to the sequence of proposals and speeches of the Libyan government throughout the decade, the Brazilian embassy in Tripoli described a defeatist scenario in the Libyan government after the adoption of Resolution 1192. The vice-minister Al-Obedi said that "Libya feels humiliated" (BRASEMB\_Tripoli 1998h). As the terms of the resolution corresponded to the Libyan proposal for the trial of the accused in a third state, an impression that was strengthening among analysts was that the Libyan proposal was made "solely because this country did not believe that it could be accepted by the United Kingdom and / or the United States."<sup>326</sup> The evaluation, however, was that, despite the discontent, there could be no alternative to the Libyan government other than to cooperate. Besides the proposal met one of the alternatives that Libya had itself proposed to the solution of the question, the country was internationally isolated as the other Arab states were absent from the Libyan scenario due to more pressing matters and the Africans were always awaiting some material benefit to provide support (BRASEMB\_Tripoli 1998h).

Gaddafi found himself increasingly compelled to bear the political burden of delivering the two accused to the Dutch court. With the support that the accused had from

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<sup>326</sup> In the original: "exclusivamente porque esse país não acreditava que pudesse ser aceita pelo Reino Unido e/ou pelos Estados Unidos".



important domestic political groups, Gaddafi tried to find measures to protract the delivery (such as making public consultations via "popular congresses") while seeking ways of spreading the political burden of an act that seemed increasingly closer to him (BRASEMB\_Tripoli 1998e). Gaddafi continued insisting on the preeminence of the ICJ decision over the resolution of the UNSC and, in a desperate move, threatened to withdraw the Libyan UN mission (BRASEMB\_Tripoli 1998d).

For the Brazilian embassy in Tripoli, Gaddafi's behavior led to the obvious conclusion regarding Libyan disinterest in solving a case that hitherto served and would continue to serve as "an excuse for all the serious problems facing the country right now."<sup>327</sup> The sanctions would serve as an excuse for the fiscal and trade deficit, inflation, unpopular economic measures, the lack of products, and as a justification for the adoption of new security measures in a country in which the population did not feel the benefits of the 1969 revolution (BRASEMB\_Tripoli 1998d).

With this sequence of delaying measures, Gaddafi sought to gather regional support and also to discredit the sanctions regime still in force. The Embassy of Brazil in Tripoli reported that the media highlighted that the government accepted submitting the case to the jurisdiction of the ICJ and not to the Security Council. It also reported on an event that all heads of accredited missions in Tripoli were invited to attend. This event started with a reception, at the airport - in clear violation of the air embargo -, for the president of Malawi. It had been followed by a meal hosted by Gaddafi himself. All this discredited a local opinion that hinted at a possible cooperation of Libya for the solution of the Lockerbie case (BRASEMB\_Tripoli 1999d). In letters addressed to the Brazilian president and the Brazilian Ministry of External Relations, their Libyan peers reinforced the precedence of the ICJ decision over the UNSC resolutions and that, therefore, there should be no review of sanctions. Libya therefore requested Brazil "to instruct your delegate at the UN Security Council not to take part in the periodical review of sanctions" (BRASEMB\_Tripoli 1999e).

Through the mediation of South Africa's Nelson Mandela, Libya finally agreed to move forward on the issue. On 19/03/1999 Gaddafi and Mandela gave a public speech together regarding the surrender of the suspects in the Lockerbie case (BRASEMB\_Tripoli 1999e). After the delivery of the two accused, the sanctions against Libya were suspended in July 1999, as provided in Resolution 1192 (BRASEMB\_Tripoli 1999a).

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<sup>327</sup> In the original: "desculpa para todos os graves problemas que o país enfrenta no momento".

Regarding the French UTA case, Gaddafi's government announced, on July 16, that it would pay compensation of 211 million francs to the families of victims (BRASEMB\_Tripoli 1999c).

At the end of 1999, in the final month of the 8<sup>th</sup> Brazilian mandate at the UNSC, international relations with Libya gave clear signs of normalizing. After fifteen years Britain designated an ambassador to Libya, the Italian Prime Minister visited Tripoli and the European Union invited the country to become a full member of the Euro-Mediterranean Forum. These initiatives were among other approaches from France and Portugal. In Africa, Gaddafi received support and visits from numerous leaders of the continent. He came to present himself as a mediator in regional conflicts and this was viewed with unease by Egypt and Nigeria. The Brazilian embassy noted that, finally, several important countries were working to develop a more pragmatic behavior toward Libya (BRASEMB\_Tripoli 1999f).

Curiously and not related to the sanctions, the phasing out of Brasoil activities, an enterprise controlled by Brazilian Petrobras, occurred during the same period. In reality the process of ending the activities had begun a year earlier, when the company announced it expected to conclude the sale (or authorization for the removal of a drilling rig) of the company's operations in Libya and remove its employees definitely (BRASEMB\_Tripoli 1998a). This process was completed in December 1999 with the transport of the drilling rig and closure of activities at the same time as the sanctions had been suspended and other foreign oil companies began to return to the country. The process became permanent despite the opinion of Brazil's embassy in Tripoli that the (Brasoil) activities should continue (BRASEMB\_Tripoli 1999b).

**Table 18 - Relevant UNSC voting records on mandatory economic sanctions regarding Libya's case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Libya	Res 883 11.Nov.1993 Imposed additional sanctions on aviation and oil industry and imposed financial sanctions	11 France, Russia, US, UK, Brazil, Cape Verde, Spain, Hungary, Japan, New Zealand, Venezuela	0	4 China, Djibouti, Morocco, Pakistan
	Res. 1192 27.Aug.1998 Promise of sanctions suspension and threaten further sanctions	15 Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, UK, US.	0	0

Source: Author's own elaboration.

### 3.7.2 Afghanistan (Taliban)

#### **An overview of the case**

Following the August 1998 US embassy bombings in Africa and the rise of the Taliban, based in Afghanistan, the UNSC started passing several resolutions against terrorism and terrorist groups. The sanctions against Al-Qaida and associated individuals and entities were first established by Resolution 1267, approved on 15 October 1999, and were strengthened, year after year, by subsequent resolutions<sup>328</sup> (Security Council 2015b).

By resolution 1267, the Security Council initially strongly condemned the use of Afghan territory especially in areas controlled by the Taliban, for “the sheltering and training of terrorists and planning of terrorist acts”, and deplored the fact “that the Taliban continues to provide a safe haven to Osama bin Laden”. Acting under chapter VII of the Charter, the Security Council then imposed financial and aviation sanctions against the Taliban regime in Afghanistan and created a sanctions committee (Cortright et al. 2000, 127, Security Council 1999c).

The US and Russia also supported the imposition of an arms embargo, but the other states were concerned about the measures that would need to be put in place in order to enforce a broader embargo along the Afghan-Pakistani border (Cortright et al. 2000, 129).

In 2001, September 11, the attacks on the World Trade Center and the Pentagon mobilized several states and organizations to take a more intensive approach to combat terrorism. Since then the Security Council has adopted different initiatives to fight terrorism. Eric Rosand has classified initiatives in four groups: the condemnation of individual acts of terrorism, the imposition of counterterrorist obligations on states and establishment of the Counter-Terrorism Committee to monitor their implementation, the enhancement of counterterrorism capacity and coordination, and the imposition of sanctions (Rosand 2004, 745). Concerning specifically economic sanctions, a largely used measure has been the targeted sanctions against terrorists and people and organizations associated with them.

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<sup>328</sup> Subsequent resolutions related to sanctions on Al-Qaida and associated individuals and entities include resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009), 1989 (2011), 2083 (2012) and 2161 (2014). The individuals and entities targeted are considered to be under these resolutions sanctions whenever their location is (Security Council 2015b).

### **Brazilian behavior**

Brazil was a member of the Security Council in 1998, when the attacks on the US embassies in Africa and the rise of Taliban occurred. It was also a member of the Security Council in 1999, when the first sanctions were imposed against Al-Qaida and its associated groups and individuals.

In August 1998, the Security Council was negotiating a very critical resolution to strongly condemn the Taliban. Earlier that month, on August 7, the US embassies in Dar es Salaam (Tanzania) and Nairobi (Kenya) suffered bombing attacks attributed to Osama bin Laden and the Al-Qaida organization. A day later, Taliban forces attacked and seized control of the city of Mazar-i Sharif, in northern Afghanistan. The attack was motivated by revenge for the massacre of Taliban soldiers in 1997, who were killed after the failed attempt by the Taliban to take the city (Human Rights Watch 1998).

In this context, the resolution 1193 was adopted. It reaffirmed the UNSC previous documents concerning terrorist acts, requested the release of the Iranian diplomats captured, and requested the Secretary General to proceed with an investigation of the alleged massacre that occurred the previous year in Mazar-i Sharif (Security Council 1998h). At that moment, Celso Amorim, Brazilian representative on the Security Council, discussed supporting the resolution. In his speech, other than supporting the combat with terrorism, he also mentioned that the resolution reaffirmed the Security Council's "commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan" and that the UN "has acted in an impartial way in the fulfilment of its political mandate". This was to subtly mention the values that Brazil recognized as important to be preserved in the Security Council's actions.

Finally, it condemned the attacks on UN personnel in Afghanistan territories controlled by the Taliban and stressed the importance of ensuring respect for international law by "those in a position of authority", asserting that the Iranian diplomats should be freed immediately (DELBRASONU 1998b).

At the time of adoption of resolution 1193, the international community believed that the eight Iranian officials at the Iranian consulate in the city had been taken as Taliban hostages. Later investigations revealed that the Iranian diplomats and an Iranian journalist had been executed, as had been thousands of people, especially male members of the ethnic Hazara, Tajik, and Uzbek communities (Human Rights Watch 1998).

On 15 October 1999, resolution 1267 imposed mandatory financial sanctions against Al-Qaida and associated groups or individuals, according to the designation of the sanctions' committee created also on that occasion<sup>329</sup> (Security Council 1999c). The draft resolution counted on a massive support for its approval as it had been submitted by Canada, the Netherlands, the Russian Federation, Slovenia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. China registered in a statement that as its position was already known, it did not support the frequent use of sanctions, but as "the text of the resolution reiterates the commitment to the sovereignty, independence and territorial integrity of Afghanistan, as well as respect for its cultural and historical traditions" and as the text indicated clearly that "the sanctions would be terminated immediately once the resolution was implemented" it voted in favor of the resolution. Brazil made no statements, before or after the voting process (Security Council 1999a).

In early December 1999 SERE informed the Brazilian Mission at the United Nations that the regular procedure to enforce the sanctions approved by the Security Council in Brazilian territory had been adopted. The sanctions determined by the Security Council in resolution 1267 were incorporated into the Brazilian legal system by the force of Decree number 3.267, of 30 November 1999, which was sent annexed in order to be registered and sent to the Secretariat of the United Nations (SERE 1999e).

In December 2000, after pressure from both the United States and Russia, the Security Council expanded the economic sanctions to include freezing the funds of Osama Bin Laden and associates, imposing an arms embargo over the territory of Afghanistan controlled by the Taliban and imposing an embargo on the chemical acetic anhydride. This resolution (1333 of 19 December 2000) was adopted when Brazil was no longer a member of the Security Council. It was the first of a series of resolutions related to terrorism that would follow in the first decade of the 2000s. It appears that Brazil continued to contribute with information regarding its fulfilment of the Security Council decisions on the matter. For instance, in 2003, the Permanent Representative of Brazil to the United Nations, Ronaldo Mota Sardenberg, sent an extensive report on the steps taken by the government to implement the measures against

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<sup>329</sup> Resolution 1267 terms: "[The Security Council] Decides further that, in order to enforce paragraph 2 above, all States shall: ... (b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 below, and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need" (Security Council 1999c).

terrorism or terrorist groups or individuals. The report underlined that Brazil was “fully committed to the implementation of all resolutions of the Security Council of the United Nations”, it informed that “sanctions adopted against Osama Bin Laden, Al-Qaida, the Taliban and their associates have been incorporated into Brazilian legislation” , that “until the present date, the above mentioned individuals [the ones listed as targets of the sanctions] have not been located in Brazil”, and listed measures and legal acts taken in order to suppress the financing of terrorist acts (Security Council 2003a).

**Table 19 - Relevant UNSC voting records on mandatory economic sanctions regarding Afghanistan (Taliban)’s case with Brazilian participation**

Case	Resolution and content related with mandatory economic sanctions	In favor	Against	Abstention
Afghanistan (Taliban)	Res. 1267 15.Oct.1999 Financial and aviation sanctions against Taliban and Afghanistan	15 Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, UK, US.	0	0

Source: Author's own elaboration.

### 3.7.3 Summary notes

In the situations in which economic sanctions of the Security Council were applied to cases involving international terrorism, Brazil has shown a constant defense of the mandatory character of the Security Council’s resolutions. It is important to consider that, although the mandatory character of the sanctions is specified in the UN Charter, the legitimacy – which is connected but not equal to the obligation - of sanctions was questioned by many allies of Gaddafi that showed up dissatisfied. Some of them even violated the sanctions regime against Libya – specially the aerial blockade. Brazil, however, maintained a permanent position of reaffirming the enforceability of decisions of the UNSC and highlighted this position in multilateral spaces, communications to the Secretary General on the implementation of the sanctions regime in the country and, with regard to case of Libya, in the bilateral meetings held with diplomatic representatives of this country. Such behavior assured Brazil the image of a reliable player in the eyes of the great Western powers on the Security Council, while reinforcing the legitimacy of the multilateral system against any unilateral or regional organizations’ dissident behavior.

Considering an issue as sensitive as terrorism, traditionally articulated by the major Western powers in general and the US in particular, and considering an area in which Brazil had little or no political or economic capital to influence, it is interesting to note that Brazil acted in the few opportunities it found to protect spaces of multilateral decision making during the sanction's regime building. Considering the previous action of Brazil, its behavior toward the sanction's regime against Libya reveals the legitimate interest of Brazil in preserving the multilateral system and the international law that supports it, more than any other concern with the economic sanctions effects or effectiveness. In fact, the few opportunities Brazil had to participate in the economic sanctions' debate were used to try to hold back the spread of power of some individual states with the legitimacy of a multilateral consensus from the UNSC sanctions' committee.

This was Brazil's position when it opposed the creation of a group of experts to advise permanently the sanctions committee. The creation of such a group would remove the member states' political responsibility for decision-making, would empower a group of people not representative of the Council members and, finally, would eventually serve as a model to other sanctions committees, spreading an undemocratic practice in multilateral space. In addition, and always within very narrow limits, Brazil managed to avoid creating procedures that would give the Security Council the right to interfere in the internal affairs of states, as would be the case with the appointment of internal organs to each state that would be competent to implement the sanctions' regimes.

Despite these behaviors, which allowed Brazil to act a little more actively in comparison with the cases of Liberia, Sierra Leone and Rwanda, for example, Brazil's behavior was not decisive either in times of the adoption of sanctions or in the reassessment of them at every regular review meeting. Brazilian behavior can therefore be characterized as one of a privileged but passive spectator with regard to sanctions on Libya and Afghanistan /Taliban. Due to the modest but existing actions for the preservation of multilateralism and, in general, international law, Brazilian behavior especially with regard to the sanctions regime against Libya deserves to be described as a cautious activism pro the multilateral space and rules.

This caution involved the calculation of the degree of involvement that Brazil could have on each question and also to what extent it would be worth defending some positions, even if they were the main guidelines of its foreign policy. The brevity of the period of sanctions against Afghanistan analyzed in this thesis does not establish more than the

confirmation of Brazil's obedience to the decisions of the Council. In the case of Libya, however, we observed that Brazil ended up voting in favor of decisions that contradicted some of its traditional positions - as was the case of the extradition of nationals, for example. Given the specific situation of the weight of the actors who promoted the resolution, the absence of commercial damage, the lack of political influence on targets of sanctions, and in view of the sensitivity of the issue, it would even be expected that Brazil would not sacrifice its position as reliable player in the game of the great powers to defend a set of values and principles that it could hardly promote on its own.



## 4 CONCLUSIONS

Brazil has always nourished the desire to take part as a permanent member in the councils of international organizations created for the maintenance of international peace and security worldwide. This was the case regarding the Council of the League of Nations and this has been the case regarding the Security Council of the United Nations until the present. In the first case, Brazil withdrew from the organization after its candidature was tilted in favor of the German demand to be admitted alone as a permanent member of Council, which was granted by the major European powers. In the case of the United Nations, Brazil has opted for repeatedly participating in the Security Council as non-permanent member. Brazil has acknowledged the difficulty in changing the UN Charter in order to meet its desire for membership. In view of this hindrance, the country has chosen to be present under these limited conditions rather than being absolutely absent, and periodically relaunch its campaign for a permanent seat at the UNSC, whenever any favorable condition emerges. At present, this turns Brazil, along with Japan, into the non-permanent member with the highest number of mandates at the Security Council - each country has held 10 mandates since the UN was created in 1945.

As one of the most frequent non-permanent members at the Security Council, it is relevant to know the Brazilian behavior concerning the main issues of UNSC's agenda. Among these issues peacekeeping missions and economic sanctions have undeniable importance.

This dissertation is based on two premises: first, that the participation in the Security Council is important for a long-term strategy underlying the Brazilian foreign policy; second, that economic sanctions are an important issue for the agenda of the aforementioned body. Therefore, this dissertation was written with the intention to answer this main research question: *Which factors explain Brazil's behavior toward the economic sanctions imposed by UNSC?*

For clarification purposes, it is worth mentioning that the introducing and the first chapters of this dissertation delimit this research and present its methodology. These two chapters are aimed at positioning the reader as to the extent of the term economic sanctions, the classifications of economic sanctions and the differences between the term and other ones, such as "economic warfare" or "trade war". At this point, I also presented my preference for a very functional definition of economic sanction as "the prohibition on economic interaction

with any state, entity or individual”. This definition guided the selection of UNSC cases for the whole thesis and it was essential to differentiate the selected cases from the Cambodia sanctions case, for instance. Despite Cambodia’s case refers to a sanction imposed by the UNSC during the 1990s, it was not analyzed within this study because it only refers to diplomatic prohibitions imposed by the UNSC.

Another part of the introductory chapter is designed to provide the reader with a panoramic reading of Brazilian foreign policy throughout the twentieth century. This section recalls the domestic and international context in which Brazil was inserted during the period under review. It stresses that, over the century, Brazil nurtured an interest in having a seat and an effective voice in drawing the rules of the international system and still deemed development – closely associated with international trade – as an important goal for whose achievement the Brazilian international relations should contribute.

In order to answer the aforementioned main research question, I addressed each one of the 12 UNSC economic sanctions’ episodes during the 20<sup>th</sup> century. The presentation of each case was composed, firstly, by a brief overview, in which the main actors in the conflict and their interests were presented. The UNSC resolutions adopted were also presented at this moment too. Secondly, Brazil’s interests, concerns and diplomatic behavior were presented. Finally, the summary notes compiled the main explanatory factors and outcomes for each specific case.

### **Brazil as a reliable player**

Brazil strongly supported the UNSC decisions on this matter. That is the most evident pattern of the Brazilian behavior toward UNSC economic sanctions. During the whole period analyzed, Brazil never voted against a Security Council’s resolution concerning economic sanctions, regardless of the fact that this resolution was to impose, to suspend or to lift a sanction. In different statements during the sanction’s voting, Brazil clarified that it was a traditional supporter of peaceful negotiations, but it also supported the adoption of stronger measures under Chapter VII of the UN Charter if necessary, in face of particularly serious circumstances.

Nevertheless, Brazil’s voting in favor of UNSC sanctions resolutions did not always express the country’s acquiescence to the seriousness of the conflict under consideration. Brazil’s important support to UNSC resolutions on economic sanctions, other than reflecting a complete harmony between the resolutions commands and the Brazilian positions, reveals

that Brazil was unwilling to frontally oppose the states that were advocating for sanctions. This was the case when additional sanctions were imposed on Libya by Resolution 883 (1992) because of the reluctance by the Libyan government in handing over the suspects for the bombings against Pan Am Flight 103 and UTA Flight 772. Brazil voted in favor of this Resolution, flexing its own traditional positions against the extradition of nationals. The United States was pressuring for the terms of this resolution and, along with the UK and France, mentioned that Brazil's support in the episode was "very greatly appreciated".

The only Brazilian abstentions on economic sanctions resolutions voted by the UNSC interestingly occurred in Resolutions 944 and 948 (both of 1994), respectively concerning the promise of lifting and the effective lifting of sanctions against Haiti. In these two cases, the abstentions were connected to the Brazilian opposition to the use of force in the Haiti crisis. This idea was embedded in concepts present in the resolutions, which, in the Brazilian perspective, would represent an agreement with – and a retroactive endorsement of – provisions for the use of force about which Brazil had already expressed reservations.

However, Brazil generally played a passive role on proposing, discussing, criticizing or shaping the economic sanctions regimes imposed by the UNSC during the second half of the 20<sup>th</sup> century. Although these first conclusions offer a general overview on Brazil's behavior toward the UNSC economic sanctions, the analysis of the explanatory factors contribute both to assess the meanders and contours of Brazil's diplomatic behavior concerning the matter and to understand the most important motivations that lied behind Brazil's actions.

I advanced five explanatory factors that could help to understand the Brazilian behavior toward economic sanctions voted by the UNSC until the late 1990s: (1) concerns on unilateral tendencies (a mainly norm-oriented factor), (2) the strategic importance of the targeted country to Brazil and (3) the existence of economic interests menaced by the imposition of the sanctions (both oriented by a self-interest motivation), (4) humanitarian concerns (a mainly ethical factor) and (5) importance of particular actors to Brazil's foreign policy in an enlarged scenario. During this dissertation, I felt the necessity to include (6) values as another factor to explain Brazil's behavior.

### **The Explanatory Factors**

During the Cold War, *concerns with unilateral tendencies* were absent on Brazilian diplomatic documents regarding UNSC economic sanctions, as the Brazilian military

governments had a close alignment to the Western bloc and also because there was some awareness of the UNSC limits to act due to the veto power retained by both US and USSR. This situation dramatically changed in the 1990s. In virtually all the economic sanctions' cases during the 1990s, Brazil identified a strong US tendency to deal with the issue at stake by either ignoring or even violating the international law or UNSC resolutions. This was the situation in several cases, such as those of Iraq, in which Brazil noticed the US resistance to lift the sanctions against Iraq despite Iraq's compliance with the strict requirements of resolution 687 (1991); of the sanctions against the former Yugoslav republics, in which Brazil was concerned with the US unilateral support to Bosnia-Herzegovina; of the sanctions imposed during the Kosovo crisis, when Brazil was concerned with NATO unilateral attacks; of the sanctions against Haiti, in which Brazil observed an increased projection of the US power over the decisions of the UNSC; and of the sanctions on the former junta and rebels in the Sierra Leone case, when Brazil was concerned with the ECOMOG forces acting under Nigeria's command and with the US support, but without the UNSC mandate.

The Brazilian diplomatic reaction to the expression of unilateral tendencies was remarkably different in each occasion, depending on *the strategic importance of the case* to Brazil. In the case of Sierra Leone, for instance, a country of no strategic importance to Brazil, Brazil's actions were more limited. The country verbally condemned the option for solutions by force instead of diplomatic negotiations and reminded the principles and standards to promote peace among countries and respect to the international law. In the Iraqi case, even with Brazil's economic interest in the country – which could be perceived by the bilateral trade existent before the sanctions were imposed –, Iraq was not considered as a strategically important country to Brazil in other spheres. The high level of US interest and influence in the region also contributed to make Iraq a non-strategic case to Brazil. Consequently, Brazil tried to hold down the unilateral projections of the US and to recognize the Iraqi achievements in the nuclear area in the sanctions committee, but still avoiding to be linked as a supporter of the Iraqi leader. Similarly to the Sierra Leone's case, it was again an attempt to promote general principles and norms without a significant involvement.

Only two cases, namely Angola (UNITA) and Haiti, had strategic importance to Brazil within the timeframe analyzed in this thesis. In Angola's case, Brazil's interest in the country arose in the late 1970s and early 1980s, motivated by cultural, linguistic and geographic connections and by economic interests (the country is wealthy in oil). In Haiti's case, the country shares with Brazil a historical background of slavery and, most importantly, it is

located in a continent where US tendencies to interventionism and the use of force have been frequently experimented all over the region in different times over the 20<sup>th</sup> century. Thus, Haiti was strategic, because it reflected in some way the entire region. In Angola's case, the imposition of sanctions by the UNSC against UNITA was in line with Brazil's position. Yet, Brazil actively and successfully negotiated at the Security Council for preventing the Secretary-General's control over the sanctions' regime. In Haiti's case, Brazil actively tried to limit US unilateral movements for progressively using the force. As Brazil was unable to avoid the UNSC to approve a resolution authorizing the use of "all necessary means" to face the crisis, Brazil protested by abstaining in the voting of the resolutions that would represent an endorsement to the use of force measures.

In sum, Brazil was indeed concerned with US unilateral tendencies over the 1990s, but its reaction depended on the strategic importance of the case to Brazil, in line with rationalist approaches to international relations. In cases where the targeted country had no strategic importance, Brazil merely reminded general principles and norms of international law in discussions within the sanctions committee or other UNSC subsidiary organs. In cases where the targeted country was strategically important, Brazil tried to gather the support from other group of countries for trying to curb the unilateral tendencies when they exceeded the limit of the economic sanctions, trying to insinuate the authorization for the use of force. Only in this extreme situation, Brazil abandoned its position of a member that broadly supported the sanctions resolutions. Brazil's protest, nevertheless, was expressed as an abstention, and not as a contrary vote.

Another factor investigated was the *economic interest menaced by the sanctions* in each case. The majority of the economic sanctions imposed by the Security Council did not affect Brazil's commercial or financial interests. In the Iraqi case, the only one in which there was effective harm to Brazilian economic interests, the extent of US interests in the case made it impossible that Brazil could somehow influence the sanctions regime in place, despite its permanent representative efforts to summarize and identify the critical points to make the matter to progress. The existence of this single case in which Brazil's economic interest was significantly affected by the sanctions does not allow us to have a definite conclusion on the importance of this factor for determining the Brazilian behavior toward the economic sanctions regime established by the UNSC.

*Humanitarian concerns* were a sensitive factor to shape Brazil's foreign policy, but not an exclusive one. By themselves, they did not defined exclusively Brazil's concrete

actions concerning the economic sanctions imposed by the UNSC in the timeframe analyzed. I should let it clear that, despite diplomatic documents registered Brazil's sensitiveness to the human suffering, this humanitarian impact has never been the only motivation to lead Brazil's reactions against an economic sanctions imposition. In the same line, the necessity to remedy the humanitarian suffering on the ground caused by a sanction already in place was mentioned in the communication within the Brazilian diplomacy and in Brazil's official statements in the UNSC meetings, but this was neither the only official argument in favor of lifting a sanction and nor the most important. Humanitarian concerns were more systematically mentioned in the Yugoslavia case, when the Brazilian representative acted as president of the Committee. It was the case when Brazil repetitively stressed that it behaved favoring humanitarian exports to the former Yugoslavia republics. In other cases as severe as the Yugoslav case, or even more dramatic ones, as the Haitian case and the Iraqi case, Brazil warned on the humanitarian costs of sanctions, but by themselves, the humanitarian concerns were not the exclusive and decisive Brazilian motivation when arguing contrary to the sanctions.

Another factor investigated was the *importance of particular actors to Brazil's foreign policy in an enlarged scenario*. It refers to Brazilian foreign policy towards economic sanctions sensibility to relations with states or group of states other than the target of the sanction. One of the important actors to the Brazilian Foreign Policy was the United States. It was possible to notice Brazilian diplomacy avoid opening confrontation with the United States. This was not a problem during the Cold War, when Brazil positioned itself politically alongside the United States and did not participate actively in the Security Council. However, during the 1990s, despite Brazil's concerns and unconformities with several demonstrations of US unilateralism, Brazil did not frontally opposed the imposition of sanctions, both abstaining or vetoing UNSC economic sanctions resolutions, except in the Haitian case for the reasons previously explained. Brazil lack of frontal opposition was more a kind of restraint, self-censorship, because Brazil knew its action would not make the US change its position. In the Haiti case, when Res 940 – related to the use of the force - was voted, Brazil abstained. As the Brazilian representative later said, despite Brazil frontally opposed the measure, voting against the resolution 940 was not politically feasible. As no other country – even China, with similar positions with Brazil – would vote against the resolution, this was likely to be approved. Therefore, the vote against the resolution would serve only to "irritate US almost for no reason". The Iraqi case, in which Brazil wanted to avoid an image of a pro-Iraq leader, because this would draw the attention of US and its allies and would jeopardize Brazil's

sparse authorizations by the sanctions committee for exporting to Iraq, is also an example that Brazil did not oppose US because this would be an ineffective and politically costly attitude. Therefore, opposing the US would represent a loss of time and political capital.

The special relation with Portugal due to the Treaty of Consultation and Friendship was also a bilateral relation that shaped Brazil's behavior toward UNSC economic sanctions. A Brazilian cautious behavior regarding sanctions that could spill over to Portuguese colonies in Africa was observed until the 1970s. The cause was Brazil's contractual compromise of mutual consultations with Portugal during the term of the Treaty of Consultation and Friendship. More permanent during the period analyzed is the Brazilian sensitivity to the Afro Asian group. Brazil needed the Afro-Asians to assure its seat in international organizations Brazil moves cautiously not to upset these partners. The importance of the Afro Asian group could be observed during the sanctions against South Africa, in which Brazil wished to preserve the trade with South Africa but, most important, it want to be seen as a supporter of the Afro Asian demands against racial segregation because of the importance of the Afro Asian group to support Brazil's demands to be elected for executive bodies of different international organizations.

Finally, in the course of the dissertation, *values* emerged as a recurrent factor in the Brazilian diplomacy for underlying the country's position on economic sanctions. I take a wide approach to deem values as those qualities that transform systems, institutions, regimes and similar phenomena into desirable results. These include, for instance, good governance, development and regional and domestic stability, respect for legitimate governments, respect for non-intervention principles. Values were frequently evoked in Brazilian statements made in the economic sanctions committees and were also presented in Brazil's speeches when resolutions were voted. Examples include several occasions, such as when Brazil reasoned that there was no purpose on maintaining a purely commercial sanction against the government of Sierra Leone which had began to harm a legitimately elected government; when Brazil sustained its position on advocating for sanctions against UNITA as a measure to coerce a rebel group which had acted against a legitimate government; when Brazil positioned itself in favor of the non-intervention principle and abstained in the resolutions that lifted the sanctions against Haiti; when Brazil made it clear that it did not support politically the Apartheid regime.

### **Brazil's more permanent goals and the Middle Powers' theory predictions**

Also in the explanatory side, this thesis investigated the following sub-question:

Does Brazil's behavior confirm the usual foreign policy goals ascribed to middle powers when dealing with global issues?

The term "middle power" came into use after WWII, in order to indicate the position of states that were neither the ones which held permanent seats at the UNSC (great powers) nor those with very limited resources, influence or population (small powers): "in between lie a number of countries which make no claim to the title of great power, but have been shown to be capable of exerting a degree of strength and influence not found in the small powers. These are the middle powers" (Glazebrook 1947, 307).

Despite the difficulties to define the middle power status, I recognize the value of the behavioral definition. Standing behind it is the idea that some countries behave as they do because of the different resources/attributes they have. Even if these resources/attributes are hardly quantifiable, they project these countries into an intermediary position in the international hierarchy and offer some opportunities and limits to behave in such a way that small powers are not able to.

As mentioned throughout the thesis, Brazil has been traditionally classified as a middle power, ranging from the post-World War II world (Glazebrook 1947, Wood 1990) and the 1990s (Neack 1992) to the last 15 years (Flemes 2007, Lechini 2007, Lopes, Casarões, and Gama 2013). According to this theory, as presented in the introductory section, it is expected that the most permanent goals of middle powers move these countries in the international scenario toward the multilateralism promotion, the consensus building and the prestige increase.

The first permanent goal ascribed to the middle powers is their interest in *multilateralism promotion*. This is the middle powers preferred channel of negotiations, through which they ultimately prevent great powers from using unilateral means. As far as economic sanctions are concerned, Brazil strongly supported – and insisted on – keeping the negotiations for peace and security worldwide under the authority of the UNSC. In the first case of mandatory economic sanction imposed by the UN, the Southern Rhodesia case, Brazil initially preferred to avoid discussing the case at the UNSC. At that time, the constraints of the Treaty of Friendship and Consultation with Portugal led Brazil to fear that the colonial issue would spill over to the Portuguese colonies (especially Mozambique), exposing contradictions between its anti-segregationist speech and a contractual relation that Brazil had with the



colonialist Portugal. As the condemnation to Southern Rhodesia and the Apartheids' South Africa increased within the UN General Assembly, Brazil prepared a coherent position to guide its behavior in different forums of the UN: Brazil would abstain to vote in favor of sanctions against the UNGA for recognizing that the UN Charter provided only the UNSC with the power to impose mandatory sanctions for preserving international peace and security. As the UNGA resolutions would only have the force of a recommendation, sanctions imposed by the UNGA would not have conditions to be forcefully enforced.

Brazil's rationale was that, in the limit, the non-observance of these decisions would damage the legitimacy of the UNGA. Therefore, the UNSC, as the only body empowered to decide on mandatory measures and to bind the entire international community, was the right forum to address the issue of sanctions. This position, formulated within the Brazilian diplomacy in the early 1960s, previous to the military regimes, was sustained during the military governments and still remains as the Brazilian position regarding sanctions imposed by the UN.

This position was defined at the same time when Brazil was aware of the articulated interest of the great powers (especially the US and the USSR) in diminishing the power of the UNGA vis-à-vis the UNSC. When Brazil decided to sustain its position that the economic sanctions decisions should be taken by the Security Council, the country also reinforced the legitimacy of UNSC. This did not advocate against the multilateralism. On the contrary: the previous experiences in the League of Nations had demonstrated that the great powers should be satisfied with the distribution of power in order to have incentives to cooperate in multilateral institutions. For facing the institutional shifts in place, Brazil behavior supported a non-disruptive approach, in accordance with the theoretical preview for middle powers when facing institutional changes (Manicom and Reeves 2014).

In the course of the discussions regarding the sanctions regimes in the UNSC until the late 1990s, Brazil would make different moves in order to preserve the legitimacy of the UNSC and to promote multilateralism. Its statements reinforced that the decisions on sanctions had always to be taken by the UNSC, that the sanctions committees' procedures had to be more constantly improved, and that the international law and especially the UNSC resolutions had to be respected and fully fulfilled. Brazil stressed this position in practically all sanctions cases, not only in statements on the sanctions committees and other subsidiary bodies, but also in bilateral meetings. This happened in the Iraq case, when, despite finding that it would be important for the UNSC to recognize the achievements of the Iraqi

government, Brazil endorsed the request for the Iraqi compliance with the resolutions when any protest from the Iraqi side emerged. This also happened in the Libya case, when Brazil supported the UNSC decisions and reinforced their enforceability in bilateral meetings with representatives of the Libyan government, which was frequently telling both its domestic audience and diplomatic interlocutors that the UNSC had lost its legitimacy. In both cases (Iraq and Libya), Brazil recognized the high influence of and the strong interest of the US in conducting the outcomes of the UNSC approach to the mentioned issues. Facing the increasing US unilateral tendencies in these cases, Brazil adopted a firm stance in favor of the respect for the UNSC resolutions addressed to Libya's and Iraq's governments. More importantly, Brazil also and especially preserved the legitimacy of the Security Council (and the multilateral forum). Embedded in this interest was the intention to restrict most powerful states through the existing rules and procedures. By doing this, Brazil tried to use the international organization's rules and procedures as instruments of balance against great powers, as the aforementioned theory states for middle powers behavior (Flemes 2007).

In short, Brazil's action for the promotion of multilateralism in the analyzed cases of economic sanctions respected the UNSC's legitimacy, rules and procedures for the adoption and lifting of sanctions. Furthermore, Brazil still demanded the compliance with the terms of these norms and resolutions, in order to keep the great powers under the constraints of the multilateral system.

The Haitian crisis during the 1993-1994 biennia represents an exception to Brazilian preference of the UNSC instead of the UNGA to address the cases analyzed. What could be seen as a paradox in the Brazilian foreign policy toward economic sanctions can be explained by Brazilian concerns with the intention of the US to use the force in Latin American soil under an aura of legitimacy provided by the international organization.

Only three months later the first UNSC informal consultations on the matter, the Permanent Representative of Brazil to the United Nations met Boutros-Ghali, the UN Secretary-General, and heard not about addressing the crisis with pacific or coercive measures. Boutros-Ghali mentioned, instead, he had been working on an eventual operation under the aegis of the United Nations. He also said that this operation would consist in presence of international forces in Haitian soil and finally mentioned the US and the necessity to be careful to avoid an US intervention or any interpretation in this direction.

This confirmed Brazil's suspects that dealing with the Haitian situation in the UNSC would clearly mean more than approving economic sanctions against Haiti. As mentioned in

the summary notes of the Haiti case section, Latin America resented of a recent past of US interventionism. Brazil noticed that US was moving again in a direction to use the force in the region – and now with the authority of a UNSC decision and the aura of legitimacy that it provided. That's the reason why Brazil preferred the UNGA instead of UNSC to deal with the Haitian crisis: the intention was to avoid legitimize an US movement toward the use of the force. This concern explains, in the Haitian case, the unusual Brazilian preference for UNGA instead of UNSC to address a case involving the imposition of economic sanctions. In the UNSC, other permanent members – all of them from outside the American continent – would not oppose the US in a situation of crisis in the Americas and the use of force would more easily be approved – as it later was, indeed.

The interest in building consensus on multilateral issues and supporting conflict mediation (consensus building) is another permanent goal traditionally ascribed to the middle powers. During the Cold War, Brazil did not display a behavior leading to consensus building. In fact, it is worth noting that, when the UNSC was seized with the matter of the Southern Rhodesia and South Africa cases, the international system was under the Cold War dynamics and Brazil was domestically under the military regimes. The conservative character of the 1964 military coup d'état in Brazil reduced the Brazilian possibilities to act as a mediator, because the internal conditions of the country projected values not compatible with those of a conciliator and because the country found itself in a sensible situation of exposing its contradictions in the process. Indeed, during the 21 years of military regimes Brazil withdrew from the Security Council itself. During this period, Brazil remained at the Security Council for only for two years and some months. The country did not present candidacies and avoided further exposure in the international arena.

The absence of Brazil at Security Council during the Cold War times contrasted with the 6 years of its UNSC non-permanent membership during the 15 years following the end of the military regimes. The Brazilian stance concerning the consensus building also differed from the attempts to promote and improve the collective decision-making process. At this point, it is important to highlight that Brazil's attempts in favor of the formation of consensus had place in the most significant economic sanctions cases, when the degree of tension between the main actors was high. It was the situation in the Iraqi case, in which the Amorim panels' recommendations were the basis for the negotiations that resulted in resolution 1284, approved in December 1999. Although the panels' suggestions incorporated into the resolution would never be implemented, the panels contributed to at least temporarily

unlock the Iraq issue at the Security Council. This was the same situation in the sanctions regimes against Yugoslavia. Brazil's representative role as the chairman of the sanctions committee for the former republics of Yugoslavia was seen as impartial and honest in the conduction of the debates toward a consensus. This led the UNSC members to invite a Brazilian representative to hold the same position in 1999. This was also the situation in the Angola case, in which Brazil was highly involved in the process. Brazil made concessions, but also obtained the agreement of the US in resolutions on the condemnation of the UNITA and the imposition of sanctions. Even if in this case Brazil was clearly positioned pro-government, both Angola and the US representatives (more supportive of the UNITA rebels) recognized the important role played by the Brazilian representative in achieving consensus. For instance, in the voting on resolution 1195, Celso Amorim reported: "At the end [of the voting on resolution 1195 which was approved unanimously] I was praised by several delegations and the [US] ambassador Sodeberg, who acknowledged the constructive spirit of Brazil in dealing with this sensitive issue"<sup>330</sup> (DELBRASONU 1998e). The Brazilian position to mediate in the sanctions cases is potentially high, as Brazil has never demanded the imposition of sanctions, nor has the imposition of sanctions ever been required against it.

On the other side, in cases where there was not a high tension between great actors, it was not noticed that Brazil's behavior tended to promote the collective decision-making process. This was the situation in the economic sanctions approved against Rwanda, Liberia, Sierra Leone, Afghanistan (Taliban) and Somalia.

Finally, the *prestige increase* is another usual foreign policy goal attributed to middle powers when dealing with global issues. This feature is related to these actors' expectations of being recognized for their performance. As the behavioral definition of middle-power states, this behavior is usually related to the idea of an international citizenship, which is guided by self-interest and not by an altruistic nature. Much of the good functioning of the economic sanctions regimes imposed by the UNSC depends on the states' voluntary cooperation to enforce them. According to Brazil's legal rules, every UNSC resolution deciding on the imposition of economic sanctions needs to be incorporated into the domestic legal order in order to have legal force. Brazil diligently incorporated all the UNSC resolutions which imposed economic sanctions. There is only one exception, the resolution 918 (1994) against Rwanda, which was not incorporated apparently for reasons of negligence more than for any

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<sup>330</sup> In the original: "Ao final [da votação da resolução 1195, aprovada por unanimidade] fui cumprimentado por várias delegações e pela própria embaixadora Sodeberg [dos EUA], que agradeceu o espírito construtivo do Brasil no tratamento deste tema delicado".

political reason. Following the incorporation of sanctions to the domestic order, the Brazilian Secretary of State of External Relations requested the Brazilian representative at the UN to formalize the Brazilian diligent compliance with the UNSC resolutions to the sanctions committee. The communications reinforced the Brazilian respect to the UNSC rules and procedures. Moreover, Brazil sent reports on the steps taken to implement the imposed sanctions, as has been especially the case on the sanctions related to the condemnation of terrorism. Finally, the posture of supporting sanctions, by voting in favor of their resolutions even in certain situations in which they are contrary to the country's constitutional traditions (as in the case of Libya), represents all subtle but permanent Brazilian behaviors for which the country expect to be recognized as a reliable actor in the international arena in the medium and long term. They potentially contribute to transform Brazil into a desirable partner in institutional bodies.

These remarks pave the way to conclude that the Brazilian participation in the Security Council concerning economic sanctions confirms the most usual permanent foreign policy goals pursued by middle powers when dealing with global issues: (i) there was a main rationale in the Brazilian behavior to act in favor of the legitimacy of the UNSC resolutions and procedures to keep the system working under a multilateral basis, (ii) Brazil tried to promote and improve the collective decision-making process especially in cases with a higher tension between great actors, when Brazil could present itself as an impartial broker and (iii) Brazil increased its prestige as a desirable institutional player by adopting behavior of full compliance with the decisions emanated from the UNSC.

The more permanent goals previously analyzed demonstrate Brazil's sophisticated diplomacy in action and a self-identification of the country as a middle power in the Security Council when dealing with the most significant economic sanctions imposed by the UNSC. Brazil's general dimensions and resources historically stimulated its willingness to pursue a more autonomous foreign policy. In the economic sanctions imposed by the UNSC it was not different. Brazil articulated its sophisticated diplomacy to pursue a preservation of a more democratic international community structure. However, Brazil interests (and the effectiveness of its actions) found strong limits on the rigid positions of the UNSC permanent members and, more specifically, on the US interests. Until the end of the 1990s Brazil was, in the UNSC economic sanctions issue, a middle power – and, conscious of its possibilities and limits, it behaved like that.

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