

Canada's 3T's of non-Trade Sanctions' Employment: Tertiary, Timid and Tepid
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After careful study, Canadian foreign policy experts championed a “3D” approach or “joined up” government approach to bear on the problem of state failure and state conflict. The 3 D’s represent a triptych approach that includes diplomacy, defence and development that should ensure a “role of pride and influence in the world” for Canada.¹ Moreover, the 3D approach is representative of Ottawa’s effort to reinvigorate Canada’s foreign policy impact expanding its military, economic and diplomatic capabilities. Unfortunately, very little attention if any is paid to an important “tool of statecraft” to deal with international conflicts, i.e. multilateral sanctions, particularly United Nations’ sanctions. Since the retirement of Canadian sanctions’ expert, Dr. Margaret Doxey², and the publication of Dr. Nossal’s book on sanctions and Canadian foreign policy twelve years ago³, sanctions⁴ have fallen off the Canadian government’s “radar screen”. This dearth of attention paid to date may have particular ramifications. At best, this lack of attention could embarrass the government, at worst, it could undermine the effectiveness of important multilateral initiatives, as national governments are the conduits by which sanctions are levied. What, therefore, is Canada’s record of employment of UN sanctions? And is the employment of UN sanctions in harmony with Canada’s foreign policy generally?

This paper reviews Canada’s record of employment of UN sanctions since 1945.⁵ Particular attention is paid to any additions or omissions to Canada’s regulations from the original resolution, the timing to implement Canada’s regulations and the punishments and penalties for failing to comply. In theory, given Canada’s desire to play a “role of influence”, Canada’s sanctions framework should be characterized as timely, transparent and tendentious. Instead, this paper concludes that Canada’s history of sanctions’ employment is tertiary, timid and tepid.

¹ In reference to “A Role of Pride and Influence in the World”, *Canada’s International Policy Statement*. (Ottawa: Government of Canada, 2005)

² Some of her work includes: *Economic Sanctions: Past Lessons and the Case of Rhodesia*, (Toronto: Canadian Institute of International Affairs, 1968); *Economic Sanctions and International Enforcement* (London: Oxford University press/Royal Institute for International Affairs, 1971); *International Sanctions in Contemporary Perspective* (New York: St. Martin’s, 1987); *United Nations Sanctions: Current Policy Issues* (Halifax, Centre for Foreign and Policy Studies, Dalhousie University, 1997).

³ Kim Richard Nossal, *Rain Dancing: Sanctions in Canadian and Australian Foreign Policy*, (Toronto: University of Toronto Press, 1994).

⁴ This paper will focus on non-trade sanctions. Therefore, all sanctions not associated with a previously arranged trade deal are considered.

⁵ Please refer to the annexes for a full listing. The author is grateful for the financial support of the Simons Centre’s *Graduate Research Award for Disarmament, Arms Control and Non-Proliferation*, which made compiling the data for this paper possible.

Part one will outline the basic machinery and mechanisms by which Canada translates sanctions⁶ into national legislation. Part two will outline Canada's employment of sanctions' during the Cold War and post Cold War. Part three will evaluate Canada's record under three headings: 1) scope; 2) use and punishments; and 3) timing and prosecutorial record of sanctions. Finally, part four will tackle the question of whether or not Canada's employment of sanctions converges or diverges with its foreign policy. To answer this question, two aspects will be considered: 1) the domestic application and 2) the external projection of Canadian influence. This paper concludes that the three "T"s of Canada's non-trade sanctions undermine Canada's external, liberal goals. They are, however, in-line with Canada's general domestic approach to foreign policy. Both aspects of Canada's sanction policy, however, need a thorough review.

Part 1 – Machinery and Mechanisms

Under Article 41 of the UN Charter, the Security Council may call upon Member States to apply measures not involving the use of armed force in order to maintain or restore international peace and security. Such measures are commonly referred to as sanctions. As such, they represent a Chapter VII tool on par with the use of armed force. The Security Council, however, depends on member states to enact national legislation to give effect to sanctions. For Canada, this means that regulations are enacted under Canadian federal legislation. For unilateral, voluntary UN embargoes or non-UN sanctions (such as sanctions imposed by the Organization of American States of which Canada is a member), Canada uses the *Area Control List (ACL)*⁷ or the *Special Economic Measures Act (SEMA)*.⁸ For mandatory UN sanctions, Canada's *United Nations Act (UNA)*⁹ is invoked.

Canada's definition of sanctions is "negative" meaning they are viewed as punitive measures as opposed to inducements or incentives. Canada defines sanctions as:

measures, not including the use of armed force that are intended to bring about changes in the policies or behaviour of a specific state. Sanctions can encompass a wide variety of measures, including limitations on official and diplomatic contacts or travel, the imposition of legal measures to restrict or prohibit trade or other economic activity between Canada and the target state, or the seizure or freezing of property situated in Canada. In order to maximize the effectiveness of any sanctions regime, particularly one involving trade and economic measures, Canadian policy and legislative instruments seek to ensure that, wherever possible, sanctions measures are applied multilaterally.¹⁰

⁶ This paper focuses on non-trade sanctions only.

⁷ See Area Control List (SOR/81-543). See <http://laws.justice.gc.ca/en/E-19/SOR-81-543/text.html>

⁸ See Special Economic Measures Act (1992, c. 17). See <http://laws.justice.gc.ca/en/S-14.5/text.html>

⁹ *United Nations Act* (R.S., 1985, c. U-2) See <http://laws.justice.gc.ca/en/U-2/text.html>

¹⁰ See *Canadian Economic Sanctions* (DFAIT) at <http://www.dfait-maeci.gc.ca/trade/sanctions-en.asp>

The last line is worthy of particular note. Despite its G-8 status, Canada does not employ sanctions unless they are supported multilaterally. While many suggest this ensures “effectiveness”, it also suggests a timidity that I shall explore in greater detail: Ottawa is unwilling to use potentially economically painful measures for Canada to send a message of censure to a target state. Canada would rather share the costs. This necessitates that Canada’s use of sanctions as a tool of foreign policy will rarely demonstrate any particular Canadian interests, such as the importance of human security, because it is dependent on an international organization (with all its compromises and work-around solutions) to construct the terms and conditions of the sanction. Ottawa is, therefore, left to wait for the final product.

Machinery

Four government agencies are (primarily) responsible for Canada’s sanctions regimes. They include: Foreign Affairs and International Trade (DFAIT), the Royal Canadian Mounted Police (RCMP), Customs Border Services Agency (CBSA) and the Department of Justice.

A) Foreign Affairs and International Trade (DFAIT)

DFAIT is ultimately responsible for stewardship of the legislation and corresponding regulations that enable sanctions. *United Nations Act (UNA)* and its regulations give effect to Security Council sanctions passed under Article 41 (Chapter VII) of the UN Charter. DFAIT also governs the Special Economic Measures Act (SEMA) and Export and Import Permits Act under which the Area Control List (ACL) falls. All of these instruments allow the government of Canada to control what items are exported from Canada. Only the UNA and SEMA, however, allow the import of goods to be controlled.

On the advice of the Minister of Foreign Affairs, the Governor in Council will enact the necessary regulations under the UNA, SEMA or Export and Import Permits Act. Once the Governor in Council has approved the regulations, they are registered and come into force. Canadian law dictates that all regulations must be tabled in Parliament and the Senate. The regulations are rarely debated - merely tabled.

B) Customs Border and Services Agency

Canada’s Customs Border and Services Agency (CBSA) is mandated to control the border and facilitate the free flow of goods and people (as well as plants and animals). CBSA, therefore, is the safety net for Canada to ensure that any goods leaving or entering Canada have the necessary forms from DFAIT and/or are not listed as a banned substance and/or destined for a targeted state. The focus of attention, in so far as sanctions are considered, is on the export of goods to potential target states.

C) Royal Canadian Mounted Police

The RCMP¹¹ is the most likely policing body to investigate any violations of Canada's sanctions' regimes. While there is no "sanctions" unit within the RCMP, they will investigate leads if directed by Foreign Affairs or Customs Border Services. The RCMP does not actively search for violators of UN sanctions for two reasons: a) it is a rare occurrence and any illegal small arms activity is more likely to be dealt with via national criminal legislation, b) the primary concern for the RCMP is the safety of Canadians in Canada. In general, the focus of security institutions in Canada is activity and goods *into* Canada not *out*.

D) Department of Justice Canada

Justice is intimately involved in the wording of Canadian regulations under the UNA, SEMA or ACL to ensure national legislation matches the relevant Security Council, OAS or other international resolution. Canada rarely employs unilateral sanctions.

Section 3 (punishment and offence section) of the UNA is a "dual jurisdiction offence" in that both the Attorney General of a province and the Attorney General of Canada can exercise jurisdiction to prosecute it.

For the Attorney General of Canada to have jurisdiction, however, the proceedings must be commenced at the insistence of the Government of Canada and be conducted by or on behalf of that Government (definition of "Attorney General" to be found in section 2 of the Criminal Code); in such circumstances, the Attorney General of Canada has exclusive jurisdiction over the prosecution of offences found in a federal statutes (other than the Criminal Code).

But if the proceedings have not been commenced and are not conducted by or on behalf of the Federal Government, then the competent provincial Attorney General can exercise jurisdiction since the latter is the "default" Attorney General.¹²

In practice, it would be expected that Federal authorities would conduct the investigation or provide the relevant background and, most probably, the prosecution would be taken over by the federal Attorney General. But, this does not mean that a provincial Attorney

¹¹The author is grateful for the support and advice of Mr. Murray A. Smith, Manager, Firearms Program Forensic Science Support Section of the RCMP.

¹²(R. v. Sacobie and Paul (1979), 51 C.C.C. (2d) 430 (N.B.C.A.) confirmed by [1983] 1 S.C.R. 241.) The author would like to thank Daniella Monestime, Public and Media Relations, Department of Justice for her advice and guidance.

General could not, from a legal perspective, conduct the prosecution if the Federal Attorney General chose not to do so.

Mechanisms

In order to translate sanctions into Canadian law, three pieces of legislation are used: 1) the United Nations Act (UNA) for mandatory UN sanctions; 2) the Area Control List (ACL) for Canadian unilateral sanctions and/or for voluntary UN sanctions; and 3) the Special Economic Measures Act (SEMA) for Canadian unilateral sanctions and/or sanctions employed by other international organizations to which Canada wishes to be included as a sender state.

A) United Nations Act (R.S., 1985, c U-2)

The UNA¹³ represents the primary Canadian legislation in support of a mandatory UN sanction while the corresponding regulations represent the secondary legislation. The advantage of the UNA is that it obviates the need to pass legislation for each sanction regime.

Each time a mandatory sanction is imposed by the UN corresponding regulations are passed by Canada. (For example: *United Nations Sudan Regulations* (P.C. 2004-1011; SOR/2004-197S). Each regulation is written to correspond with the appropriate UNSC resolution – each one, therefore, is unique and could accommodate a wide-range of requirements and restrictions. Canada, however, tends to stick closely to the recommendations of the UNSC being neither more nor less rigorous in its national regulations.

Penalties and Punishment

The regulations outline the penalties for contravening the Act. Contraventions of the Act are criminal if the offence is indictable.¹⁴

Punishment is outlined under Article 3:

- 3.(1)** Any person who contravenes an order or regulation made under this Act is guilty of an offence and liable:
- (a) on summary conviction, to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term of not more than 10 years.

¹³ The first UNA was assented to June 27th, 1947. It is almost identical to the 1985 UNA act except that the limits for punishment prescribed \$200 or 3 months in jail for summary conviction or \$5,000 or 5 years in jail (or both) for an indictment.

¹⁴ The offence would come under section 465(1) c of the Criminal Code of Canada.

(2) Any property dealt with contrary to any order or regulation made under this Act may be seized and detained and is liable to forfeiture at the instance of the Minister of Justice, on proceedings in the Federal Court, or in any superior court, and any such court may make rules governing the procedure on any proceedings taken before the court or a judge thereof under this section.¹⁵

The first version of Canada's UNA, enacted in 1947, had maximum fines and penalties of only \$200 and/or 3 months of jail time for a summary conviction and \$5,000 and/or 5 years of jail time for a conviction or indictment.¹⁶ Despite new maximums listed in the current 1985 UNA, Canada would often list the old penalty amounts in regulations. This was the case even for regulations established well after 1985. (See Annex A and specifically penalties for Iraq, Liberia, Rwanda, Angola, Eritrea, Ethiopia, the FRY, ICTY, and Libya). DFAIT of late has listed only "Section 3" under the penalties section of regulations so as not to be open to criticism listing specific dollar and jail time amounts.

Application of the Regulations

It is important to note that the regulations apply to all Canadians, whether they reside in Canada or outside of Canada. They do not apply, however, to non-Canadians living in Canada. It is possible that these individuals could be prosecuted under their own, national legislation by their national government but that is not always assured.

B) Special Economic Measures Act (1994, c.17)

Absent a United Nations' resolution, Canada may impose sanctions pursuant to the Special Economic Measures Act (SEMA) by an order of the Governor in Council. Sanctions measures may be taken in relation to a foreign state in either of the two following situations (ss. 4(1)): 1) "for the purpose of implementing a decision, resolution or recommendation of an international organization of states or association of states, of which Canada is a member, that calls on its members to take economic measures against a foreign state" or 2) "where the Governor in Council is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis".¹⁷ While this Act allows the government to restrict or prohibit the transfer of any goods or services to or from a foreign state, it is invoked cautiously.

¹⁵ R.S., 1985, c. U-2, s. 3; 2001, c. 41, s. 112.

¹⁶ Part I, Public General Acts, Chapter 46, "An Act Respecting Forty-One of the Charter of the United Nations" (Assented to June 27, 1947). See Article 3 "Penalty for Violations".

¹⁷ "Canadian Economic Sanctions," Department of Foreign Affairs and International Trade Canada. <http://www.dfait-maeci.gc.ca/trade/sanctions-en.asp> (accessed June 24, 2006).

Penalties and Punishment

SEMA is worth a closer look for two reasons:

- 1) it sets limits of time for tabling regulations in Parliament (within 5 sitting days). By contrast, the UNA time frames are not as strict.
- 2) the punishments are different than under UNA. Summary convictions are liable to fines up to \$25,000 (as opposed to \$100,000) and an indictable offence is only punishable by a maximum of five years in jail rather than ten.

Application of the Regulations

SEMA regulations apply to all Canadians living in or outside of Canada. Furthermore, Canada may recoup any costs incurred in relation to the seizure, freezing or sequestration of property constituting a debt due to Her Majesty. The UNA does not have such provisions.

SEMA has only been invoked twice – 1) to comply with OAS sanctions against Haiti in 1993; and 2) against the elite of the Former Republic of Yugoslavia and members of the Serbian Government Former Yugoslavia to comply with G-8 requirements in 1998.¹⁸ The regulations were in place in a timely manner signaling these cases represented priorities for the government.

C) Export and Import Permits Act (R.S., 1985, c. E-19)

The *Export and Import Permits Act* and regulations are used for a number of purposes, including the imposition of trade sanctions on goods. This is done primarily through three Governor in Council regulations: 1) the *Area Control List (ACL)*, 2) the *Export Control List (ECL)*, and 3) the *Import Control List (ICL)*. Permits are required for the export of any good to countries on the ACL. On balance, the *Export and Import Permits Act* is concerned largely with trade of goods.

Penalties and Punishment

Permits must be acquired in order to export goods to any country on the Area Control List. The list, therefore, does not ban goods outright. Instead, a decision is made on each good whether or not it can be exported. Punishments for violating the Act include twenty-five thousand dollars or imprisonment for a term not exceeding twelve months, (or to both); or, for an indictable offence and liable to a fine in an amount that is in the discretion of the court or to imprisonment for a term not exceeding ten years, or to both. Criminal convictions are possible.

¹⁸ See Annex A in the comment section for each.

Application of the Regulations

The Act applies to all persons who knowingly do anything in Canada that causes or assists or is intended to cause or assist any shipment, transshipment or diversion of any goods included in an *Export Control List* to be made, from Canada or any other place, to any country included in an Area Control List. The Governor in Council is responsible for making the list. In terms of flexibility, the Area Control List provides the government with many options and possibilities to allow for monitoring and control of goods to states.

Part II: Canada's Employment of UN Sanctions The Cold War Years

While Canada has enacted national regulations for all mandatory UN sanctions, Canada has not supported voluntary UN sanctions consistently. For example, concerned about the economic revival of Europe after WWII, Canada established a list of forty-six states (and their territories) to receive particular attention.¹⁹ These states were placed under Section five of the *Export and Import Permits Act (Area Control List)* so that the government could “control” (presumably to expedite) the “exports from Canada of commodities which are essential to the economic recovery of Europe”.²⁰ States included on this list included France, the Vatican City, the USSR and others (See Annex E).

One month prior to the establishment of Canada's list, the UNSC passed Resolution 50 (1948) asking member states to “refrain” from sending arms to the participants of the Arab-Israeli war. All of those participants (Egypt, Iraq, Lebanon, Palestine, Saudi Arabia, Syria, Transjordan and Yemen)²¹ were placed on Canada's list of recovery states. In theory, the *Export and Import Permits Act* could have prevented Canada from sending arms to the Middle East. In practice, it is not clear if Canada made a conscious effort to do so or if recovery efforts (which were considerable) overshadowed such considerations. It may be that Canada inadvertently supported the voluntary UN arms embargo of 1948.

Throughout the Cold War, the *Area Control List (ACL)* was the Canadian legislation of choice to screen and monitor what exports were sent to states. (For a complete list, see Annexes D and E). Any and all products exported to a country listed on the ACL would require a permit. Therefore, the ACL could be used to fast-track products to particular countries (as was the case in 1948 to hasten Europe's economic recovery) or the ACL could be used to bar all products (as was more the case during the height of the Cold War.) In the late 1940s and throughout the 1950s, upwards of sixty-four states were listed on the ACL.

¹⁹ See SOR/48-311.

²⁰ *Canada Gazette Part II*, “Export and Import Permits Act – establishing a list of countries to which Section 5 of the Act shall apply re Export (P.C. 2984)” Tuesday June 29, 1948 (SOR/48-311): 1689.

²¹ See S/RES/50 (May 29, 1948).

From the height of the Cold War until now, the ACL has been used sparingly. As well there has been a shift in the purpose of the ACL from a list of states deserving particular attention to a list of states deserving particular censure – a state followed or supported a particular ideology or course of action that was a potential threat to Canada.

In 1961, the UN placed voluntary arms' embargoes on the Congo to protest the growing, violent conflict there. In 1963, the UN again placed a voluntary arms' embargo on Portugal to stop it from repressing the right of its territories to seek self-determination.²² Member states were "requested" to participate in the embargo but not obligated. Many simply chose not to participate, including Canada.²³ Canada did not place the Congo nor Portugal on its ACL presumably because of the particular "company" of states listed on the ACL throughout the 1960s (including the USSR and its closest allies). The Congo (a former Belgium colony) and Portugal were not in the same league as Eastern-block countries with which Canada had a fundamental ideological difference of opinion despite Canada's censure of the violence in the Congo and support of self-determination.²⁴ Unless other means were used, Canada did not participate in the voluntary arms' embargoes against the Congo or Portugal.

In 1965 the call for voluntary action against Southern Rhodesia was heeded by Canada to "desist from providing the illegal regime with arms".²⁵ The language of the UNSC was much stronger than the instructions issued in resolutions for the Congo and Portugal though still not legally obliging. In 1966, Rhodesia was listed on Canada's ACL requiring permits for any item to be exported.²⁶

In place since 1947, it wasn't until 1969 that Canada had an opportunity to invoke the *United Nations Act* to comply with the UNSC's first mandatory economic sanction against Rhodesia. The UNA called for a maximum fine of \$200 and/or three months in jail for a summary conviction and \$5,000 and/or five years in jail for conviction or indictment contravening the Rhodesia Regulations.²⁷ In contrast, US fines for Rhodesia were set at \$10,000 and/or 10 years in jail and this applied to officers of companies as well.²⁸

In the case of Canada's sanctions against South Africa, Canada initially preceded the US and UNSC in employing an arms embargo seven years ahead of the mandatory UN embargo established in 1977 (though through what Canadian legislation is not clear) but seven years after the UNSC's voluntary embargo. (See Annexes A and C). In addition,

²² See S/RES/169(1961) (Congo) and S/RES/180 (1963) (Portugal).

²³ Canada did not invoke the ACL and couldn't invoke the UNA. The SEMA is a recent creation. Canada may have invoked other exporting legislation but the author has not found it.

²⁴ See S/RES/169 (1961). (To prevent the crisis in the Congo from escalating due to the continued presence of Belgian colonial forces and secessionist activity) and S/RES/180 (1963) (to prevent Portugal from suppressing secessionist activity – the right of its territories to seek self-determination.)

²⁵ See S/RES/217 (1965).

²⁶ See SOR/66-4. See Annex D.

²⁷ See SOR/69-14) See Annex A.

²⁸ See United Nations Participation Act,

<http://www.treasury.gov/offices/enforcement/ofac/legal/statutes/unpa.pdf>

Prime Minister Trudeau withdrew trade assistance programs in 1977 and ended South Africa's "imperial preference" trade advantage – one that had been in place since 1932.²⁹ In a House of Commons debate on December 20, 1977, that addressed sanctions generally and South Africa specifically, Mr. Donald Jameison, Secretary of State for External Affairs stated:

Along with others, Canada has been asking what further steps we ought to take in order to display and to demonstrate our disapproval of the present regime and our disapproval of apartheid. We strongly believe that what must come in South Africa is the destruction of that kind of system, the induction of the principle of one man, one vote and of the normal democratic process which all of us in this part of the world take for granted.³⁰

Instead of more extensive unilateral sanctions, Canada drafted a series of "codes of conduct" for Canadian businesses operating in South Africa to guide employment practices.

During the same House of Commons debate Prime Minister Trudeau emphasized that Canada would not pass legislation preventing Canadian businessmen trading in South Africa stating: "We [Canada] believe that, as a general rule, trade between nations is a good thing. It is not only good economically but it is also good in terms of human relations between the peoples of these countries".³¹

In the 1980s, former Canadian Ambassador to the UN (1984-1988), Stephen Lewis, lamented to Barbara Frum in a CBC interview that Canada was not doing enough to protest South Africa's policies despite threats by then Prime Minister Mulroney that Canada would apply "total sanctions". Instead only voluntary trade sanctions were imposed. In some sectors, despite the sanctions, an increase in trade with South Africa was noted.³²

"We appropriated the position of leader against Prime Minister Thatcher to lead the Commonwealth in the application of sanctions against South Africa" said Mr. Lewis. Furthermore, Canada reported to the General Assembly that it would apply "total sanctions" but did not deliver on the promise. Mr. Lewis stated in the interview "[he has] never thought that External Affairs has been particularly enthusiastic about [Canada's] policy on sanctions".³³ A lack of extensive economic sanctions did not signal an acceptance of South Africa's apartheid policy. On the contrary, Canada felt it was an "evil philosophy". Further isolating the government of South Africa, however, would not

²⁹ See 1968-1984: The Trudeau Years (Section: The Commonwealth) <http://www.dfait-maeci.gc.ca/departement/history/canada9-en.asp> (accessed July 27, 2006).

³⁰ *House of Commons Debates: Official Report*, Third Session – Thirtieth Parliament, Volume 11 (1977-78): 2000.

³¹ *House of Commons Debates: Official Report*, Third Session – Thirtieth Parliament, Volume 11 (1977-78): 2002.

³² See CBC, "Despite Sanctions, Canada's Trade with South Africa is Up", http://archives.cbc.ca/IDCC-1-71-703-4144/conflict_war/apartheid/ February 7, 1989.

³³ *Ibid.*

achieve an end to apartheid in the opinion of many foreign policy experts in Canada.³⁴ As stated by Mr. Trudeau and echoed by Mr. Mulroney, trade rather than sanctions was the preferred Canadian foreign policy tool. Canada never imposed UN Regulations to enforce the UNSC's mandatory arms embargo.³⁵ Canada felt it had already complied by imposing legislation in 1970.³⁶ South Africa would not be placed on Canada's Area Control List until 1989³⁷ after considerable domestic and international pressure.

It should be noted that on three occasions during the Cold War, Canada was able to apply sanctions unilaterally in support of an important foreign policy goal. Technically, they are examples of trade sanctions as they involve the suspension of goods that were the result of bilateral trade agreements. Given, however, their connection to a wider foreign policy goal of nuclear non-proliferation, they are considered in this paper as (one of the few) examples of Canada's timely, transparent and tendentious use of sanctions. The cases are all related and two are outlined below.

The first involved the suspension of nuclear cooperation with India in 1974 after India exploded an underground nuclear device on May 18, 1974.³⁸ (Nuclear aid from Canada to India amounted to \$96.5 million from initiation in 1956 to suspension in 1974.) As well, Canada decided not to refinance an \$8.5 million loan, and for a brief period, suspended \$127 million in additional nonfood aid.³⁹ Canada, however, did not use the ACL (and, of course, the SEMA had not been "created" yet) and so records of this sanction are difficult to find.

The second case involved the suspension of negotiations for a new fuel contract for Pakistan's KANUPP (Canadian) reactor until safeguard agreements were finalized. When Pakistan refused (having witnessed the aforementioned nuclear testing by India), Canada delayed shipment of spare parts for KANUPP previously arranged. Undeterred, Pakistan turned to France for the necessary parts. Canada announces the termination of nuclear cooperation with Pakistan in 1976 forcing it to shut down its KANUPP reactor in 1977 for lack of fuel and spare parts.⁴⁰ France was eventually pressured by Canada and

³⁴ Peyton V. Lyon, *Canada in World Affairs: Volume 12: 1961 – 1963* (Toronto: Oxford University Press, 1968): 294.

³⁵ The mandatory arms embargo was imposed by the UNSC on November 4, 1977 (S/Res/417) and Canada imposed Regulations for South Africa in 1970 – with what particular Canadian legislation is not clear.

³⁶ It is not clear what legislation that was. This requires further investigation. Dr. Kim Richard Nossal chronicles sanctions imposed by the Province of Ontario throughout the 1970s and 1980s, which are thought to have been more "persuasive". See "Federalism and International Sanctions: Ontario and South Africa", *Rain Dancing: Sanctions in Canada and Australian Foreign Policy*. (Toronto: Toronto University Press, 1994): 111-125.

³⁷ See ACL, SOR/89-258. (Annex D)

³⁸ Gary Clyde Hufbauer, Jeffrey J. Schott and Kimberly Ann Elliott, *Economic Sanctions Reconsidered: Supplemental Case Histories*, 2nd Edition. (Washington, DC: Institute for International Economics, 1990): 373-377.

³⁹ *Ibid*: 375 from *New York Times*, May 23, 1974, A1.

⁴⁰ *Ibid*: 378-382.

the US to cancel its contract for a reprocessing nuclear plant for Pakistan in favour of a coprocessing plant.⁴¹

In both cases, the sanctions were rated as minimally successful - the *Institute for International Economics* awarded a score of 2 out of 4.⁴² More importantly, however, they represented some of the few examples of Canada's determination to pursue one of its foreign policy goals unilaterally even in opposition to more powerful states – rare cases indeed.

Finally, it must be recognized that Canada was the target of sanctions during the Cold War. While intending to create a sanction-of-sorts itself, the tables were quickly turned and Canada was cut down brutally. One day after he was sworn in as Prime Minister on June 4, 1979, the Right Honourable Joseph Clark fulfilled a campaign promise to move the Canadian Embassy in Israel from Tel Aviv (where most foreign embassies were located) to Jerusalem. Jerusalem was considered by Israelis to be the new capital city since the taking of it in the 1967 war. Outraged, the Arab League suspended dealings with Canadian financial institutions immediately. At the time, this translated into an estimated at \$17.2 million US for Canada.⁴³ The plan to move the embassy was canceled hastily. According to one Canadian analyst, “the Arabs could cut [Canada] off...both in terms of imports and exports, and not so much as feel a tickle in the nose.”⁴⁴ Canada had no choice but to change its policy. The Prime Minister tried to do so quietly but Saudi Arabia insisted that the reversal be made public.⁴⁵ Canada's intended foreign policy action of support for Israel had been regarded as an abject failure.

Canada's Post Cold War Record

Whether overwhelmed by the number of mandatory sanctions in the post-Cold War era or simply “sanctioned”-out recovering from the “decade of sanctions” in the 1990s, Canada's post-Cold War track record has been spotty.

Canada has participated in all mandatory UN arms embargoes with varying degrees of enthusiasm. Canada follows the wording and intent of UNSC resolutions carefully so as to comply with international legal obligations. While the 1990s would see the first (and

⁴¹ The third case involved a very similar sanction against Japan the EC to encourage the creation of nuclear safety protocols. See Annex A.

⁴² The Institute is famous for chronically and rating all examples of sanctions in their various forms from 1915 – 1990 in a two-volume set. For an example of a sanction receiving a 4 out of 4 for effectiveness, see US and Canada vs. South Korea (1975 – 1976 to stop South Korea from amassing nuclear weapons and corresponding technology): 383-385. A new, third edition is due in November 2006. See <http://www.iie.com/>

⁴³ Gary Clyde Hufbauer, Jeffrey J. Schott and Kimberly Ann Elliott, *Economic Sanctions Reconsidered: Supplemental Case Histories, 2nd Edition*, (Washington DC: IIE, 1990): 514-517.

⁴⁴ George Takach, “Clark and the Jerusalem Embassy Affair: Initiative and Restraint in Canadian Foreign Policy” (unpublished) reproduced in Gary Clyde Hufbauer, Jeffrey J. Schott and Kimberly Ann Elliott: , *Economic Sanctions Reconsidered: Supplemental Case Histories, 2nd Edition*, (Washington DC: IIE, 1990):516.

⁴⁵ Ibid: 516.

only) uses of Canada's SEMA, the ACL has been all but abandoned. Only Myanmar languishes on the "books" and Georgia has been put on notice that it might join Myanmar. States that one would think would be on the ACL for monitoring purposes at least (including Iran, North Korea, Zimbabwe, Sudan, Somalia and any other state that is a cause of international security concern) are conspicuously absent. From the point of view of optics, it would appear that Myanmar is one of Canada's main foreign policy concerns because it is the only country listed on the ACL. But this assumption would be wrong for several reasons.

- 1) Being listed on the ACL does not equate into action. Rather, it can almost guarantee concrete actions are not taken by virtue of the fact it is on the "list" in a holding pattern.
- 2) Canada uses the ACL with such hesitancy and cautiousness it has virtually no meaning anymore.
- 3) Canada will only take unilateral non-trade action against "safe" states. Myanmar is not a large exporter to Canada nor does Canada export large amounts of goods to Myanmar. Given its small size and stature on the world stage and public cries for something to be done, Myanmar is a "safe" state to target.

And yet, Canada has been an outspoken and active supporter of the UN's efforts throughout the 1990s to improve the effectiveness of sanctions – especially the trend toward "smart sanctions".⁴⁶ Canada was a participant in all three, international conferences dedicated to improving targeted sanctions, and ironically, improving national legislation. The three conferences are referred to as the Interlaken (1998-2001), the Bonn-Berlin (1999-2001) and the Stockholm (2001-2002) processes.

Canadian Ambassador Robert Fowler was instrumental in changing the way in which UN sanctions' committees worked. He assumed the chair for the Angola sanctions committee in 1999. Rather than adopting the heretofore passive, unobtrusive role of chair– receiving reports from member states, Mr. Fowler adopted an active, assertive role that has since (gradually and subtly)⁴⁷ established the "bar" for future sanctions committee chairs. Mr. Fowler interviewed delegates, and nongovernmental organizations and conducted a seventeen-day mission (May 1999) to central and southern Africa to speak to local experts, government and private officials.

Meanwhile in Canada in response to the UNSC's decision to impose sanctions on Angola's rebel movement, União Nacional para a Independência Total de Angola, (UNITA) Canada dutifully enacted *United Nations Angola Regulations* (SOR/94-44) under the *United Nations Act* (R.S., 1985, c. U-2) but only four months after the UN

⁴⁶ Coined by David Cortright and George Lopez in *Smart Sanctions: Targeting Economic Statecraft*, David Cortright and George A. Lopez (eds) (Maryland: Rowman and Littlefield Publishers, 2002). Smart sanctions are targeted sanctions intended to avoid the widespread devastation of "dumb" or comprehensive economic sanctions. Eg. of smart sanctions include freezing bank accounts, arms embargoes, travel restrictions etc.

⁴⁷ Ibid: 66

resolution had passed. “Going through the motions” aptly summarizes Canada’s post Cold War record.

Often forgotten are the important cases of sanctions that are not employed by Canada deliberately as part of its foreign policy. Specifically the non-sanctions targeted at Cuba by Canada are worthy of note.

Despite pressure from the US to employ sanctions against Cuba, Canada has resisted. Whether or not the resistance was aimed at protecting Cubans or highlighting Canada’s ability to make a foreign policy decision in contradistinction to its neighbour is debatable.

What this case does demonstrate, however, is that Canada is very capable of making bold policy decisions when Ottawa deems necessary.⁴⁸

Part III: Canada’s Record

A) Scope of Employment - Tertiary

Canada participated in more voluntary sanctions in the Cold War than it has in the post-Cold War period.⁴⁹ And, since the end of the Cold War, Canada has used the ACL very sparingly (some may even add “meanly”).⁵⁰ If sanctions are to be employed, be they voluntary or mandatory, Canada prefers to support multilateral sanctions. Canada employs sanctions as a member of a regional organization (the OAS, the Commonwealth, etc.) or in support of the UN. For example, while the European Union and the US have imposed sanctions on President Mugabe of Zimbabwe and his ruling elite⁵¹, Canada has chosen to engage the Zimbabwean government⁵². Until such time as the Commonwealth or the UN decides to impose mandatory sanctions, Canada will continue to engage Mr. Mugabe’s government. Whether or not this is what the Canadian public wants is an important question to consider.

If, according to Kim Richard Nossal, sanctions are simply a tool to placate domestic audiences, Canada’s current sanction policy, especially toward Zimbabwe, may not be in-

⁴⁸ For an excellent discussion on Canada and Cuba see Hal Klepak, “Haiti and Cuba: Test Cases for Canada, but Tests of What?” *International Journal* (Summer 2006): 677-695 and Omar Sanchez, “The sanctions Malaise: The Case of Cuba”, *International Journal*, Spring 2003.

⁴⁹ See Annex C. Canada participated in three of the five Cold War voluntary arms embargoes but only one of the five post-Cold War voluntary arms embargoes (not counting Iran which has yet to be considered).

⁵⁰ See Annex D. Since the end of the Cold War, the ACL has been used for Angola, Bosnia-Herzegovina, Croatia, the FRY, Haiti, Myanmar and Yugoslavia. Absent are Zimbabwe, Iran, Iraq, Belarus (may soon join), North Korea, Turkmenistan, Tajikistan etc. or any other of the list of consistent human rights abusers.

⁵¹ For a full list, see “US Executive Order Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe.”

<http://www.ustreas.gov/offices/enforcement/ofac/programs/zimbabwe/zimb.pdf> and “Sanctions or Restrictive Measures in Force (measures adopted in the framework of the CFSP)”

http://ec.europa.eu/comm/external_relations/cfsp/sanctions/measures.htm.

⁵² Comment by Former Canadian Ambassador to Zimbabwe, Mr. John Schram. Presentation to Queen’s Centre for International Relations, “Civil Conflict In Africa Workshop”, April 28, 2006.

line with the wishes of the Canadian public.⁵³ If, according to former Canadian Ambassador to the UN, Mr. Paul Heinbecker, sanctions are much more and represent an important tool for the international community and for Canada⁵⁴ to be used carefully and advisedly, Canadians may support DFAIT's current course of action so long as there is a consistent reason. For example, if Canada has consciously chosen not to place Zimbabwe on the ACL because sanctions would be too harmful to Zimbabweans, this may be perfectly reasonable. Likewise if Canada stated categorically that it never participates in sanctions unless they are mandatory and multilateral, that may be reasonable too. The current situation, however, is untenable. Neither the Canadian public nor the international community are sure of when Canada will or will not participate other than in the case of mandatory UN sanctions. But even then, Canada will simply translate the UN resolution without adding any particularly Canadian concerns. This contributes to a perceived (or apparent) inconsistency in foreign policy when Canada reaffirms its commitment to sanctions generally at the UN, but does not bring the full weight of national instruments to bear on their employment.

In summary, Canada's record of support for multilateral sanctions as a tool of foreign policy is tertiary to more immediate foreign policy goals of the day and perhaps tertiary to the wishes of the Canadian public; rarely will Canada reach for sanctions to pursue a foreign policy goal unless forced to because of regional or international commitments and/or domestic pressure.

B) Use and Punishment - Timid

Not only will Canada not entertain the use of unilateral sanctions, Canada does not augment, add nor appear to consider the Canadian context in drafting Canadian regulations to make them more relevant for Canada. Canada, for example, has not followed Germany's lead and made it law to forbid the sale of weapons to all areas of conflict.⁵⁵

The US, in contrast, will tailor its Presidential Orders (the means by which the US employs UN sanctions) to consider domestic circumstances.⁵⁶ For example, US regulations listed all subgroups of UNITA including Forças Armadas para a Libertação de Angola (FALA) and the Free Angola Information Service Inc. based in the US.⁵⁷

Simply transposing the UNSC, OAS or G-8 resolutions into Canadian regulations means that national regulations have no "Canadian flavour"; Canada's human security agenda, for example, is not "pushed" in Canadian regulations – Canada's regulations do not stray

⁵³ Kim Richard Nossal, *Rain Dancing: Sanctions in Canadian and Australian Foreign Policy*, (Toronto: University of Toronto Press, 1994).

⁵⁴ Interview with Ambassador Paul Heinbecker, May 24, 2006 at Queen's University.

⁵⁵ From William J. Durch, *Constructing Regional Security: The Role of Arms Transfers, Arms Control, and Reassurance* (New York: Palgrave, 2000): 10 but quoted in Dominic Teirney, "Irrelevant or Malevolent? UN Arms Embargoes in Civil Wars", *Review of International Studies* (2005): 646.

⁵⁶ Mr. Christopher Barnum, (US) Under-Secretary General, UN Department of Management. Personal interview at the UN in New York, July 18, 2006.

⁵⁷ Ibid.

from the confines of an international resolution to be more far-reaching or punitive – in some cases, they are even weaker than what the international community recommends. For example, even when Canada wanted to show solidarity with one of its closest allies, Great Britain, during the 1982 Falkland Islands conflict, Canada choose only to withdraw its diplomat from Buenos Aires rather than employing the economic sanctions employed by the European Economic Community (EEC).⁵⁸ For some states, especially Italy, the economic sanctions came at great expense to their economies – but not for Canada. While Canada was not a member of the EEC, Canada could still have imposed stronger measures – especially given the support of the Security Council for the withdrawal of Argentine forces from the Falkland Islands.⁵⁹ If ever there was a time to consider stronger sanctions in favour of an ally and permanent member of the Security Council, this was a safe bet. Canada did not employ, for example, an arms’ embargo, as did France, West Germany, Belgium, Austria, the Netherlands and Switzerland. New Zealand, in contrast, banned all trade with Argentina.

If, as was stated by Mr. Trudeau and Mr. Mulroney when debating sanctions against South Africa, trade is more beneficial than sanctions, Canada did not alter its regulations to soften comprehensive sanctions on Iraq in 1990⁶⁰ or Haiti in 1994⁶¹. Nor in these and other cases has Canada added to regulations to make them more punitive or effective. For example, Canada did not particularly mention “machetes” as banned weapons for Rwanda⁶² despite ample international and Canadian intelligence specifying that it was the genocide weapon of choice. Two further examples shed light on Canada’s timid use of sanctions.

Canada’s *United Nations Angola Regulations* (SOR/94-44) invoked under the *United Nations Act* (R.S., 1985, c. U-2) in compliance with UNSC Resolution 864 imposed an arms and a petroleum embargo. Under the punishments listed for violators a fine of \$200 or imprisonment for a term of three months, or both could be expected for a summary conviction; or, on conviction on indictment, a fine of five thousand dollars or imprisonment for a term of five years, or both.⁶³ These represented the maximum fines under the old (and repealed) 1947 *United Nations Act*.

Considering the extent of violations that the *Panel of Experts* would later find, and the role of Canadian Ambassador Fowler, Canada may have considered enacting more extensive violations. Clearly any money to be made on sanctions busting to UNITA rebels would likely have been more than \$200 CA.⁶⁴ The fines are in stark contrast to the

⁵⁸ Lisa Martin, “Institutions and Cooperation: Sanctions during the Falkland Islands Conflict”, *International Security*, 16(4) (Spring 1992): 143-178. See especially p. 150.

⁵⁹ See S/RES/502 (1982).

⁶⁰ UNA Iraq Regulations - SOR/90-531.

⁶¹ All regulations for Haiti were passed under SEMA to comply with OAS and UN requirements. See Annex A for a complete list.

⁶² Canada’s definition of arms for Rwanda stated, “arms or related materials” means any type of weapon, ammunition, military vehicle, military equipment or paramilitary police equipment, and includes any spare parts therefore” See SOR/94-582 <http://laws.justice.gc.ca/en/U-2/SOR-94-582/text.html>.

⁶³ *United Nations Angola Regulations*, (SOR/94-44) See Annex A.

⁶⁴ For example, the no littering fine on the Ottawa Airport Parkway is \$150CA.

maximums that could have been listed under Canada's current *United Nations Act* (1985). Even if Canada was not involved in sanctions-busting activity, the severity of the situation alone demanded a fine of more than \$200.

The UNSC ended all sanctions on Angola December 9, 2002 with Resolution 1448. Since this time, Angola's neighbour, the Democratic Republic of the Congo (DRC), has descended into chaos. The UK still has an arms embargo against Angola to prevent new arms shipments or dual use equipment from making their way to the conflict in the DRC⁶⁵. Canada, on the other hand, repealed sanctions against Angola, July 2, 2003.⁶⁶ Considering that the UN Security Council has expanded the Mission des Nations Unies en République Démocratique du Congo (MONUC's) mandate to the DRC on December 4, 2002⁶⁷, Canada may wish to consider listing Angola on Canada's *Area Control List* or a "Pending List" as the UK has done. Since the UN has now extended the arms embargo against the DRC because of illicit arms peddling (Angola being just one of a number of trafficking routes), this would be an appropriate precaution.⁶⁸

The current situation in Darfur is also an instructive example. Despite concerns of the growing loss of life in the Sudan and Canada's advocacy for a 'Responsibility to Protect' doctrine to be applied by the UN, Canada has yet to put Sudan on either the SEMA or ACL – according to Canada then, Sudan has done nothing wrong. Canada has participated in mandatory UN sanctions targeted at Sudan but these are limited at best. The current UN resolutions are arms' embargoes only. Because of the constraints of the veto on the Security Council, it cannot enforce, for example, a ban on mining equipment to slow down oil production and money into the coffers of President al Bashir. And yet, Canada could do so via the SEMA or ACL. It will not, however, thus demonstrating Canada's timidity despite its G-8 status and desire to prove itself a "middlepower" pulling its own weight.⁶⁹

⁶⁵ "Sanction Regimes, Arms Embargoes and Restrictions on the Export of Strategic Goods", see <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket%2FXcelerate%2FShowPage&c=Page&cid=1007029391422&a=KCountry&aid=1013618512116> In effect since September 2, 2000.

⁶⁶ See Regulations Repealing the United Nations Angola Regulations.
<http://canadagazette.gc.ca/partII/2003/20030702/html/sor222-e.html>

⁶⁷ S/Res/1445 (2002)

⁶⁸ The Security Council, condemning the illicit flow of weapons within and into the Democratic Republic of the Congo, and determined to closely monitor compliance with the arms embargo it imposed in July 2003 and expanded in April 2005, and the travel ban and assets freeze on those in violation of it, decided to renew the existing sanctions regime in that country, set to expire July 31, 2006, for a further year, in light of the failure by the parties to comply with its demands. The resolution was passed unanimously. See S/RES/1698 (2006).

⁶⁹ Prosper Bernard Jr., "Canada and Human Security: From the Axworthy Doctrine to Middle Power Internationalism", *The American Review of Canadian Studies* (Summer 2006): 253 from *Canada's International Policy Statement* (2005): forward and page 3.

C) Timing and Record of Prosecution - Tepid

Canada's regulations take an average of roughly four (4) months to be registered (and hence in force). The time frame ranges from a 2-day delay in the case of Iraq Regulations (SOR/90-531) to 447 days for DRC Regulations (SOR/2004-222).⁷⁰ To be fair, in the case of the DRC, the UN had yet to publish the full list of individuals so DFAIT felt it better to wait. (Refer to Annexes A and B)

Emergency measures can be taken if the Governor in Council deems necessary. This indicates that when there is a perceived need to pass regulations quickly, as occurred with respect to Iraq and the Terrorist Regulations resulting from 9/11, there is little difficulty in enacting them. It is unfortunate, therefore, that all cases of UN sanctions are not treated equally. Arms' embargoes imposed to restore peace and order for intrastate conflicts (which are, disproportionately, located in Africa) tend to take the longest time to pass. Even for Rwanda's genocide, with Canadian General, Romeo Dallaire as mission commander, Canada did not speed along nor augment its Rwandan Regulations.⁷¹ Canada's regulations took over 108 days to come into force - well after the genocide had ended.

The US system of *Presidential Executive Orders* facilitates speed. For example, Presidential Executive Order 13213⁷² – *Additional Measures With Respect To Prohibiting the Importation of Rough Diamonds from Sierra Leone*, was enacted May 22, 2001. Security Council Resolution 1343 was passed on March 7, 2001. The Order took immediate effect at 12:01 am the next day; transmission to Congress and publication in the federal registry took place after-the-fact. In Canada, by contrast, regulations were not in force until July 12, 2001 (SOR/2001-261). The point to note is that while the US system is generally faster, it is only as fast as the perceived urgency or impact on national interests. In this regard, the US and Canada are similar.

Two cases of known prosecutions under the UNA have come to light. The first case involved the attempted sale of forty-five surplus DND CH136 "KIOWA" helicopters to Iraq after being stripped of all armaments and converted to civilian use. Canadians and Americans then tried to sell these helicopters to Iraq while under comprehensive sanctions by the UN. (See SOR/90-531 for the appropriate Canadian legislation). Five Canadian businessmen and four companies allegedly participated in a conspiracy to purchase surplus military helicopters from DND.⁷³

In the second case, a Canadian individual and a Canadian company were convicted of violating Libya sanctions (S/RES/748) by illegally shipping aircraft parts to Libya. The

⁷⁰ See Annex B for calculations of sanctions currently in force.

⁷¹ [United Nations Rwanda Regulations \(U-2 -- SOR/94-582 \)](http://laws.justice.gc.ca/en/U-2/SOR-94-582/text.html) See <http://laws.justice.gc.ca/en/U-2/SOR-94-582/text.html> See also Annex A.

⁷² See Executive Order 13213 <http://www.treasury.gov/offices/enforcement/ofac/legal/eo/13213.pdf>

⁷³ Information gathered under an ATIP request. Documents on file with author.

company was fined C\$400,000 and the individual was ordered to do 100 hours of community service and received two years of probation in 1992.⁷⁴

While it is good that Canada has prosecutions, given the findings of extensive sanctions-busting activity by the UN and its committees of experts and given that the UN has been in effect in Canada since 1947, one would expect more cases to come to light. Canada might be wise to review its prosecutorial record.

Part IV: Convergence or Divergence with Canada's Foreign Policy?

In general, Canada's sanctions machinery and mechanisms need to be reviewed seriously in light of the increased use of sanctions internationally and Canada's lack of unilateral action. Above-and-beyond considering its time limits to bring regulations into force and its prosecutorial record, Canada needs to consider its general sanctions framework in the context of its overall foreign policy goals. It is now to the second major question of this paper that we now turn: is there convergence or divergence with Canada's foreign policy and its employment of non-trade sanctions? There are two aspects to consider: the external projection of Canada's foreign policy and the domestic application of sanctions.

Imposing sanctions involves a number of calculations including national interests, economic and political costs to the sending and targeted state, not to mention considerations of effectiveness versus purposes served.

But whereas Canada has been a leader in working to improve the overall effectiveness of sanctions at the international level, a review of domestic machinery and mechanics have been overlooked. On the one hand Canada continues to promote a liberal foreign policy dedicated to the promotion of democracy and liberal ideals of freedom and respect for human rights. On the other hand, the domestic implementation of such foreign policy is very 'realistic' – some may even say mean in terms of resources and manpower. By-in-large, Canada seeks to implement the cheapest domestic framework possible; it is, after all what taxpayers would expect. Canada wants, however, to promote an ambitious and influential role in the world.

As we have seen with Canada's record of sanctions' employment, Canada's three "T"s are undermining Canada's ability to project itself externally – Canada hasn't a large record of prosecutions. Likewise, sanctions average four months to come into effect despite being internationally binding as soon as the requisite international authority passes them. If all states are as timid and tepid in their approach, sanctions overall are undermined.

That Canada's sanctions are tertiary, however, speaks to its domestic policy of minimal effort and minimal cost. Coined "Canadian-style realism"⁷⁵, Canada is often "at the G-8

⁷⁴ Information found under ATIP – documents on file with author.

⁷⁵ Attributed to Dr. Joel Sokolsky, Royal Military College of Canada. Dr. Sokolsky suggests the realism applies to Canada security practices. I am extending this idea to foreign policy as conducted through sanctions.

table and then, when the bill comes, [leaves for] the washroom.”⁷⁶ Canada, therefore, chooses to participate in multilateral sanctions not only because they are more effective but also because they are domestically cheaper. In this way, Canada isn’t even rain dancing⁷⁷ when it comes to the employment of sanctions – it simply goes through the legal motions of creating the necessary regulations.

Except in a few cases when a clear issue of interest is at stake (such as non-proliferation or support for Cuba), Canada rarely acts alone. Does this approach represent a convergence or divergence with Canadian foreign policy? In so far as the rest of the international community seems either not to care or not to notice that Canada’s domestic application of multilateral sanctions is lackluster, Canada is wise to devote minimal energy to sanctions. Canada, so far, has managed to “talk the talk” of sanctions but can “sit” when the rest of the world thinks it is walking.

Thus, domestically speaking, there is a convergence of approach with Canada’s foreign policy and its use of sanctions. Creating or sustaining influence in the world, however, may be undermined – the aggregate effects of weak domestic efforts are measured on the international stage. All of this means that it is high time that Canada focused seriously on a very important tool of statecraft, one that is likely to have very important repercussions in the near future with respect to Iran and North Korea. Tertiary, tepid or timid responses related to these targets are likely to be costly indeed.

The good news is that Canada may boast one of the most professional bureaucracies in the world. The problem is not the lack of talent but a lack of priority and conviction on the part of the government. Once in place, Canada could have a role of influence in the world at least as far as sanctions are concerned.

⁷⁶ Quote by Mr. John Manley, former minister of foreign affairs, in 2001. Quoted in Prosper Bernard Jr. “Canada and Human Security: From the Axworthy Doctrine to Middle Power Internationalism”, *The American Review of Canadian Studies* (Summer 2006: 242).

⁷⁷ In reference to Kim Richard Nossal’s characterization of Canada’s sanction use as “rain-dancing” – or doing something for the sake of demonstrating to the Canadian public it is doing something. See *Rain Dancing: Sanctions in Canadian & Australian Foreign Policy*, (Toronto: Toronto University Press, 1994).