DISCOURSE OF MULTILATERAL ECONOMIC SANCTIONS: MEASURES TO MITIGATE THEIR SOCIAL AND ECONOMIC EFFECTS

by

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(This document will constitute the first page of the Thesis)
To my beloved Family, and Friends
To Lebanon, living proof of hero survival
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My grateful and deepest appreciation of the valuable guidance, significant support and contribution of my amazing advisor Dr. Sami Baroudi, and readers Dr Shafik Masri and Dr. Waleed Mobarak to the finalization and fulfillment of this thesis.
PREFACE

It is not to be argued that the concept of humanitarianism existed as early as the conception of history. Yet if we look around us, glimpse in our minor daily details or just flip on the News channel, it is a grim reality that we face. Multifaceted celebration of Humanitarianism today through global ideals, ethical standards, campaigns, humanitarian exemptions and singing praises to Human rights is but harshly put as the Chinese say a 'tiger paper'. Take a look around, people are unjustly and unfairly dying, starving and being depraved of minimum requirements of decent living.
ABSTRACT

Realizing and actualizing a comprehensive research study on economic sanction's social and economic effects in addition to finding the methods and means to mitigate those effects, certainly required a complicated but rewarding research journey. This journey first began through conducting a detailed literature review covering a cumbersome, controversial and vast literature on economic and international sanctions.

A literature ranging from a pure theoretical perspective inspired by philosophy, ethics, economic modeling and political science, to a practical side that spanned different case studies of actual economic sanctions incidents accompanied with data to prove it; A literature ranging from anti sanctions writings that highlights the devastating humanitarian crisis caused by it to pro sanctions writings that deem it to be an effective foreign policy tool tipping the balance of diplomacy and peace over war and bloodshed. However, this preliminary research resulted in a very interesting and important finding that came to be the focal point of this thesis.

Existing literature failed to address the humanitarian aspect of sanctions from the point of view of the ordinary citizen. Although the world acknowledged the negative impacts of sanctions it miserably failed to mitigate it and address the needs of those suffering. This research acknowledges the existence of commendable attempts by the United Nations and the international society to heal the wounds of innocent people but unfortunately so far none of those attempts had real and significant effect.

After identifying the problem, the next steps were to recognize its cause, and symptoms. Thus the next chapter was dedicated to the close study of the role of International law and its relation to economic sanctions in light of human rights and humanitarian law. The result of which was a better understanding of the controversy behind sanctions and the fountain of the negativity it produces. Economic sanctions are positioned in a shady area of international law, deemed by it as the lesser of a necessary evil to correct an illegality. Its linkage to human rights is even vaguer and the cause of a bottomless conundrum within international law itself.

As for the quest to find its symptoms, the most applicable and suitable method was to adopt the case study approach, which enrich this study with real sense and
magnitude of actual effects of sanctions. Rather than looking at one case study, and to allow room for differentiation, varying circumstances, level of economic growth of the targeted, extent of its endowment with resource and the type of economic sanctions imposed, two case studies were mentioned and reviewed in great detail to cover all these attributes.

Iraq and Yugoslavia were the real witnesses to the horror of economic sanctions when implemented without any proper protective shield. Although the extent of the impact of sanctions varied between the cases, the symptoms were the same; poverty, corruption, criminality, dehumanization, are but few of the common negative traits of economic sanctions.

Indeed these cases were windows to the shortcoming of many variables such as humanitarian assistance of international organizations, structure and process of sanctions design and implementation, weak voice of national & international civil society and the failure of the government to play its role. They also exposed the lack of utilization of many other factors such as Technology, and the Media.
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<td>International Monetary Fund</td>
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<td>UN</td>
<td>United Nations</td>
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<td>IPE</td>
<td>International Political Economy</td>
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<td>USD</td>
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<td>World Food Program</td>
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Chapter One
Economic Sanctions: The Goals

"Sanctions represent a middle ground in international politics, being more severe than mere verbal condemnation, but less severe than the use of force."\(^1\)

HamMun 2004, Security Council, United Nations

"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 life outside the nation boycotted, but it brings a pressure upon the nation which, in my judgment, no modern nation could resist."\(^2\)

American President Woodrow Wilson, 1919

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\(^1\) This statement is taken from the preliminary meeting held prior to the Hamburg UN Model Conference (2004) for youth and ordinary citizens.
1.1 International Sanctions: An Overview

Political and economic affairs among nations have often been determined throughout history by an agenda of foreign policy tailored to the utmost benefit of these nations. Foreign policy is generally customized and supervised by presidents, governments and congresses to serve a nation’s quest for better economic and diplomatic relations in addition to fulfilling political hegemonic aspirations and gaining an advanced position in the world hierarchical order of power. Such agendas incorporate several factors known as foreign policy tools recurrently used to achieve a spectrum of goals and purposes set by nations. Foreign policy tools range from armed intervention, to non destructive coercion to diplomacy and cooperation. Armed intervention is considered to be an extremely risky, expensive and precarious policy option because of drastic human losses and incurred economic costs, especially in an increasingly globalized world, governed by economic complex interdependence. Besides warfare is viewed with a high degree of skepticism and considered to be a sign of power and strength parading in a world where peaceful settlement of dispute is valued and emphasized in international affairs.

On the other hand diplomacy as a 'soft technique' is considered to be the pinnacle and etiquette of peaceful co-existence and international harmony. Used as a universal language through which countries traverse the threshold of varying cultures, religions and customs to peacefully communicate with one another and concede to international laws and norms. While cooperation is of mainly an economic nature and is seen as an essential perquisite between nations, when strong transnational commercial exchange, and financial ties exist.

Although diplomacy as a peaceful doctrine of international relations is encouraged by international creeds and embraced by international organizations and nations, it is sometimes reduced to a mere neutral formality in the face of unwilling dictatorships, totalitarian regimes and rogue governments. In this case, diplomacy and economic cooperation is rendered ineffective and inadequate since rogue states and other

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3 The Term was mentioned and explained by C. Lloyd Brown John in 'Multilateral Sanctions in International Law: A Comparative Analysis', (1975), p.1
4 The Theory of Complex Interdependence first appeared in Robert Keohane and Joseph Nye, 'Realism and Complex Interdependence', (1977/2001)
6 Ibid, p.1
of world community don’t share the same political philosophy, economic interest and their perception of world governance is radically different. Conveniently, politicians and international institutions use another concept foreign policy known as ‘non-destructive coercion’\textsuperscript{7}, by which international law expert C. Lloyd Brown John\textsuperscript{8} means 'The utilization of coercive techniques against a state with the intent to alter that state’s behavior while simultaneously maintaining the state as a viable political system. \textsuperscript{9} The most frequently used and adopted of these coercive techniques is the coercive mode of international sanctions.\textsuperscript{10} There are other terms also persistently used to connote the same phenomenon of international sanctions, such as coercive diplomacy\textsuperscript{11}, or forceful persuasion.\textsuperscript{12} Losman described international sanctions as “interruption of communications, diplomacy, and or economic relations.”\textsuperscript{13} This phenomenon transcends any mere diplomatic code or dialogue, its adoption indicates the resolve of the sanctioning nation or entity to force and induce the targeted nation or entity into changing a specific political or economic policy or halt an act considered by the sanctioning state or entity to be of an aggressive nature. Evidently in the literature of sanctions\textsuperscript{14} the ‘sender’\textsuperscript{15} or the ‘sanctioning party’\textsuperscript{16} refers to a specific state, a regional and or an international organization that adopt the use of sanctions.\textsuperscript{17} However when it comes to reality, it is usually a specific interest group within an individual state, or a group of countries or one country within an international or regional organization that leads others to impose sanctions.

\textsuperscript{7} See footnote (3)
\textsuperscript{8} C. Lloyd Brown John is an Expert of International Law and a Professor in Political Science Department, University Of Windsor.
\textsuperscript{11} The term is used by Fiona McGillivray & Allan C. Stam in 'Political Institutions, Coercive Diplomacy, and the Duration of Economic Sanctions', (Vol. 48, 2004) p.154
\textsuperscript{12} The title of the book by Alexander George, 'Forceful Persuasion: Coercive Diplomacy as an alternative to war.', (1991)
\textsuperscript{14} Ranging from Baldwin, Hufbauer, Schott, Eliot, Bonetti, Hass, Garfield, Martin, Berbeijk, Drezner, Kaeppeler, Lowenberg, Eaton, Engers, Askari and Simons among many others, the terms 'Sender' and 'Target' are standard indicators to both parties of the sanctioning process respectively.
\textsuperscript{16} Ibid
\textsuperscript{17} Ibid
The term ‘target’ typically identifies the country which sanctions are carried out against.\(^{18}\) Yet this term is also problematic because according to sanctions expert Elias Davidsson, it obscures the true perpetrators who induced the use of sanctions in the first place. They could be a militant group, government officials or a nation’s leader because intuitively a ‘target country’ is an abstract constitution and only human beings who form a country can be accurately sanctioned.\(^{19}\) The foundation of its use is the prevalence of perceiving the international political and economic system as made up of blocks and units of states.\(^{20}\) He also mentions another not so often used expression, which is ‘offending nation.’\(^{21}\) The term however has a noticeable bias inclination which hints that the guilt is collective and that rather than the existence of a specific ‘target’ or a group of perpetrators, the whole nation and its population is perceived to have committed the offense.

The international community besides the majority of thinkers and intellectuals concur that international sanctions comprises several types manifest in Travel Sanctions, Military Sanctions, Diplomatic Sanctions, Cultural Sanctions and Economic Sanctions.\(^{22}\) Travel Sanctions consist of a comprehensive ban on all air transport, the restriction of travel for individuals or a certain group, or restricting a specific kind of air transportation.\(^{23}\) Military Sanctions, on the other side include arms embargoes, prohibition of any material that can be utilized as weapons and the withholding of any military aid and assistance.\(^{24}\) While Diplomatic Sanctions take the shape of warning signals such as the closure of embassies, the withdrawal of diplomatic personnel, expulsion of diplomatic personnel of a targeted country or the exclusion of target countries from any participation in international organizations such as the suspension of membership of a target in the United Nations.\(^{25}\) As for Cultural Sanctions, it pertains to

\(^{18}\) Ibid
\(^{19}\) Ibid
\(^{20}\) Ibid, p.8
\(^{21}\) Ibid, p.8
\(^{24}\) Ibid, p. 2 – p.5 respectively
\(^{25}\) Ibid
the banning of artists and athletes of the targeted state from the participation in any international cultural event such as the Olympics. Finally Economic Sanctions according to this widely accredited categorization include trade and financial sanctions. Trade Sanctions imply the restriction of exports or imports; sometimes it could be comprehensive covering exports and imports, other times it targets the banning of exports or imports of specific goods only.26 Financial sanctions on the other hand tend to freeze a country's assets abroad and drastically limit its financial access to international financial markets.27 It calls for restricting international loans and credits through international financial institutions and it undercuts any form of development aid.28 It is safe to say from the above presented panoramic overview of international sanctions and its types, that indeed, when skillfully and tactically used, international sanction can be a very powerful weapon and foreign policy tool that can help avoid armed conflict, and yet facilitate establishing and maintaining global security and peace. Unfortunately as will be seen later, even sanctions can cause unprecedented human, political, economic and even social suffering that will be later explained in this thesis.

Among the many kinds of sanctions, economic sanctions are considered to be the most frequently utilized and the most controversial. There is or at least there used to be world wide consensus wither among politicians or intellectuals that economic sanctions has the uppermost potential of being effective and successful among other sanctions options. However, with the escalating use of economic sanctions, especially after the end of the Cold War, their negative side effects became so evident and its effectiveness was vastly questioned after the catastrophic results of several famous sanctions cases like Haiti, former Yugoslavia and Iraq.

2.1 Definition of economic sanctions

The controversy of economic sanctions does not begin with the question of its effectiveness, but it starts from the very beginning of defining it. Since an exact, proper and unbiased definition could easily be a key to solving the conundrum of its success or failure. Knowing exactly the true meaning and purpose can easily determine what constitutes success or failure. Regrettably a consensus on a definition does not exist,
perhaps to the advantage of the sanctioning party which can easily manipulate or declare the success of economic sanctions according to its own interests and priorities. Just as the term ‘International Sanctions’ can be substituted by other terms, Economic Sanctions as well can be referred to as ‘Economic Aggression’, ‘Economic Warfare’, ‘Economic Coercion’ and ‘Embargoes’.⁵⁹ Although these terms are often used as synonyms to Economic Sanctions, ‘Aggression’, ‘Warfare’, and ‘Coercion’ have a more subjective and bias resonance. These terms sometimes wrongfully devalues and reduces a complicated international incident into a simple feud between two countries based on interchangeable revenge and display of power and political resolve, while the true exact situation can just be a text like case of sanctions imposed, say by the UN to reprimand and legally reproach an illegal breach. Moreover these terms unlike ‘sanctions’ indicate that the true reason behind imposing these measures is to affect ‘an absolute change in the status of the target state’ or even induce a structural change in the political and economic foundation of the target, while economic sanctions should be perceived as a temporary punitive action to address a particular fallacious act.⁶⁰ Thus ‘Economic sanctions’ is the proper term to be used, given that it conveys objectivity and neutrality.

According to C.Lloyd Brown – John, Economic sanctions can be described as 'The management of access to a flow of goods, services and money as well as to markets, with the end of denying the target-state such access while maintaining it for oneself.'⁶¹ One renowned expert on sanctions Margaret Doxey⁶² defines them as 'Penalties threatened or imposed as a declared consequence of the target’s failure to observe international standards or international obligations'.⁶³ Whereas Barry E. Carter⁶⁴ sees economic sanctions as 'Coercive economic sanction measures taken against one or more countries to attempt to force a change in policies, or at least to demonstrate the

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⁶¹ Ibid, p. 16
⁶² Margaret Doxey was a Professor in the Department of Political Studies at Trent University from 1967-1991. She is a prominent expert on collective sanctions and has many publications.
⁶⁴ Barry E. Carter is a Professor of Law who attended Yale and served in the office of secretary of defense. He was also a fellow at Harvard's Kennedy School of Government and International Affairs. Later he became a senior counsel on the senate select committee on Intelligence Activities.
sanctioning country's opinion of another's policies. But from a technical and operational perspective Garry Hufbauer and Barbara Oegg propose that economic sanctions are 'Deliberate, government – inspired withdrawal, or threat of withdrawal, of customary trade and financial relations.' Further a field Hossein Askari suggests that 'An economic sanction is a restriction on commercial relations between citizens and firms of at least two countries.' These various and numerous definitions of economic sanctions fall under two major categories. The first group of definition is rather technical or functional which restricts the definition into explaining the mechanism of economic sanction without any reference to its purpose and intention; the definitions by Hossien Askari, C. Lloyd Brown –John and Garry Hufbauer and Barbara Oegg belong to this category. The second group of definitions has a propensity to focus on the purpose and intention of economic sanction without any significant explanation of how economic sanctions operate; the definitions by Barry E. Carter and Margaret Doxey belong to this second category.

The technical definitions are more politically correct, they don't aim to limit or establish a criterion to determine the sanctions success or failure; they simply explain an operating mechanism. These functional definitions perpetuate the use of economic sanctions as long as the outcome and circumstances of its sustainability are left to the sanctioning party. The second group of definitions encourages and facilitates judgments and opinions regarding the effects of economic sanction, for the reason that not a single definition attempts to cover all existing purposes and intentions. Take for example Margaret Doxey's definition of economic sanctions; she perceives them as 'penalties' only in the case of a breach of international standards or international obligations takes

36 Barbara Oegg is a consultant for the Institute for International Economics and a former research associate.
38 Is Aryamehr Professor of International Business, School of Business and Public Management, the George Washington University
place. Thus this definition intentionally excludes other viable reasons for the imposition of sanctions, such as conflict of interest and ideologies.

For all of the above reasons it is extremely vital for a proper study of economic sanctions to have an objective definition, which will be general and unbiased but at the same time should include both the mechanism and purpose of economic sanctions. Elias Davidsson\textsuperscript{40} was able to supply the missing link by defining Economic Sanctions as 'Coordinated restrictions on trade and/or financial transactions intended to impair economic life within a given territory.'\textsuperscript{41} In this definition he was able to draw on an existing consensus which firmly convey, that economic sanctions always ‘cause economic hardship in the targeted country’\textsuperscript{42} no matter what are the ultimate goal, the one clear and direct reason behind Economic sanctions is to cause economic pain, and if this purpose is met then its not important if the targeted country was subjected in the first place to economic sanctions for a breach of human rights or an act of aggression. It is also unimportant if these sanctions are multilateral or unilateral. Plus this definition also supplements the inquirer with a simple short phrase that explains the mechanism of economic sanctions.

3.1 Characteristics of Economic Sanctions

Economic sanctions could be unilateral, when the ‘sender’ is a single state\textsuperscript{43} and multilateral when the ‘sender’ is a coalition of nations acting collectively or mandated through a legal obligation under an international or regional organization.\textsuperscript{44} Unilateral economic sanctions are considered to be problematic because they lack international patronage and are often imposed to implement certain political agendas of powerful

\textsuperscript{40} Co-founder of the Association of Iceland- Palestine, he is involved in activism regarding anti-racism, human rights and economic sanctions. He established the International Fund to promote Remedies for Injuries Caused by Economic Sanctions.

\textsuperscript{41} Elias Davidsson, 'Towards A Definition of Economic Sanctions', (2003) p. 4

\textsuperscript{42} Ibid., p.3


\textsuperscript{44} Hossein Askari at el, 'Using Unilateral Economic Sanctions Effectively: A Grounded Theory', (2003), p.3
states. Similar to multilateral economic sanctions, the sender state has the choice to impose trade embargoes which restrict all trading of merchandized goods and or services between the sender and the target\textsuperscript{45} or decides to limit trade bans on certain goods.\textsuperscript{46} It can also limit the transfer of non financial assets such as technology transfer regulation or restrict financial movements and assets.\textsuperscript{47} As can be inferred, economic sanctions are either partial or comprehensive depending on the targets geopolitical strategic value and the degree of the offense committed. It also depends on the sender’s evaluation of the costs and benefits of a complete economic embargo in comparison to a restrictive one. Economic sanctions take the form of active and passive embargoes.\textsuperscript{48} Passive embargos are better known as ‘Economic boycotts’,\textsuperscript{49} these according to C. Lloyed Brown –John 'may be applied by each state upon its own territory, merely by abstaining from export.\textsuperscript{50} While according to the same author, Active embargoes are commonly known as “Economic Blockades,”\textsuperscript{51} can be implemented by 'Blockading the shores and land frontiers of the recalcitrant state and preventing goods and supplies from passing in over them.\textsuperscript{52} Thinkers usually consider such economic punishments as a form of legal and strategic reprisals meant to exact a wrongful action of a state.

\subsection*{4.1 Theoretical Background}

After thoroughly discussing the definition and characteristics of what constitutes the concept of ‘economic sanction’, conceptually exploring the theoretical dimension and purpose of the phenomenon of economic sanction, will endogenously unveil the current debate concerning why economic sanctions are frequently used and the focal reasons behind choosing it as a proficient foreign policy tool. During the course of the twentieth century, with the ascendence of liberal thought, the propagation of capitalism and the

\textsuperscript{47} Ibid
\textsuperscript{48} Ibid
\textsuperscript{49} Ibid
\textsuperscript{50} Ibid, p.18
\textsuperscript{51} Ibid
\textsuperscript{52} Ibid
materialization of a globalized world, a dynamic and strong relationship has been progressively revolutionized between politics and economics. In this context economic statecraft entails economic rewards or the withdrawal of economic advantages in order to compel an international actor to alter a certain behavior through using economics as an instrument of politics.\textsuperscript{53}

Whether from a realist or a liberal perspective of IPE, economics in general and economic sanctions in particular were instantaneously recognized as a driving force of international harmony and peace sustainability. A highly successful way to deal with international affairs without ultimately resorting to armed weaponry or devastating force. Economic sanctions under realism are categorized as a ‘soft power’ of a lower hierarchy than ‘hard power’ which pertains to weaponry, intelligence and military technology.\textsuperscript{54} However, realists comprehend that in order to attain security and power in a globalized world, economic sanctions can hurt more than militaristic weapons could.

For liberals and capitalists\textsuperscript{55} on the other hand, where economics today determine, politics and international order, economic sanctions is not just a method of punishment to maintain security and power. In a milieu of continuous transnational and cross state commercial, capital and financial movements, economic sanctions not only help liberals and their advocate governments to avoid war and its inevitable catastrophic economic consequences, these sanctions could be the most efficient language facing a world that speak a common language of economics. Thus the best way to express displeasure or punish an offense is to use an economic tool that will rationally cause more harm to a targets production force, trade balance, employment, resource allocation and investment.

As President Woodrow Wilson puts it 'sanctions are a remedy that no modern nation could resist'.\textsuperscript{56} In his book 'economic statecraft' Baldwin, notes that economic sanction’s theory relies on the weakening and decreasing of the target’s production of goods and consumption of resources\textsuperscript{57} which is measured in terms of money and hard currency.


\textsuperscript{54} Paul R. Viotti & Mark V. Kauppi, 'International Relations Theory', (1999), p. 64

\textsuperscript{55} Ibid., p. 201

\textsuperscript{56} See Footnote (2)

\textsuperscript{57} David A. Baldwin, 'Economic Statecraft', (1985), chapter 3, p. 32
lost.\textsuperscript{58} He concedes that economic statecraft and economic sanctions within it has three components; type of influence which is economic, domain of influence by which he means international actors and scope of influence that includes attitudes, beliefs and behavior.\textsuperscript{59}

Refusing to solely base economic sanctions on an ‘instrumental’ theory which indicates that the purpose of sanctions is to bring about a real and tangible change in a target’s policy through maximizing economic hardship and harm\textsuperscript{60}, Kaempfer\textsuperscript{61} and Lowenberg\textsuperscript{62} in an interesting paper titled ‘The Theory of International Economic Sanctions: A Public Choice Approach’\textsuperscript{63} present the reader with a new theory of economic sanctions. An untraditional theory which states that economic sanctions traditional or customary purpose might not be its only purpose. According to their public choice theory the main purpose of economic sanctions is to serve the interest of several pressure groups.\textsuperscript{64} These interests could range from plain economic profit in the case of producers or it could be based on the assertion of certain ideals that a specific pressure group deems ethical, such motives, they call ‘expressive’.\textsuperscript{65} These authors propose a very controversial hypothesis that actually elevates economic sanctions from a mere foreign policy tool under the control of governments and politicians into a very powerful pressure tool that not only pressures a target but politicians and their government into doing what they don’t necessary believe in or consider to be effective. Hence accordingly it’s the purpose of economic sanctions and not its outcome that really counts. Another point that they undertake to prove is that it is not the amount and the magnitude of economic harm that determines the effect and success of economic sanctions. Sanctions can be an excellent mean to relay signals and threats\textsuperscript{66} that eventually induce a change without necessarily causing a lot of economic harm. Both

\textsuperscript{58} Ibid
\textsuperscript{59} Ibid
\textsuperscript{60} "Instrumental" theory is a textbook conventional theory in Political Science. It precisely limits the function and consequently the effectiveness of sanctions to one course of action.
\textsuperscript{61} William H. Kaempfer, Professor, Vice Provost and Associate Vice Chancellor for Budget and Planning and well established sanctions expert.
\textsuperscript{62} Anton D. Lowenberg, renounced professor of department of economics, in California State University.
\textsuperscript{64} Ibid, p.1
\textsuperscript{65} Ibid
\textsuperscript{66} Ibid
writers claimed that the availability of pressure and interest groups in a country have an increased propensity to impose economic sanctions more than any other alternative foreign policy tool. In this case economic sanctions are intended to cause economic ‘distortions’ but not essentially maximum economic disruptions. Further a field, Baldwin discussed economic sanctions in the light of ‘the logic of choice’. He declares that economic sanctions as a policy choice should always be studied in comparison with other alternatives. He states that economic sanctions should not be adopted for their end results but because the act of choosing them as a tool in certain time and circumstances is the most efficient according to ‘rational decision making’. Consequently Baldwin proposes that in the process of selecting economic sanctions, decision makers should take into consideration other alternatives such as military action. In this case a successful sanctions policy will help the sanctioning party achieve its goals without resorting to military action. Therefore Baldwin’s logic of choice entails that if sanctions are not efficient “it is not enough to describe the disadvantages of sanctions; one must show that some other policy alternative is better.” He is also a firm advocate of the importance of costs in the selection procedure. He thinks that choice implies costs, for that reason it requires not only taking the costs and rewards of economic sanctions into consideration but the cost of other substitute policies as well such as military action. Summing up his theory, Baldwin declares that 'what rational policymakers want to know is: How effective will they be, with respect to which goals and targets, at what cost, and in comparison with which policy alternatives?'

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67 Ibid, p. 792
68 Ibid, p. 792
69 David A. Baldwin, 'The Sanctions Debate and the Logic of Choice', (Vol. 24, 1999). The main theme of the paper is thoroughly studying alternatives and choice of foreign policy strategies, one of them is economic sanctions from a cost benefit and national politics perspective.
70 Ibid, p.2
71 Ibid, p. 3
72 Ibid
73 Ibid, p. 2
74 Ibid, p. 3
75 Ibid
76 Ibid, p. 4
However, not all commentators theorize economic sanctions as a policy substitute to military action. Park and Drury\textsuperscript{77} in their study of the effect of economic coercion on military dispute, found out that economic sanctions are more of a complementary policies to military conflict than they are substitutes.\textsuperscript{78} They assume that the conflict is procedural. It starts with the emergence of a dispute, and then first attempting to settle it through negotiation, second when negotiation fails, coercive diplomacy tools such as economic sanctions are used and the final stage of military conflict takes place when sanctions fail.\textsuperscript{79} Through the use of a specifically tailored economic model and analyzing the outcome they tested their first premise and went even further by saying that they found out that when economic sanctions are adopted, military conflict becomes more intense and violent than in the cases when economic sanctions are not used at all.\textsuperscript{80} Another considerably significant theoretical dimension that has also been barely scrutinized\textsuperscript{81} is the duration of economic sanctions. “Political Institutions, Coercive Diplomacy, and the duration of economic sanction”\textsuperscript{82} a paper by Megillivray and Stam\textsuperscript{83} investigates the effect of political institutions in democratic and non democratic states on the duration of economic sanctions. They argue that in order to understand duration of sanctions it is vital to control the decision to impose sanctions in the first place.\textsuperscript{84} Sanctions last until either the target or the sanctioning state decides to give up in a ‘war of attrition, in which both sides pay costs until one side decides to quit and the opponent wins the prize.\textsuperscript{85}

They found out that leadership change in democratic target and sanctioning countries does not affect the duration of sanctions, while data analysis support that duration is

\textsuperscript{77} A. Cooper Drury, Professor in the department of Political Science, University of Missouri, and Johann Park is also a Professor in the same department of the same university.
\textsuperscript{79} Ibid, p. 2
\textsuperscript{80} Ibid, p. 4
\textsuperscript{81} When compared to the existing literature on efficiency of economic sanctions, there is a limited available literature on sanctions duration.
\textsuperscript{82} Mcgillivray & Stam, ‘Political Institutions, Coercive Diplomacy and the Duration of Economic Sanctions’, ( Vol. 48, 2004)
\textsuperscript{83} Fiona McGillivray is a professor in the department of politics in New York University and has many writings concerning sanctions. While Allan C. Stam is a professor in the department of government in Dartmouth College and also the author in collaboration with McGillivray of several pieces on sanctions.
\textsuperscript{84} Ibid , p.2
\textsuperscript{85} Ibid , p. 3
considerably affected in the case of non-democratic states. However, Bolks and Al-Sowayel found a wholly contradictory result when they affected their own model. They established that sanctions can have a shorter duration if the target is a democratic because democratic leaders are more vulnerable to pressure groups. However, they erroneously assume that interest groups always rally to uplift sanctions and not the opposite. They also ignore that fact that political leaders in democratic countries have restricted authority and without the proper support of congress and parliament they can not take major decisions on their own, such as the withdrawal of economic sanctions, unlike totalitarian and authoritarian regimes. The vast literature on economic sanctions doesn’t fail to tackle another essential aspect of this discussion that pertains to the difference between the efficacy of unilateral and multilateral economic sanctions. Proponents of multilateral sanctions are highly critical of unilateral sanctions. They state that unilateral sanctions from a strictly economic viewpoint is a weak policy tool because the effect of trade embargoes on a target state relies on the extent to which the embargo or the sanction worsens and weakens the target’s terms of trade with the rest of the world. Adopting a perception of multilateralism based on collective good and hegemonic stability theories, Keohane argues that multilateral cooperation is a public good that can be provided only if a dominant state assumes a leadership role.

Without a hegemonic sanctioning state to control, encourage and organize other state participation, multilateral sanctions will not be powerful enough to deflect a target’s policy. Drezner refers to this hegemonic state as the ‘primary sender’ and the remaining

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86 Ibid p. 10
89 Kaempfer & Lowenberg, 'Unilateral Versus Multilateral International Sanctions: A Public Choice Perspective', (Vol. 43, 1999), p. 38
91 Esteemed IPE expert Robert Keohane; James B. Duke Professor of Political Science. He taught at Stanford and Harvard Universities.
sanctioning states as 'Secondary senders'. He as well as others such as Krasner declared that an international powerful entity as the United Nations could replace a hegemonic state in leading an efficient sanction's regime. Following the same trail, Drezner discerns that multilateral cooperation is better explained through dividing it into two stages: Bargaining and Enforcement. Multilateralism could be rendered ineffective due to bargaining complexities or a lack of enforcement. According to this theory, Sanctions in general could fail due to 'tough bargaining strategies between the sanctioning states and the target'.

By which the author means that both the sender and the target have resolve to take on a hard and long lasting bargain. In the first case, when both poles believe that a long bargaining process will be rewarding, and will offset any incurred costs in the short run, then the bargaining efforts will most certainly reach a deadlock. Economic sanctions become a bargaining tactic used by the stronger state to pressure the weaker state. A second interesting case where enforcement is not difficult because the primary sender invoked shared norms, customs and legal rules to procure multilateral participation. A third scenario that Drezner discusses deals with the inability of the primary sanctioner to force secondary senders to apply sanctions owed to sanctions "busting and backsliding." This last scenario pertains to the enforcement stage. Investors and corporations among other private agents could seek to increase their profits through sanctions busting that is acting as a pressure group against the imposition of sanctions by the government. Such phenomenon is not exclusive to the private sector but nations as well could seek rents through reversing their policies and resuming trade relations with the target. Sanctions busting by a nation could lead to Backsliding, where a participating

94 Ibid
95 Stephen Krasner is the director of CDDRL, Deputy Director of SIIS, an SIIS senior Fellow and the Graham H. Stuart professor of international relations in Stanford University.
98 Ibid
99 Ibid, p. 4
100 Ibid
101 Ibid
102 Ibid
103 Ibid, p.2
country decides to follow suit and reverse its policies after observing the benefits and profits of the reversing state. Hence backsliding and or busting will ultimately lead to the erosion of the multilateral coalition, and the whole sanctions regime.\textsuperscript{104}

Using game theory strategy, Lisa Martin\textsuperscript{105} asserts that 'States with an interest in using economic sanctions face the problem of gaining the cooperation of others. Without such cooperation, their efforts – probably will be futile'.\textsuperscript{106} She argues that payoff and mutual interest is the main reason behind any thriving multilateral sanction's regime.\textsuperscript{107} She further invokes an interesting political and strategic tactic behind the use of multilateral economic sanctions. The participation of several countries in a sanction's regime provides the sanctioning act with moral reputation and international credibility. Hass\textsuperscript{108}, on the other hand is a fervent critic of unilateral sanctions, which he argues\textsuperscript{109} has limited effect on the terms of trade of the targeted country due to the ability of country to find other willing trading partners. Kaempfer and Lowenberg think otherwise, using a public choice approach they reject the single rational actor model and instead they concentrate on the dynamics of politics in both the sanctioning and the targeted states.\textsuperscript{110}

They distinguish between the economic and political consequences of sanctions. Declaring that the economic results of unilateral sanctions could be limited, yet its political impact is much more effective than in the case of multilateral sanctions. Citing the famous sanction's account of Hufbauer, Schott and Eliot, who mention that political success of sanctions does indeed correlate with the extent of economic damage, and which also declared that the multilateral sanctions might actually be less effective than unilateral sanctions.\textsuperscript{111} Using available data derived from existing sanctions cases; they found that multilateral cooperation yield 25, 30, 36 percent success rate, while cases that

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\textsuperscript{104} Ibid, p.2
\textsuperscript{106} Ibid
\textsuperscript{107} Ibid
\textsuperscript{108} Richard Hass American Political Scientist of the Brookings Institute and a fellow in it. He used to be a high profile member of the team of Colin Powell and used to be US state director of Policy Planning.
\textsuperscript{110} Ibid
\textsuperscript{111} Ibid, p.39
comprised unilateral sanctions yielded a 43 percent success rate. In another study, Bonetti discovered a negative correlation between the effectiveness of sanctions and multilateralism. Van Bergeijk confirmed this relationship by declaring that:

None of the seven episodes of mandatory multilateral sanctions imposed by the U.N Security Council between 1990 and 1993 can be considered to have been successful in attaining their political objectives.

Going back to Kaempfer and Lowenberg’s article they concur that their study shows that 'multilateralism is no guarantee of more effective economic sanctions.' Accordingly multilateral sanctions with severe damaging economic effects could lead to having a specific interest group capture the bulk of damage and consequently initialize a 'rallying around the flag' effect that will backfire on the sanctioning state instead of the offending government. However it is worth noting that the authors missed out on another scenario that could take place. The captured rent could be born by political opposition and hesitant civilian groups, which could further strengthen the current of opposition and supply it with legitimacy. Beyond such theoretical arguments practice has proved that multilateral economic sanctions proved to be morally and technically acceptable.

5.1 Historic Background

In the last part of this introductory chapter, and after panoramically reviewing all major introductory information regarding economic sanctions' definition and theory, a historical selection that introduces the reader to the gradual evolution of the concept of sanctions, will be an appropriate finale to our preliminary investigation of economic sanctions. The first recorded sanctions case in history was the Megarian Decree; according to Askari and Simons the Athenian Pericles issued the decree in 432 BC

112 Ibid
114 Bergeijk is a Prominent Dutch Economist, working at the ministry of economic affairs in Netherlands.
116 Ibid, p. 55
118 Geoff Simons acclaimed author of several books and well-known media political consultant
as a form of trade sanctions that banned the Megarian products from Athenian ports and markets. Athenians imposed it as a counteraction to Megara's violation of Athenian land and their illegal withholding of fugitive slaves. Another form of earlier sanctions is sieges. This form of sanctions was very popular and perceived as a very efficient weapon of war at that time.

Later on, the ascendancy of the Nineteenth century and the end of the eighteenth century, seaborn trade blockades became a popular means to exert economic pressures and assert political displeasure. Instead of a siege, trading nations saw fit to deny the enemy access to foreign goods. Hickey argued that American colonies used non-importation or exportation against Britain to force it to alter its trade and taxation policies. In the war of 1812, the United States decided to attack British interests through the use of military tactics, and in turn the British imposed an economic blockade against Delaware and the entire Atlantic and Gulf coasts. The French – Prussian war is also considered to be a significant sanctions incident, since it includes the successful Prussian siege of Paris and the siege of Versailles. All mentioned cases seem to be in relation to military conflict either a supplementary tactic in war or a preliminary tactic to start one. This historically derived perception is substantially different than the modern consideration of economic sanctions as a middle ground between simple diplomacy and military conflict. A plausible reason behind this difference is that during the eighteenth and nineteenth century power and survival were directly connected to military might, territorial conquest and colonialism, not to economic power or commercial advantage. Yet all of these events have a common goal that corroborate with our chosen definition of economic sanctions, they all intend to inflict maximum economic harm on people whether soldiers or civilians.

120 Ibid
121 Ibid , p.7 , p. 16 respectively
122 Ibid , p.8 , p.21 respectively
124 Ibid
125 Ibid
126 Ibid
127 Ibid
During the twentieth century, sanctions witnessed yet another evolutionary moment, manifest in the establishment of the League of Nations as an international governing organization founded by the peace treaty that ended the First World War. The covenant of the league, which is its main constitution attempted to enforce peace and denounce war through devising different method to address acts of aggression, major of which is the idea of economic punishments or sanctions as part of collective security measures that adopt peaceful yet coercive policy options. Although sanctions were not specifically mentioned article 16 of the covenant declared that, if any state committed an act of aggression, it will be interpreted as an act of war against all members of the league. Accordingly the aggressor state will be subjected to the automatic disconnection of all trade and financial relations with other members and the prohibition of all types of exchange between nationals of the aggressor and nationals of other members of the league. Wallenstein considers this period to be 'the first sanctions debate' where sanctions main purpose was to act against aggression.

In 1921 the league threatened the use of sanctions against Yugoslavia after it invaded Albania and accordingly it decided to withdraw its troops. It was the same case when Greece occupied parts of Bulgaria in 1925 and eventually succumbed to the threat of sanctions. When Italy invaded Abyssinia in 1935, the league hesitantly imposed very weak and limited sanctions that were not duly respected and failed to deter Italy. History was a harsh judge of the limited powers and structural weakness of the league were powerful states did not take any legal action or decision that could be of any threat to its own self interests. Thus all successful sanctions episodes were affected against small nations compared to superpowers. When powerful state violated the covenant the league

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129 ibid, p.30
130 Peter Wallenstein is the Dag Hammarskjöld Professor of Peace and Conflict research. He is the coordinator of the special program on Implementing Targeted Sanctions.
was not able to impose any kind of sanction, this was the case with Japan after its
invasion of China and the creation of the state of Manchukuo.\textsuperscript{133}

No matter what is the real effect of sanctions imposed by the league, the mere
mentioning of it as a legal and acceptable policy option in the covenant paved the way to
considering it an official and customary binding enforcement to be primarily used in
maintaining international peace and security. Upon the remnants of the league which
failed to evade the Second World War, the UN was launched after in 1945 in San
Francisco to draw up its charter.\textsuperscript{134} Building on the peace ideology of the league, the
United Nations opted to settling disputes peacefully by resorting to mandatory sanctions
more frequently. In this context, Simons states that an agreement has been reached
between the five permanent members of the Security Council concerning a proper
mechanism of using the sanctions option. The mechanism starts with selective optional
sanctions escalated through an intermediate stage of selective mandatory sanctions
reaching comprehensive mandatory sanctions.\textsuperscript{135} Despite the member's enthusiasm for
the sanctions option as a suitable alternative to military action, the cold war years and
superpower rivalry\textsuperscript{136} which usually led to a deadlock in the Security Council, have
significantly deescalated and curtailed the use of sanctions. This stage of Sanctions
history according to Wallenstein is 'the second sanctions debate' where sanctions were
basically used to affirm and support the act of decolonization.\textsuperscript{137} In the first forty five
years of the United Nations, economic sanctions were rarely imposed. According to
Cortright and Lopez sanctions during this period were imposed only twice in the cases
of Rhodesia and South Africa\textsuperscript{138}, while Simons argues that sanctions were imposed more

\textsuperscript{133} Askari at el , 'Economic Sanctions: Examining their Philosophy and Efficacy', (2003) , chapter 2 p. 43-
57, Simons, 'Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?', (1999) chapter 2, p. 62-
114
\textsuperscript{134} Ibid
\textsuperscript{135} Ibid, Also see Simons, 'Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?', (1999)
chapter 2, p. 69
\textsuperscript{136} Hufbauer & Oegg , 'Economic Sanctions Public Goals and Private Compensation', ( Vol. 4, 2003) p. 1,
\textsuperscript{137} Wallenstein, 'A century of economic sanctions : A Field Revisited', (2000) , p.1
47 & 48, Also see David Cortright &George A. Lopez, 'Economic Sanctions: Panacea or Peace building
was not able to impose any kind of sanction, this was the case with Japan after its invasion of China and the creation of the state of Manchukuo.133

No matter what is the real effect of sanctions imposed by the league, the mere mentioning of it as a legal and acceptable policy option in the covenant paved the way to considering it an official and customary binding enforcement to be primarily used in maintaining international peace and security. Upon the remnants of the league which failed to evade the Second World War, the UN was launched after in 1945 in San Francisco to draw up its charter.134 Building on the peace ideology of the league, the United Nations opted to settling disputes peacefully by resorting to mandatory sanctions more frequently. In this context, Simons states that an agreement has been reached between the five permanent members of the Security Council concerning a proper mechanism of using the sanctions option. The mechanism starts with selective optional sanctions escalated through an intermediate stage of selective mandatory sanctions reaching comprehensive mandatory sanctions.135 Despite the member's enthusiasm for the sanctions option as a suitable alternative to military action, the cold war years and superpower rivalry136 which usually led to a deadlock in the Security Council, have significantly deescalated and curtailed the use of sanctions. This stage of Sanctions history according to Wallenstein is 'the second sanctions debate' where sanctions were basically used to affirm and support the act of decolonization.137 In the first forty five years of the United Nations, economic sanctions were rarely imposed. According to Cortright and Lopez sanctions during this period were imposed only twice in the cases of Rhodesia and South Africa138, while Simons argues that sanctions were imposed more

134 Ibid
135 Ibid, Also see Simons, 'Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?', (1999) chapter 2, p. 69
than twice, he further cites the cases of North Korea, the Berlin Blockade and that of Portugal.\textsuperscript{139} For instance in the case of Portugal\textsuperscript{140}, The General Assembly voted for an economic and arms boycott against the belligerent country, unfortunately powerful members of the UN refused to apply the General Assemblies resolution.\textsuperscript{141} On the other hand, South Africa was considered to be a real landmark in sanctions discourse. Due to its policy of apartheid and its annexation of Namibia, the United Nations called for relatively comprehensive economic sanctions against, varying from closing the ports to completely boycotting its trade and financial sanctions.\textsuperscript{142} Another success story took place in Rhodesia, The British among other states unilaterally imposed an economic embargo on Rhodesia and the a UN's resolution also imposed mandatory selective economic sanctions that were further increased later to include banning on imports and exports, the withdrawal of trade representatives and finally prohibiting insurance on Rhodesian goods.\textsuperscript{143} These last two sanctions episodes were considerably successful owed to the fact that they were imposed on small countries away from the sphere of influence of powerful countries. After the Cold War in the 90s the pattern of sanctions use has significantly increased.

The Sanction's Decade or 'the third sanctions debate: sanctions and the new wars'\textsuperscript{144}, witnessed about thirteen famous mandatory sanctions cases as opposed to the two success stories of South Africa and Rhodesia.\textsuperscript{145} Sanctions against Saddam Hussein's regime in Iraq due to its occupation of Kuwait and latter owed to the allegations of Nuclear weapons development are considered to be on of the most controversial sanctions cases ever. In Yugoslavia, Cortright and Lopez asserts the UN sanctions succeeded in applying pressures on Serbian officials and were considered to be a key factor of the bargaining process that ended the war in Bosnia.\textsuperscript{146} UN sanctions were also

\textsuperscript{139} Askari at el , 'Economic Sanctions: Examining their Philosophy and Efficacy', (2003), chapter 2, p.44
\textsuperscript{140} Ibid , p.46 , also see Simons , 'Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?', (1999) ,p.81
\textsuperscript{141} Ibid
\textsuperscript{142} Ibid , p.47, p.75 respectively
\textsuperscript{143} Ibid
\textsuperscript{144} Wallenstein, 'A century of economic sanctions: A Field Revisited', (2000), p.2
\textsuperscript{145} Hufbauer & Oegg , 'Economic Sanctions Public Goals and Private Compensation', (Vol. 4, 2003, p. 2
judged to be efficient in the case of Libya. When in August 1998 upon the report that the
two wanted suspects of the Lockerbie case, which Libya refused to handle have arrived
in The Netherlands to attend their trials. Consequently all sanctions were suspended.\textsuperscript{147}
Corrington and Lopez again declares that UN sanctions were successful in isolating the
Khmer Rouge regime and helped Cambodia to apply the Paris accord that ended war
within the country.\textsuperscript{148} Haiti was also perceived to be another humanitarian quandary,
where sanctions were seen to be imposed to appease American foreign policy aspirations
and security considerations. The sanctions purpose was to restore the democratically
elected government; however experts consider that their effect was limited when
compared to the human suffering it inflicted.\textsuperscript{149}

Other limited oil, travel and arms embargoes imposed by the organization on Sierra
Leone, Sudan, Rwanda, Afghanistan, Ethiopia and Eritrea were highly ineffective and
were not able to achieve their intended purposes due to the fact that they were relatively
targeted and not restrictive enough. Thus far, this chapter is considered to be a concrete
foundation of the thesis on which one can safely build and synthesize a comprehensive
theory of economic sanctions and develop a vision of the true effects of economic
sanctions and explore ways and methods to help ease its unfortunate consequences.

\textbf{6.1 An Evaluation}

Sanctions are looked upon as a perfect justification in a Machiavellian rudimentary
sense, to so many hidden and apparent intentions and agendas of world leaders willing to
embark on any possible survival method to avoid war and destruction which according
to them engenders serious political, social and economic repercussions on people. Alas
as we will see in the coming chapters, these serious repercussions that politicians are
trying so desperately to evade, are among the very primary tangible results of economic
sanctions. As any political instrument, any objective evaluation of economic sanctions
remains elusive. Although there is a vast literature on the market that deals with all
aspects of sanctions, it thoroughly lacks organization and it is highly inconclusive. In the

\hspace{1cm} Also see David Cortright & George A. Lopez, 'Economic Sanctions: Panacea or Peace building in a Post -
1990s', (2000)
\textsuperscript{147} Ibid
\textsuperscript{148} Ibid, p. 51, p. 109 respectively
\textsuperscript{149} Ibid, p. 53, p. 105 respectively
absence of a conclusive assessment that once and for all claim the either the effectiveness or ineffectiveness of economic sanctions. Sanctions will still be a significant part of global political agenda and it should be dealt with accordingly. Efforts should be directed and organized towards proper and professional sanctions mitigation.
Chapter Two

Economic Sanctions under International Law: A Human Rights Perspective

"In Considering the Legality of Economic Statecraft, it is useful to distinguish questions about what the law is from questions what it ought to be"

David A. Baldwin, Economic statecraft (1985) \(^{150}\)

"If Sanctions can be 'legitimizd' by an international agency, surely the next question is whether sanctions need to be imposed impartially. That is, is Justice the necessary corollary of law application?"

C.Lloyd Brown-John, Multilateral Sanctions in International Law, (1975) \(^{151}\)

"The Committee considers that the provisions of the Covenant, virtually all of which are also reflected in a range of other human rights treaties as well as the Universal Declaration of human Rights, cannot be considered inoperative, or in any way inapplicable, solely because a decision has been taken that considerations of international peace and security warrant the imposition of sanctions. Just as the international community insists that any targeted state must respect the civil and political rights of its citizens, so too must that state and the international community itself do everything possible to protect at least the core content of the economic, social and cultural rights of the affected peoples of that state."

Committee on Economic, Social and Cultural Rights, on (1997) \(^{152}\)

\(^{150}\) Baldwin 'Economic statecraft' (1985), p. 337

\(^{151}\) Brown 'multilateral sanctions in international law' (1975), p. 48
Chapter Two

Economic Sanctions under International Law: A Human Rights Perspective

This chapter will deal with the significance and prospects of Economic Sanctions in international law and will thoroughly discuss the shortcomings of these sanctions via international humanitarian laws and globally established human rights. It will also attempt to depict some aspects of the atrocious effects of such sanctions on helpless civilians. An analytical review will be presented as well of all available and suggested plans and solutions needed in the quest to find a middle ground between Economic Sanctions and human rights.

2.1. Economic Sanctions under International Law

As a fundamental provision of international law, economic sanctions; a tool for all seasons\textsuperscript{153}; are considered to be legal countermeasure to insure that sovereign states meet their binding obligations and restore any illegal breach of law. In this respect, any study or argument concerning the dynamics and effects of economic sanctions should be enriched with a legal perspective that takes full account of international law and the correlation of economic sanctions with its progressive evolution. Hence to properly conduct such a legal discussion, the importance, and limitations of economic sanctions under the aegis of an elite legislative body such as the UN and its charter, should reserve a large part of this section.

2.1.1 Economic Sanctions and the UN charter: Limitations to the Security Council

Although the term 'sanctions' has not been explicitly mentioned in any of the articles of the UN charter\textsuperscript{154}, nonetheless both the purpose and limitations of economic sanctions is strongly conveyed in several provisions of the charter. The Security Council is the body within the UN endowed with a wide margin of discretion to authorize economic

\textsuperscript{152} E/C.12/1997/8 (12 December 1997) titled 'The Relationship between economic sanctions and respect for economic, social and cultural rights', p. 2.


sanctions through recommendation or binding decisions \(^{155}\) under the mandate of chapter seven \(^{156}\) of the UN charter, which addresses action and measures taken "with respect to threats to the peace, breaches of the peace, and acts of aggression."\(^{157}\) Article 39 \(^{158}\) of the chapter permits the Security Council to decree the availability of a threat or a breach of peace or an act of aggression on a case by case basis taking into consideration the arising existential state of affairs at a given time in a specific situation. Accordingly the Security Council is given the legal responsibility to act on behalf of the sovereign members of the United Nations to rectify the threat to peace or breach of peace or act of aggression if its existence has been previously decreed by the same council in order to 'maintain or restore international peace and security.'\(^{159}\) Following article 39 and under the same chapter, article 41 further elaborates on the granted mandate of the Security Council, by reviewing the available options and measures that can be taken to address the threat or breach of peace or the act of aggression without directly resorting to force. It states that:

> The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.\(^{160}\)

Article 41 discusses non-military sanctions in general that could range from economic sanctions to travel sanctions. However, due to the specific topic of this thesis, I will only discuss economic sanctions. As can be entailed from this article, the complete and partial interruption of economic relations can only mean the use of economic sanctions through boycotts, blockades and embargoes and other types of international sanctions have also

\(^{158}\) See Brownlie, 'Basic Documents In international law' (1995) p.11, also see UN charter on UN official Website.
\(^{159}\) Ibid., also refer to footnote 179 concerning references and sources
been mentioned such as travel and diplomatic sanctions. The article is also clear that sanctions are intended to be used as measures that do not involve the use of force.

This article didn't present the remedy to an illegal situation however, it did not mention or make obvious who the receptors to such a punitive legal act are. According to the renowned Bossuyt Report economic sanctions can only be imposed upon a government, or other entity that has the ability of committing a breach, a threat of peace or an act of aggression. ¹⁶¹ Other articles in the UN charter can also be portrayed to have a limiting effect on the use of sanctions. Article 24 of the charter maintains that the Security Council should always "act in accordance with the purposes and Principles of the United Nations."¹⁶² This proves that all action, specially the determination of breaches, threats, and aggression by the Security Council can be thoroughly scrutinized to see if it conforms to purposes and principles of the UN. Professed to be a part of collective measures taken by the member states to maintain international peace and security, economic sanctions is conditioned by article one of the charter to be effective and peaceful and must be "in conformity with the principles of justice and international law."¹⁶³ Thus article one can convey a very powerful and compelling declaration or message; it indirectly states that the use of economic sanctions must be just and must be constantly reviewed to test their effectiveness. Otherwise, if economic sanctions are ineffective or proved to be unjust they should be automatically removed. Paragraph 2 of the same article also notes that the use of sanctions should not in any way hamper the fulfillment of the right of self-determination through unjustified human and civilian suffering that could hamper all efforts of self-determination.¹⁶⁴ Further a field paragraph 3 calls for the continuous promotion of human rights and fundamental freedom for all¹⁶⁵, as a result all resolutions and declaration should not cross this self appointed threshold. Paragraph 4 on the other hand, deals with a vital proposal which indirectly calls for equal treatment for member states; it declares that the UN should be considered a center of harmonization for all members. If dually put in the context of economic sanctions, the

¹⁶³ Ibid
¹⁶⁴ Ibid footnote 189
¹⁶⁵ Ibid
interpreter could easily analyze it through the purpose of harmonization. Harmonization could not be attained without the satisfaction of states, which could spring from fair treatment for all, therefore if the UN should not impose sanctions on one country while another country as well is committing the same wrong but not subjected to an act of sanctions.  

Besides the articles of the UN charter, there exist important conferences, and declarations under the patronage of the General Assembly and which can be used as delimiting demarcations to sanctions implementation, numerous of which came to be norms and jus cogens of such are; the 'declaration on principles of international law concerning friendly relations and cooperation among states in accordance with the charter of the United Nations,' charter of economic rights and duties of states, 'permanent sovereignty over natural resources,' and 'universal declaration on the eradication of hunger and malnutrition.' In UN general assembly resolution 242, the purpose of economic sanctions was specified as a method to rectify the behavior of an entity which could be threatening to peace and security. It refused to consider economic sanctions as a method of punishment or reparation used by the security council. The goal of this resolution is to act as an ethical reminder on the use of economic sanctions in an effort to delimit any political agenda of the security council members. While detailing the goals and the scope of a sanctions regime the security council should indeed understand the full ramifications and humanitarian effects of sanctions in accordance to the above mentioned declarations.

The security council in general should be able to pool certain accepted and recognized rules which could be used as a guideline on which economic sanctions could be prescribed. Any action or decision adopted by this body should take into

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167 Latin term for compelling law. It should not be violated by nations.
168 It is generally acceptable that jus cogens represent limitations to the security council, even under chapter seven, see the statement of justice weeramantry of the international court of justice in the Lockerbie case, ICI (1992); 31 ILM (1992) 694-696, see T.D Gill, 'legal and some political limitations on the power of the UN security council to exercise its enforcement powers under chapter 7 of the charter,' (1993), see Geiss, 'Humanitarian Safeguards in Economic Sanctions Regimes: A Call for Automatic Suspension Clauses, Periodic Monitoring and Follow-up Assessment of Long Term Effects' (2005) p. 3,
170 Ibid.
consideration the principle of proportionality. Decisions such as the imposition of economic sanctions are taken in response to the existence of liable breach, threat to peace or an act of aggression. The Security Council should act as a law enforcing body under chapter 7 but not a legislative body that aims to create a precedence of a legal nature. Robin Geiss surmises that given political power of the members of the Security Council, in 1948 the International Court of justice stated that:

'The political character of an organ cannot release it from the observance of the treaty provisions established by the UN when they constitute limitations on its powers or criteria for its judgment.'

Further yet, according to international jurisprudence it is held that 'neither the text nor the spirit of the charter conceives of the Security Council as legibus solutus (unbound by law).

Also in the case of Lockerbie, judge Weeramantry of the ICJ judged that the history of the United Nations charter thus corroborates the view that a clear limitation on the accordance with the well – established principles of international law.

2.1.2 Scope of power of multilateral comprehensive sanctions under international law

Having already discussed, limitations to economic sanctions regime does not override the legal authority and scope of power it has in international law. According to Vera Gowlland Debbas based on article 103 of the charter, which recognizes charter obligations above all other international agreements. According to her:

Sanctions resolutions affect the relationship between charter law and other rules of international law, for implementing economic sanctions may require the suspension of existing international treaties.

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175 Ibid
176 Ibid
177 Ibid
179 Ibid
International sanctions could necessitate the overriding of other international treaties, such as bilateral and multilateral trade agreements and civil aviations. Just like international agreements, the same expert affirms that the Security Council decisions also upholds over international customary laws, especially in the case of economic sanctions when measures such as interception of commercial ships by third parties and forcible search is undertaken to insure the proper implementation of sanctions. In the same context, states have the right to call upon their nationals abroad to respect its sanctions decree not only on its territory but anywhere they reside. Although this fact is culminated as the right of states according to Gowlland- Debbas 'to exercise state control over private activities both at home and abroad', there is a novel dimension that has been lately introduced which considers it a duty as well to reach the ultimate goal of perpetuating peace and harmony.

2.1.3 Economic Sanctions implementation process under International law:

Discussing economic sanctions through the auspices of the United Nations can not be completed without mentioning the process of economic sanctions enforcement. The sanctions committee is activated by the Security Council after choosing to adopt economic sanctions. it consists of all members of the Security Council and 'its mandate should include review of the responses from states concerning measures taken in support of the sanction resolution and acquisition of further information about the implementation process as required'. Its limitation can be broadened to include briefing the secretary general on regular bases, examining requests submitted under UN charter article 50 and in addition it could be charged approving exceptions in the form of humanitarian assistance. Although known to be inefficient the Military staff committee along with the sanctions committee is designed to supervise the implementation of sanctions.

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178 Ibid
179 Ibid
180 Ibid, p. 21
182 Ibid
183 Ibid, p. 77
184 It is considered inoperative, since it is part of the collective security police under the UN charter, but which never came to exist so far.
185 Ibid, Footnote 210
2.1.4 Prospects of Economic sanctions under International Law

The maintenance of a constantly evolving world order is highly dependable on the flexibility of international law which allows it to continually absorb and integrate changes in the political and economic areas and actors. Just as well, the determination of what defines a threat to peace or a breach of peace and an act of aggression have also evolved to embrace new situations, previously considered to be a subset of national sovereignty and a consequence of the right of non intervention. Economic sanctions have been used not only more frequently after the cold war but as Professor Gowlland describes, its purpose and use underwent a process of 'reconceptualization' through expanding the criteria of determining the existence of threat to peace or a breach of peace and an act of aggression. Part of the evolving role of the Security Council is to be able to control and enforce measures in light of new situations and circumstances which indirectly call for the removal of rigid adherence to a specific interpretation of international law. As Geiss states economic sanctions resolutions of the Security Council has certainly taken some innovative paths, surely never dreamed of by those who framed the charter at San Francisco. Initially a military act of occupation or any type of armed intervention was the main determinants of a threat or a breach or even an act of aggression. Presently however the situation is considerably different as Gowland puts it:

The concept of international peace and security has thus acquired a meaning that extends far beyond that of collective security (envisaged as an all-out collective response to armed attack), to one in which ethnic cleansing, genocide and other gross violations of human rights, including the right to self determination, as well as grave breaches, are considered component parts of the security fabric.

Sanctions cases such as that of Haiti, Rwanda, Yugoslavia, Sudan and Sierra Leone are but examples of the new inclination to expand the scope of criteria on which chapter seven is adopted to sustain peace and security. In an era of international interdependence, international law has a great responsibility to uphold war prevention as a priority in facing the nuclear threat. Therefore these cases are landmarks; they took the concept of peace to a whole new level by considering genocide, ethnic conflict, civil

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188 Ibid p.10
wars, human rights violation and terrorism a direct threat to international peace. H. Lauterpacht also holds the same view when he said that a legal system must be able to find mechanisms for 'peacefully adapting the law to changed conditions.' Although it is necessary for international law to cope to changes, one shouldn't disregard the role that politics play in these changes. From an ethical perspective, it is feared that economic sanctions could be 'high jacked' in the name of such new trends to fulfill a hidden political agenda and perpetuate self interests. Aware of the escalatory tendencies exhibited by Security Council to widen the scope of interpreting threats and breaches of peace, prospects of economic sanctions under international law promises increased use and importance in an international milieu impregnated with perceptions of warfare evasion.

2.2 Economic Sanctions: A humanitarian Dilemma

Economic sanctions, particularly of the comprehensive type imposed by the Security Council, lie at the heart of a controversy that implores both a critical and analytical assessment. In-between fulfilling its mission of perpetuating peace and causing economic hardship to the target country and its civilian population a margin of unethical practices is registered to undermine its morality and value by directly violating basic human rights and conflicting with humanitarian law. After the Iraqi episode the UN economic sanctions face a war of attrition due to the massive violations of human rights. Hence there is real need to explore the limits within which economic sanctions could accomplish its rule without the involvement in humanitarian quandary.

2.2.1 Sanctions and its limitation in human Rights

In the second half of the 20th century the value of human dignity gained momentum, in international law. The ICJ acknowledged that the rights of a human being are obligations erga omnes which must be respected by all states and declared that 'It

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189 Globally, renowned international law expert.
191 Abi Saab, 'The Concept of Sanction in International law'(2002)p. 41 in Gowlland – Debbas ed,
193 The term is within the International Law Principle of Universality that is the idea that certain activities are so reprehensible that the rules of jurisdiction are waived so that any state may apprehend an alleged perpetrator and try them under their own jurisdiction. Such crimes might include: piracy, slave trade, operating a "stateless vessel", genocide, and war crimes.
should not be permissible to put into question the binding force of human rights as principles of present day international law with legal force, also for the United Nations Security Council.\textsuperscript{195}

Moreover Article 3 (1) of the charter of the UN itself\textsuperscript{196} [encourages] respect for human rights and for fundamental freedoms ...\textsuperscript{196} and Articles 55 (c) & 56 upholds the same principles. Even, International NGOs and the UN human rights commission itself and its sub commissions are constantly expressing concern over the unfavorable consequences of economic sanctions in relation to human rights; as well other UN institutions such as the committee on economic, social and cultural right voiced the same concerns.\textsuperscript{197} The secretary general also assessed that economic sanctions could be perceived in relation to civilians as a 'blunt instrument'\textsuperscript{198} Universal Declaration of Human rights and its International covenants should be considered as a limitation to Security Council actions concerning economic sanctions. Some of its provisions such as 'the right to life' ( art.3 "the right to freedom from inhuman or degrading treatment' (art.5), 'the right to an adequate standard of living that includes food, clothing, housing and medical care' (art.25) are usually among the first provisions to be violated by a comprehensive economic sanctions regime.\textsuperscript{199} Some law experts consider provisions of the declaration to be considered as Jus cogens\textsuperscript{200} such as the right to life therefore the Security Council is forced to abide by such a right and not even the power of chapter seven can take

\textsuperscript{194} Ibid footnote 225
\textsuperscript{195} Ibid
\textsuperscript{197} Reinsch, 'Developing human rights and humanitarian law accountability of the security council for the imposition of economic sanctions' (2001) p.3-8, also see footnote 229.
\textsuperscript{198} Ibid
precedence over *jus cogens*\textsuperscript{201}. Further, according to Article 24 of charter, the Security Council must respect the rules and principle such as articles 3 (1) or 55 and yet it also have the right under chapter 7 to impose economic sanctions. This reflects an internal paradox that exists concerning economic sanctions and law in general.\textsuperscript{202} Based on this legal theory in case of jus cognes there is no derogation concerning their binding nature. A recent UN paper concurred that any possibility of a future sanctions regime should respect human rights, especially the right to life which acquired a jus cogens status\textsuperscript{203} and considered by UN human Rights commission as a

Supreme right from which no derogation is permitted even in as time of public emergency\textsuperscript{204}

On the same trail Hans Kochler argues that:

The legal evaluation of resolutions adopted by the Security Council: just as the disregard of *Jus Cogens* in the process of their adoption invalidates international treaties, so should those resolutions adopted by the security council and standing contrary to the *jus cogens* of international law should be nullified.\textsuperscript{205}

Other prominent legal experts such as Simma consider the near universal acceptance of human rights naturally elevated it to a rank of customary law or preemptory norms and principles of law.\textsuperscript{206} Also this case is posed as an established limitation to the Security Council. The international covenants on human rights also pose a significant limitation to any ethical sanctions regime.\textsuperscript{207} The international covenant on economic, social and cultural rights deals with the right of adequate living and the right to health and education and states that people should not be deprived from means of subsistence and survival\textsuperscript{208} while the covenant on civil and political rights stressed the importance of the right to life.\textsuperscript{209} Under a sanctions regime the target state is obligated to respect these covenants and so do the international community.\textsuperscript{210} Besides it is a known fact that during a sanctions regime the general civilian population do not forfeit their basic human

\textsuperscript{201} Kochler, 'Ethical aspects of sanctions in International Law' (1994) p. 6-10
\textsuperscript{202} Ibid
\textsuperscript{203} Ibid p.7
\textsuperscript{204} Ibid, Kochler, 'Ethical aspects of sanctions in International Law' (1994) p. 7
\textsuperscript{205} For a detailed discussion see B. Simma and P. Alston, 'The sources of human rights law: Customs, Jus cogens and general principles' (1992).
\textsuperscript{207} Ibid, Kochler, 'Ethical aspects of sanctions in International Law' (1994) p. 7-8
\textsuperscript{208} Ibid. Normand, 'Iraqi sanctions, human rights and humanitarian law' (2005)p.4
\textsuperscript{209} Peace Action International Office, 'International Law and Standards Regarding Sanction Regimes' (2000), p.3
rights thus they should be respected at all times. Capitalizing on the same ideology the committee of the covenant of economic and social and cultural rights confirmed that:

The provisions of the covenant can not be considered to be inoperative or in any way inapplicable solely because a decision has been taken that consideration of international peace and security warrant the imposition of sanctions.

Sanctions regimes such as that of Iraq or Haiti are in direct conflict with the charter of economic rights and duties of states, a resolution by the general assembly especially article 7 of the charter that stresses the responsibility of each state in promoting the economic and social development of its populations. Conferences on trade and development and the position of the general assembly from economic coercion in addition to the declaration on the right to development; all called for respecting human rights and instigated the economic harm to development that could be directly caused by economic sanctions on the people. Another significant document is the Vienna convention on the law of treaties, article 60 (5) that states that 'provisions which are contained in treaties of humanitarian nature and which relate to the protection of the human person may not be invalidated on the basis of other circumstances.' Moreover it is legally approved that conferences pertaining to the rights of the child should be taken into consideration when imposing economic sanctions. Another politically correct strategy lately adopted by the Security Council is the utilization of chapter seven to remedy gross human rights violation and sanctions were implemented for this very purpose. A logical consequence then is to take a responsible stance in the implementation process of sanctions to avoid human rights violation. This leads us to explore the liability of member states of the Security Council to the consequences of the decisions of the council. Unfortunately, although in process of determining the use of sanctions members could have their own political inclinations, however when it comes to legal responsibility of human rights violation by the member state, Judge Rosalyn Higgins declares that:

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211 Ibid
213 Ibid
214 Ibid
215 Ibid
216 Ibid
By reference to the accepted sources of international law, there is no norm which stipulates that member states bear a legal liability to third parties for the non-fulfillment by international organization of their obligations to third parties.\(^{217}\)

Observing the sanctions implementation process by the Security Council and the established sanctions committee to monitor its efficacy and just realization, it is fair to say that the security council did not exhibit any inclinations to disregard human rights, on the contrary in each sanctions regime it was clearly expressed that abiding by human rights is an essential part of the mechanism of sanctions imposition, besides in many cases humanitarian exemptions were decided to help insure the non-violation of these rights. Yet, unfortunately despite the efforts of the Security Council, the nature of the comprehensive economic sanctions and the irresponsible policy of governments and civil societies in the targeted state collaborate to exacerbate the impact of economic sanctions on the civilian populations.

2.2.2 Sanctions and its limitation in Humanitarian law

The exclusivity of international humanitarian law's application to armed conflict doesn't reprieve it from being considered a limit to installing economic sanctions. Unfortunately economic sanctions are not armed conflicts or acts of war; therefore humanitarian law can only regulate them when they are directed against a party participating in armed conflict.\(^{218}\) The Famous Bossuyt Report further declares that any economic regime enforced during war or even as a consequence of war can be ruled by humanitarian law.\(^{219}\) It should also be noted that the imposition of economic sanctions is sanctioned under chapter 7 which could be escalated to decreeing the use of armed intervention, thus humanitarian law should be consultative even in the case of sanctions.\(^{220}\)

In the domain of legal morality and philosophy it is argued that the adverse effects of comprehensive economic sanctions have the same results of devastation occurring from armed conflicts, hence the need to apply the rules of war by the Security Council when considering sanctions. The Security Council should as well realize the substantiality of


\(^{220}\) Kochler, 'Ethical aspects of sanctions in International Law' (1994) p. 7-8

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humanitarian law as part of declaratory customary law.\textsuperscript{221} Mindful of the theory of economic sanctions presented in chapter one, that proposes linkage between economic sanctions as a first escalatory step to armed conflict and state that these sanctions were found to aggravate the violence and intensity of armed conflict, an irrevocable need to reexamine and review the relationship between economic sanctions and the legal scope of humanitarian law.

Economic regimes in peacetime in a strict sense don’t fall under the jurisdiction of humanitarian law or more clearly the Geneva conventions and its additional protocols. However legal experts decree that the Geneva Convention relative to the protection of civilian persons in time of war in 1949 denoted its implementation in the times of conflict which could be an armed conflict but outside the scope of a declared war\textsuperscript{222} or as a part of internal domestic conflicts\textsuperscript{223} Under humanitarian law civilians should be protected from the tribulations of war at all costs and they should be provided with the food, shelter, water and medicine all the essentials required in sustaining life.\textsuperscript{224} Prior to the Geneva Conventions, the much older Hague convention in 1907 concerning the customs of war on land could also considerably hamper the negative effects of economic sanctions. The Martens clause which was re-affirmed in the Geneva conventions and its first protocol was initially mentioned in The Hague convention which upholds that all situations of war should be governed by rules that respect of civilians and the dictates of public conscience.\textsuperscript{225} UN Charter Article 50 states that 'No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.'\textsuperscript{226}

The Geneva conventions, also strive to protect civilians and the general populations from the harm of economic sanctions imposed due to war or as a consequence of it. They mandate for example the free passage of medical supplies and objects related to worship and religion.\textsuperscript{227} It also includes rules of medical convoys that in several

\textsuperscript{221} Reinsch, 'Developing human rights and humanitarian law accountability of the security council for the imposition of economic sanctions' (2001) p 3.
\textsuperscript{222} Kochler, 'Ethical aspects of sanctions in International Law' (1994) p. 7-8
\textsuperscript{223} Segall, 'Economic sanctions: legal and policy constraints' (1999) p. 764
\textsuperscript{225} Ibid
\textsuperscript{226} Ibid
\textsuperscript{227} Ibid
sanctions cases where interrupted and limited. Moreover it underscores the importance of relief and aid and calls for protecting the well being of civilians as much as possible.\textsuperscript{228} Therefore under the mandate of humanitarian law it is prohibited to starve civilian population and they have the right to humanitarian assistance when circumstances requires.\textsuperscript{229} These conditions are also obligatory in cases of sanctions regime in the context of armed conflicts such as the case of Iraq. Humanitarian assistance allows the free passage of medical relief, hospital supplies, objects needed for worship, foodstuffs, clothing among other things.\textsuperscript{230} According to UN Charter articles 48, and 49 of the first additional protocol of the Geneva conventions the concept of proportionality when determining the scope of economic sanctions and the concept of distinction that requires distinction between combatants and civilians\textsuperscript{231} should be respected and applied. At the end of this section, it is fitting to say that after assessing all major pillars of international law, there is a need for reviewing the adverse impact of economic sanctions in junction with human rights and humanitarian law.

2.3. The Iraqi Quagmire: Legality versus Humanitarianism

Saddam Hussein occupied Kuwait in August 1990 creating a world wide wave of resentment and denunciation soon materialized in the form of chapter seven UNSC Resolution 661 on the same month.\textsuperscript{232} The resolution imposed the most comprehensive economic sanctions regime forced on a target country before. The sanctions regime banned all imports from and exports to Iraq, excluding products and material needed for medical

\textsuperscript{228} Ibid
\textsuperscript{229} Segall, 'Economic sanctions: legal and policy constraints' (1999) p.764
\textsuperscript{230} Ibid
\textsuperscript{231} Normand, 'Iraqi sanctions, human rights and humanitarian law' (2005)p.4
treatment, in humanitarian events and, Foodstuffs as determined by the Security Council Sanctions Committee. In addition Western countries embarked on freezing all Iraqi financial assets within their territories. In attempt to further curb the Iraqi leader UNSC resolutions 665 in 1990 and 670 in the same year imposing air and maritime blockades were issued. Iraqi resistance to withdrawing from Kuwait led to the Gulf War through which an international coalition was formed to lead a military campaign against Iraqi troops. Despite the success of the coalition in expelling the Iraqi troops, the sanctions regime was again maintained with the same exemptions through UNSC resolution 687 in 1991. The same year witnessed the adoption of UNSC resolution 706 and 712 that authorize the sale of oil up to 1.6 billion by Iraq each six months, however not until 1996 whereby the 'oil for food' program was adopted through these resolutions and UNSC resolution 986 in an effort to mitigate the arising and much publicized humanitarian anguish of the Iraqi people owed to the complete embargo.

2.3.1 Humanitarian Impact of Iraqi Sanctions Regime

In the period of a year after the issuance of Resolution 661, symptoms of comprehensive economic sanctions overwhelmingly disseminated through the Iraqi civilian population initially causing suffering and wretchedness among vulnerable segments of the society and in a later stage cancerously reaching the whole fragment of society and the economy of the country. underscoring the impact of economic sanctions in 1991 the UN retaliated by issuing resolutions mandating Iraq to sell oil each six months as a form of humanitarian relief, unfortunately after much stalling from several parties, mainly the government of Iraq and the US the 'oil for food' program was not officially endorsed before 1996.

Sadly, prior to the 'oil for food' program the Iraqi people especially women and children continuously ailed from inhumane living conditions. Even after the activation of the program, only mild improvement was registered since the incoming money could only keep

233 For complete text of resolution see the UN official website, UN security resolution 661 (August 6, 1990), para.6c, Normand, 'Iraqi Sanctions, Human Rights and Humanitarian Law', (1996) p.1, also see for a detailed account of the Iraqi case see footnote 270.
237 Ibid footnote 270
238 Ibid
239 Ibid
240 Ibid
the already worse situation from further worsening and deteriorating in an attempt to protract the status quo. Many reliable surveys, studies, field work and statistical investigations were undertaken in Iraq to truthfully assess the extent of the crisis. In 1999, 8 years after administering the first survey in 1991 of child and maternal mortality by UNICEF; it was concluded that by 1994 one third of children under five suffered from malnutrition and had diarrhea.\textsuperscript{241} Due to sanctions, infant mortality rates became among the highest in the world, 23 percent of infant are born with considerably health risky low weight. These deteriorating conditions were owed to as an expert explained 'contaminated water, lack of high quality foods, inadequate breastfeeding, and poor weaning practices, and inadequate supplies in the curative health care system'\textsuperscript{242} In general the lack of food resulted in a 32 percent decrease in per capita calorie intake, another report confirmed that after import banning a 70 percent decrease in protein intake has been registered.\textsuperscript{243} The Iraqi government in 1997 announced that only 50 percent of water treatment facilities of the country were operational\textsuperscript{244} and only 41 percent of population has access to clean water.\textsuperscript{245} In the same year it was also estimated that 30 percent of hospital beds are not prepared for use, 75 % of hospital equipments and 25 percent of health centers were shut as a result of escalating medical supply shortage.\textsuperscript{246} In addition at that time 83 percent of schools were in need of repairs.\textsuperscript{247} As for income, the value of salary became about 5 percent of its value prior to the 90s.\textsuperscript{248} It is said that the salary became no worth than two dozen eggs.\textsuperscript{249} Denis Halliday, former UN assistant secretary general and humanitarian coordinator in Iraq, after his resignation when he stated that:

Sanctions have had a serious impact on the Iraqi extended family system. We're seeing an increase in single parent families, usually mothers struggling alone. There is an increase in divorce. Many families have had to sell their homes, furniture and other passions to put food on the table.

\textsuperscript{242} Ibid
\textsuperscript{243} Ibid, see also Hoskins, 'The Impact of sanctions: A Study of UNICEF's Perspective.' (1998)
\textsuperscript{244} Ibid
\textsuperscript{245} Ibid
\textsuperscript{247} Ibid , also see 'report of the second panel established pursuant to the note by the President of the security council of 30 January 1999(S/1999/100), concerning the humanitarian situation in Iraq' S/1999/356, annex II (30 March 1999)
\textsuperscript{248} Ibid
\textsuperscript{249} Garfield, 'Economic sanctions, Humanitarianism, and conflict after the cold war' (2002), p.5.
resulting in Homelessness. Many young people [resorted] to prostitution.\textsuperscript{250} He also declared that since the UN and world countries recognized the humanitarian crisis taking place in Iraq as a consequence of economic sanctions and did not exert any effort to remove the sanctions or further commit to humanitarian relief beyond the oil for food program, the term 'genocide' is applicable to the Iraqi case.\textsuperscript{251} The environment and sanitation as well did not escape the effects of economic sanctions; waste treatment plants ceased to operate and waste directly flowed to the Tigris River which is known to be the main source of drinking water. The consequences of these conditions directly led to a significant increase in death due to infectious diseases. This eventually translated to a public health crisis harming civilians and children.\textsuperscript{252}

\textbf{2.3.2 The Oil for Food Program}

As previously mentioned this program was a humanitarian aid package assembled in an effort to mitigate the impact of economic sanction's regime after the public disclosure of the scale of Iraqi suffering. Resolution 706 launched the program by permitting the sale of 1.6 billion money value of Iraqi oil over a period of 6 months. It was decided that the revenue of its sale would by deposited into an account belonging to the UN to be used for humanitarian purposes in Iraq.\textsuperscript{253} There was also a consensus that 30\% of the revenue would be spent for reparations of the Kuwait invasion and another sum was allocated to cover the costs of UN operations in Iraq.\textsuperscript{254} Another resolution was issues one month later exclusively dealt with the implementation mechanism of the program. Unfortunately these resolutions were not accepted by the Iraqi government. The refusal led the UN to pass another resolution calling upon all members who have funds from buying Iraqi oil to be transferred to the UN, however again the resolution was totally ignored by the members themselves with the exemption of voluntary contribution of a number of oil rich Arab countries\textsuperscript{255} when Iraq accepted the program in its latest version (resolution 986) that upheld the sale of 1 billion in oil every 3 months in May 1996, the

\textsuperscript{251} Halliday, 'the deadly and illegal consequences of economic sanctions on the people of Iraq' (2000) p. 229
\textsuperscript{253} Ibid, p. 48
\textsuperscript{254} Ibid
\textsuperscript{255} Ibid , for more information concerning the Iraqi case please note references mentioned in Footnote 270
The humanitarian purpose of the program was significantly undermined by several weaknesses that plagued the program. It suffered from bureaucratic hindrances within the UN mechanism, reluctance from the Iraqi government and the implementation process was not efficiently designed. The sanction’s committee had to review on case by case bases the need for humanitarian goods and imports exemptions under a strict criterion that imposes restrictions on goods and items of could be dually used. Such process was considered a serious roadblock facing timely, speedy and efficient delivery. More often restrictions than exemptions were registered in many cases of items of grave importance to the public health and were restricted for potential use as a weapon. Distribution also was considered a problem; the tardiness of distributing imported humanitarian goods paved the way to higher level of inefficiency. In an effort to improve the program to meet further developmental needs essential to patching the infrastructure of the country as a source of providing basic needs of the population, the UNSC adopted Resolution 1153 upgrading oil sales to 5.25 billion every six month. All of the above elements collaborated to circumvent the true scope and significance of the program. As a solution or a strategy to mitigate the humanitarian and social effects of comprehensive economic sanctions regime, it proved to be not enough as a standalone strategy. Although the humanitarian efforts manifest in the program is to be commended, unfortunately it was not enough to revert the ongoing catastrophe. There was a need to assemble a comprehensive package comprising of several elements one of which is the 'oil for food' program to address each separate socio economic of the regime.

The complexity of the crises thus witnessed in the case of the Iraqi regime, harbors yet other within it the signs of further weaknesses committed by the international society. The level of commitment and the global response to what was happening in Iraq was rather appalling. Nations were divided upon themselves in a cycle of self interest and political power. International organizations and NGOs conveyed there protestation and rejections to the media and conveyed numerous statistical surveys and field reports to

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256 Ibid, p. 49  
257 Ibid  
258 Ibid  
259 Ibid  
260 Ibid, p.50
prove there point. As the targeted government itself, it was stated by many commentators that Iraq in fact did not facilitate or try to mitigate the impact of sanction as should have been, besides impeding the oil for food program for a considerable period, in addition to allegation claiming its embezzlement of oil revenue allocated for the program through under priced oil contracts and overcharging in the contracts of some imported humanitarian goods.\textsuperscript{261} In fact, the government totally disregarded the needs of its people instead it embarked on useless political maneuvers in the form of refusing inspections and obstructing all global calls for its cooperation.\textsuperscript{262} Sometime it even withheld oil exports and other times it did not use the revenue to buy needed goods.\textsuperscript{263} This lack of global cooperation and relief system in the case of Iraq stands out as a failure of the global political system to react with basic human rights and to create a mechanism to act as a balancer between sanctions and its adverse effects.

\section*{2.4. Economic Sanctions in a humanitarian context: An Evaluation}

Throughout this chapter, economic sanctions have been put on trial from a humanitarian perspective. Our study of economic sanctions linkage to human rights, humanitarian law and the case study of Iraq have all collaborated to clearly reflect apparent ambiguity and cloudiness concerning a general framework or a mechanism to restructure the sanction’s implementation process and avoid negative impact while capitalize on its potential.

Existing efforts to remedy the effects of sanctions are numerous and undertaken by several parties. From a theoretical perspective, human rights and humanitarian law act as natural barriers or limitations to a sanction’s regime and Security Council decisions. Moreover there are ongoing suggestions for changing the nature of economic sanctions to targeted smart sanctions in order to avoid its harmful impact on civilians. The UN is constantly thriving to create and update monitoring committees and enclose humanitarian exemptions and aid packages to mitigate the effects of sanctions. Also World wide campaigns should be launched by civil society, NGOs and humanitarian institutions to rally against sanctions adverse effects. Unfortunately all these efforts and

\textsuperscript{261} Global Solutions, Fact Sheet 'The united nations oil for food program' (2005), also see note 270 and the UN official website.

\textsuperscript{262} Cortright, 'A Hard Look at Iraq Sanctions' (2001) p.2-4

\textsuperscript{263} Cortright & Lopez, 'Sanctions and the search for security' (2002), p. 24-25
suggestions lack coordination, organization and recalibration which greatly undermine their significance. There is a strong will indeed to remedy this lacking disharmony with a strongly knit framework of sanctions mitigation that acknowledges that vitality of coordination.

Chapter Three

Outlining a comprehensive international mechanism that governs economic sanctions is unfathomable if a proper economic outlook of the impact of these sanctions is to be ignored. There is an imperative need for us to investigate how governments and international organizations react, mitigate effects, plan and implement strategies during an economic sanctions regime. In order to attain such a goal, we have to study several case of economic sanctions regime to insure the variety of circumstances and view different reactions of governments and organization. In this regard we will try to unearth if there is an existing pattern in their behavior. The last chapter embarked on exploring the social and humanitarian impact of sanctions and its relation to human rights. This chapter, on the other hand presents as yet another significant step in the discourse of economic sanctions and how to properly mitigate its impacts.

3.1 UN comprehensive sanctions: the Case of former Yugoslavia (Serbia- Montenegro)

The war and the deteriorating situation in Bosnia – Herzegovina which witnessed escalated violence, violations of human right and ethnic cleansing\textsuperscript{264} led the Security Council to impose a comprehensive economic sanctions regime on the Federal Republic of Yugoslavia (Serbia and Montenegro).\textsuperscript{265} On 30\textsuperscript{th} of May 1992, the UNSC resolution 757 banned all international trade with Yugoslavia. In addition it proscribed air travel, blocked all financial transaction. It prohibited the country from taking part of international sports and cultural events and suspended all types of scientific and technological collaboration.\textsuperscript{266} Thus, it imposed a comprehensive sanctions regime on the country.

Due to humanitarian inclinations the resolution allowed food and medicine exemptions.\textsuperscript{267} With the escalation of the war, the Security Council went ahead and


\textsuperscript{265} Ibid

\textsuperscript{266} Ibid

\textsuperscript{267} Ibid, see UN website to read the resolution
issued resolution 787 that prohibited the transshipment of strategic goods through the country. However, with no real progress of the situation, on 17 April 1993 the Council approved resolution 820 that called for freezing all the governments' financial assets and increased the restrictions of the economic sanctions. But, hope lurked when the Slobodan Milosevic accepted the Vance – Owen plan. Accordingly the implementation of sanctions was delayed nine days to give the Bosnian Serbian authority a chance to sign the plan. Unfortunately the Bosnian Serb Assembly voted against signing it. After which sanctions were imposed. In a broad sense the effects of sanctions are very difficult to estimate. Economic results and indicators are often the culmination of many factors, conditions and policies; Economic Sanction is but one of them, albeit important and significant.

3.1.1 The Economy

Serbia-Montenegro suffered from pre existing economic problems and noticeable macroeconomic mismanagement, which led to persisting and acute economic conditions: The socialist system of the country led to deficiency, and mismanagement of decision making. On the other hand the economy of Serbia and Montenegro suffered from transitional, institutional and adjustment costs due to adopting intense liberalization. Finally, the dissolution of Yugoslavia into sovereign nations, with only Serbia and Montenegro remaining as the new Federal Republic in April 2, 1992 was a direct cause for misbalance in the overall economy through the loss of important resources, markets, demand and supply. Internal markets were reduced by 60% and the level of consumers decreased to roughly to 10.5 million after being about 24 million

\[\text{268 Ibid footnote 312}\]
\[\text{269 Ibid footnote 309}\]
\[\text{270 For more detailed account of the economic condition of the country before sanctions see Delevic, 'Economic Sanctions As a Foreign Policy Tool: The Case of Yugoslavia' (1998), p. 6-7, Bieber, 'Sanctions Against Yugoslavia: Consequence on Society and Economy' p.4-5. Also see Stamenkovic & Posarac ed, 'Makroekonomskaa arabilitacija: Alternativini pristup' (1994) p.17.}\]
before disintegration. Moreover, a shortage of supplies, resources and raw material were automatically noticed by Yugoslav producers.

3.1.2 Effects of the sanctions

Nonetheless, with the imposition of sanctions, economic and social situation were further exacerbated to higher alarming levels.

3.1.2.1 Production

A) Industrial Production

After only 3 months of sanctions imposition, industrial production fell by 40%. Industries such the textile industry witnessed sharp decline due to the trade embargo which forbade the importation of needed inputs. (See diagram) According to the graph the index of industrial production witnessed constant decline from the period of disintegration and after the imposition of sanctions. As can be seen, in 1989 the Industrial index was 300 while by 1994 the index was below 100. Palairret states that:

The aging and obsolescence of the machines and equipment actually in use in Yugoslav industry not only rendered it unable to reap gains in efficiency and to bring out new products, but also led to deteriorating productivity through increased breakdowns, difficulties in obtaining spare parts.

![Index of industrial production in Yugoslavia, 1993 average=100](image)

*source: Federal Bureau for Statistics, quoted in Stamenkovic, Posarac et al., 1994, p. 105*

Figure 1: Industrial production in FR Yugoslavia, 1989-1994 (1993 average=100)

B) Agricultural Production:

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273 Ibid


276 Palairret 'the economic consequence of Slobodan Milosevic' (2001), p. 911
One of the most essential changes in the economy took place from the industrial sector in the agricultural sector. Because of the lack of raw material and industrial capital, needed for production, and the absence of local substitutes, workers abandoned the industry and moved back to farming since all factors of agricultural production labor and capital are domestically available. It is said that in 1990 the net output of agriculture was 402 billion dinars of 1994 value, in 1997, 4.4 billion.\textsuperscript{277}

3.1.2.2. Government Public Spending

\begin{table}
\centering
\begin{tabular}{|l|l|l|l|}
\hline
Year & Public Spending & Government Revenues & Budget		\
\hline
1990 & 49\% & 46\% & Deficit at 3\% \\
1991 & 63\% & 46\% & Deficit at 17\% \\
1992 & 65-70\% & 24\% & Deficit at about 46\% \\
1993 & 65-70\% & 10-11\% & Deficit at about 59\% \\
\hline
\end{tabular}
\end{table}

As can be inferred from the table\textsuperscript{278}, the budget deficit of the country witnessed a gradual increase. Due to the impact of economic sanctions, the budget deficit increased by 29\% in 1992 to figure at 46\% and further increased by 13\% in 1993 to become 59\%. Public spending had to be increased by the government to reach 70\% by 1993 due to economic recession, stagnation and decreased revenues.

3.1.2.3 Gross Domestic Product:

\begin{table}
\centering
\begin{tabular}{|l|l|l|}
\hline
Year & GDP in billion Dollars & GDP per capita in USD \\
\hline
1989 & 21.8 & 2083 \\
1990 & 19.98 & 1898 \\
1991 & 18.38 & 1766 \\
1992 & 13.60 & 1302 \\
1993 & 9.53 & 908 \\
\hline
\end{tabular}
\end{table}

\textsuperscript{277} Ibid p.908


Gross domestic product is considered to a crucial indication of the health and condition of any economy. According to the above table GDP in 1990 was 19.98 billion dollars and decreased to 13.60 billion dollars in 1992 with the launching of the sanctions regime, yet in 1993 GDP soon rapidly fell to about half what it figured in 1990 to reach the low point of 9.53 billion dollars. This happened because the sanctions regime led to a reduction in capacities. For example in 1993 the operating capacity was only 35% of the previous capacity, and a shortage of imported resources or raw materials was observed. The same holds for GDP per capita in 1990 it was 1898 USD while to deescalated to about half the value at a mere 908 USD due to economic sanction. In fact the decline of the economy of the county by 20% was directly attributed to sanctions; this was manifest in a US 4 billion loss in GNP during the period of 1991 – 1998.\textsuperscript{280}

3.1.2.4 The Currency:

After suffering from hyperinflation due to governmental efforts to mitigate sanctions economic impact, the new introduced dinar also faced constant difficulties in stability because it was based on gold and foreign currencies. Yet due to the absence of Trans border financial and commercial activities obtaining foreign currency was difficult. Accordingly stabilizing the currency was irksome.\textsuperscript{281}

3.1.2.5 Unemployment and income:

Governmental strategies to mitigate the impact of sanctions, led to the existence of what is called 'hidden' unemployment, according to Delvic by the end of 1993 there was about 1.3 million employee or worker were on paid leave of absence; receiving salaries but not working.\textsuperscript{282} These strategies aimed to keep unemployment rates at bay, while hidden employment rapidly increased. Moreover on the record unemployment rose at a rate of 1% a month after mid 1992.\textsuperscript{283} In general there was 75,000 unemployed and the largest of companies could only employ a very limited number of workers.\textsuperscript{284} According to Stamenkovic and Posarac average salary by the end of 1993 reached the low threshold

\textsuperscript{281} Delevic, 'Economic Sanctions As a Foreign Policy Tool: The Case of Yugoslavia' (1998), p. 6
\textsuperscript{284} Delevic, 'Economic Sanctions As a Foreign Policy Tool: The Case of Yugoslavia' (1998), p. 9
of 15$ a month\textsuperscript{285} and per capita income reached in 1993 a low of $ 1,390.\textsuperscript{286} Moreover, as can be deduced from the chart during sanctions the purchasing power was notably low especially in 1994.\textsuperscript{287}

![Purchasing Power of Average Income](image)

Figure 2 pertaining to the purchasing power of average income in New Federal Republic of Yugoslavia starting from 1988 till 1996.

3.1.2.5 Emergence of Black Market:

This period witnessed the thriving of the Black Market that covers all types of illegal\textsuperscript{288} Illegal pirating and smuggling became the pillars of the black economy, thriving on the absence of legal border patrolling. Another significant feature of these kinds of economies is that many officials, prominent business men and politicians were all focal in perpetuating corruption and the black market. Bieber goes as far as claiming that the government actually 'fostered the rise of the unofficial market.'\textsuperscript{289}

\textsuperscript{285} Ibid, see also Stamenkovic & Posarac ed, 'Makroekonominska stabilizacija: Alternativini pristup' (1994) p.29.
\textsuperscript{287} Source of data is the WFP Belgrade quoted in Garfield, 'Economic sanctions, health, and welfare in the federal Republic of Yugoslavia 1990-2000', (2001), p.34.
\textsuperscript{288} Ibid p.32
\textsuperscript{289} Ibid p.7
3.1.3 Social Impact of sanctions

3.1.3.1 Health care and wellbeing:

Health care expert Richard Garfield noted that due to comprehensive economic sanction medical practice and health care in general 'stagnated with therapies and medicines unchanged since the 1980s'. 290 A reduction in the number of health services provided, medicines distributed, in addition to the number of health experts employed, number of doctors' visits and hospitalizations. 291 Unfortunately, due to corruption ordinary poor people that had no relation to the ruling elite suffered from lack of medicine and deterioration in health specially women, pensioners and children. 292

3.1.3.2 Poverty:

Poverty reached its highest level during 1993, however as previously mentioned poverty was never extreme as the case of Iraq, yet it rose from 14% in 1990 to a 39% in 1993. 293 Another feature of poverty is that it hit not the rural areas where agriculture presented a barrier to poverty but it occurred in urban areas were industrial production was stopped and unemployment increased.

3.1.3.3 Demographic Changes:

The most prominent feature of demographic changes consequential to the economic sanctions regime is the emigration of young male adult s I search for jobs and better income. 294 It was estimated that through the 90s some where between 300,000 and 600,000 mainly young males emigrated. 295

3.1.3.4 Education:

The Lack of funding was the dominating aspect of this sector as well. Both the quality and coverage (quantity) of education noticeably depreciated. The system faced a chronic problem of finding trained and qualified teachers. 296 In some areas available schools had three shifts of students per day and containing double the number of students which

291 Ibid
292 Ibid
294 Ibid p.35
295 Ibid p.36.
296 Ibid, p.51
sequentially lead to the depreciation of quality of education. \(^{297}\) Dropping out of school increased, those who remained in school were hungry. \(^{298}\) Finally the physical conditions of school were rather pitiful no proper sanitation, water, electricity and plumbing. \(^{299}\) Hence, criminal acts and delinquency were among the most popular symptoms of a weakened educational system.

### 3.1.4 The Role of the Government

The government did not exert any effort or formulate a plan or strategy to address the existing pre-sanctions economic conditions of the economy. However, when inflation reached the alarming monthly rate of 4667% the government acted quickly through printing money in an effort to close the gap and raise revenues, by injecting more print money to the public in order to maintain the money accounts in the face of decreasing purchasing power and increased prices. \(^{300}\) By 1993 things were out of government control \(^{301}\) (see below diagram). Inflation reached by August of that year the staggering level of 1,880% a month. \(^{302}\)

![Retail price index, previous month = 100](image)

**Figure 3:** Retail prices in FR Yugoslavia, 1992-1994 (previous month = 100)

In the same context and another step forward to solve the hyperinflation problem the government had another method to raise more capital, the public lost confidence in the

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\(^{297}\) Ibid

\(^{298}\) Ibid

\(^{299}\) Ibid


government and public banks, hence available investments and savings were directed at private banks. However, these banks had close ties with the ruling regime which was able to borrow money or capital from these private banks. These financial institutions offered an interest of 15% on foreign currency and they were the center of a corruption when they became insolvent. 303 By the end of 1993 to control hyperinflation, the government instigated the program ' for reconstruction of monetary system and strategy for economic recovery' according to Delevic it depended on stopping the practice of printing money, reforming the tax collection system and reducing the budget deficit. Within this program it introduced the 'new dinar' as the new currency pegged and linked to the German currency 1:1 and it was printed up to a level equating to the available amount of the foreign currency within the country. 304 This was a form of attaining balance and retrieving limited stability. 305 As a result of implementing this program wages, industrial production soon exhibited a significant increase by 1994. 306 Nonetheless recovery soon proved to be very short indeed. Weak institutional framework, the increase in the German currency which resulted in increasing the exchange rate to 2:1 led to restricting convertibility by the second half of 1994. 307 To fight unemployment, the government banned companies from laying off workers during the period of sanctions, and kept supplying workers with salaries, therefore escalating the rate of hidden employment. 308 Also it is worth mentioning that it did not make any serious attempts to stop or even limit the activities of the black and grey markets.

3.1.5 Adaptation Potential

The shift to the agricultural sections ultimately helped in avoiding severe adverse effects of any sanctions regime such as extreme poverty, hunger, and unemployment. 309 The ordinary citizen found in farming the most guaranteed and cheapest method for basic human sustenance on food and calories. Another factor that helped to cushion

304 Ibid
305 Delevic, 'Economic Sanctions As a Foreign Policy Tool: The Case of Yugoslavia' (1998), p. 9
306 Ibid
307 Ibid
presence of small scaled NGOs, there work were mainly to monitor and research.\textsuperscript{317} Other big ones such as UNESCO and the World Bank didn’t have field missions in the first place.\textsuperscript{318}

3.1.6.2 Sanctions Related Humanitarian Assistance:

The existence of Sanctions Assistance Missions (SAMs) was mainly the most prominent aspect of humanitarian assistance\textsuperscript{319}. According to Cortright and Lopez they were 'organized by the European Community'\textsuperscript{320} to give monitoring technical assistance to properly help UN Sanctions Committee in sanctions implementation. They concur that the European commission launched a Sanctions Assistance Missions Communication Center (SAMCOMM) in Brussels.\textsuperscript{321} This center succeeded in creating a computerized satellite communication system which helped as the author claims 'customs officers in the field to verify shipping documents and prevent the use of forged or falsified documents.\textsuperscript{322} SAMs resulted in creating a sort of mechanism of monitoring the sanctions which did not happen in the case of Iraq.

3.1.6.3 UN Sanctions Committee:

UN sanctions committee was the one to authorize the delivery of humanitarian goods. The Delivery process and choosing goods and medicines to be delivered required the creation of a mechanism.\textsuperscript{323} it also had the right to grant exemption concerning goods to be delivered into the country. Accordingly, requesting an exemption was highly complicated and time consuming. UNICEF report mentions that soon after the imposition of sanctions, the committee was bombarded with a huge and discouraging number of requests.\textsuperscript{324} They also lacked the expertise and good management to study all requests. Hence many requests based on rightful reasons were rejected, even requests

\textsuperscript{317} Garfield, 'Economic sanctions on Yugoslavia', (2001), p.580
\textsuperscript{320} Cortright & Lopez 'the sanctions decade: Assessing UN strategies in the 1990s', (2000) p.68
\textsuperscript{321} Ibid p.69
\textsuperscript{322} Ibid
\textsuperscript{323} For more details on the work of the sanctions committee please read, Cortright & Lopez 'the sanctions decade: Assessing UN strategies in the 1990s', (2000), p.70-72.
from international organization such as WHO were denied. This weakness inevitably led to the fact that about half the amount given to medical imports was not spent due to tardiness and lack of organization in the committee.

3.1.7 What Happened After Sanctions?

Lifting the sanctions in 1996 did not have a magical impact, the country remained buried deep in economic problems and any source of normality was a figment of the imagination. Global companies and corporation had lost faith and confidence in the government. Crucial element of attracting foreign investments and capital such as security, stability, and government goodwill and trustworthiness were not available. Thus the situation seemed grim with the absence of UN humanitarian assistance that took place while sanctions remained. As for domestic private sectors it remained destabilized and limited; in need of time and government attention to recover. Infrastructure, the health system, the educational system energy sector, private sector and public social assistance and welfare were all in need of upgrading, revaluation and enhancement. In addition, the capital and cash funding lacked acting as a barrier to rehabilitating all of the above sectors.

3.1.8 Lessons Learned From the Sanctions Regime

Unintentionally, the sanctions regime directly leads to the isolation of the people culturally, socially and morally from the rest of the world. This could affect the ability and duration of the countries in recovering and regaining its status prior to sanctions. Another unfortunate feature of the sanctions regime as we noticed in this case deals with the fact that not all people equally felt the adverse consequences of the sanctions, ordinary innocent people were hit hard the most while officials and army officers had the power and means to minimize side effects of the sanctions.

It cannot be ignored as well that contrary to international political and theoretical belief people did not rebel against their undemocratic government. Opposite to this belief, the people rallied around the flag and all hatred was directed towards the international

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325 Ibid
326 Ibid, p. 13
327 Ibid
community.\textsuperscript{329} There was also no strict implementation of the sanctions which allowed smuggling or what is known as 'sanction busting'.\textsuperscript{330}

3.1.9 An Evaluation:

It is plainly obvious to all, that undeniable economic and social problems are the results of comprehensive economic sanctions regime. These problems are severe and tend to debilitate the normal functioning of a society and the economy, affecting future generations and the potential growth of the country. Despite efforts to soften the impact of multilateral sanctions the government, was not able to address already existing fiscal and microeconomic problems, which further exacerbated the impacts of the sanctions. As well it cannot be denied that the government itself was a large contributor to the phenomenon of corruption. Playing to the same tune international organizations lacked the speed, magnitude and ability to effectively minimize sanctions adverse impacts.

3.2 The case of Iraq

In the last chapter, the social and humanitarian impact of economic sanctions were presented in great detail, instead in this chapter we will concentrate on economic and financial effects of multilateral comprehensive sanctions in Iraq.

3.2.1 The economy before Sanctions:

The single most important element that contributed to the significant development and revival of the Iraqi was the exportation of crude petroleum.\textsuperscript{331} Prior to the oil export boom, trade was limited to few products. Moreover at that time the country lacked the capital, investment and long term planning to gradually build a strong economy based on infrastructure, technology and industry. However by the end of the Second World War and being part of the global surge in petroleum trading, Iraq began a cycle of change based on significant increase in its value of trade, in 1960 the value was US $ 856 million while by 1989 it drastically increased to be US $ 22.275 billion.\textsuperscript{332} This was the main engine of starting up new industries and increasing the level of public and social policies.

\textsuperscript{329} Ibid, p.9
\textsuperscript{330} Ibid, p.7
\textsuperscript{331} Al Roubaie, Amer at el , 'The Financial implications of economic sanctions against Iraq' (1995), p.2
\textsuperscript{332} Ibid
In addition, the industrial sector was properly nurtured but based on raw material importation and the industrial know how remained elusive the Iraqi government. With risky and uncalculated political escapades and ventures such as the Iran war and the invasion of Iraq, the country started to accumulate unprecedented rate of external debt used to finance public expenditure in light of financing wars and decreasing oil prices at that time.\textsuperscript{333}

3.2.2 The Economy after Sanctions:

The damage to the Iraqi economy as an outcome of the comprehensive sanctions regime was almost unbelievable and a large part of it could be logically attributed to the actions and activities of the governing regime during that period. Naturally trade was hit very hard, and consequently the main source of the economy which oil exportation soon almost completely halted, after which the main pillars of the economy collapsed. In the short term the Iraqi economy was not able to produce products to be substitutes of imported goods and the already produced goods needed raw materials that could only be imported; this further still aggravated the economic situation of the country to unfathomable levels.\textsuperscript{334} Moreover, the existing industries faced gradual depreciation without the ability to have proper up-to-date maintenance and having the ability to buy suitable spare parts and new machinery.\textsuperscript{335} Accordingly, the level of employment decreased, salaries were reduced, public spending as well suffered, since domestic taxation system was not able to offset oil revenues in public spending\textsuperscript{336}. The economy ailed from high prices due to the fact that demand became by far much more than supply especially in basic goods and food products which eventually lead to hyperinflation and the devaluation of the dinar\textsuperscript{337}. Additionally the source of foreign currency from oil exportation abruptly seized. Thus aggregate demand, supply, government expenditure and income\textsuperscript{338} were all adversely affected under the sanctions. All stages and phases of

\textsuperscript{333} Ibid p.5
\textsuperscript{334} Ibid, p.2
\textsuperscript{335} Ibid
\textsuperscript{336} Rowat, 'How the sanctions hurt Iraq' (2001), p.2
\textsuperscript{337} Al Roubaie, Amer at el , 'The Financial implications of economic sanctions against Iraq' (1995), p.5
\textsuperscript{338} Ibid p.2
economic development were terminated, efficient production capacity was disabled and the immigration of skilled labor increased.339

Due to sanctions and the war, industrial production declined by about 50%.340, as well, a model by Al – Roubaie, and Elali predicted that a 90% boycott of Iraqi exports lead to a decrease in GDP by 23% in the first year while this rate further decreased by about two thirds in 1994 while in a scenario based on the absence of sanctions oil exports would have increased GDP in 1994 by 9%.341 Further a field, the same authors claimed that owed to the comprehensive sanctions regime, government revenues decreased by about 75% and its ability to create schemes in order to attract investment dissipated.342

But most importantly the infrastructure of the economy suffered from a serious blow, not only from the sanctions but due to the years of war with Iran as well. According to Rowat 'electrical shortages, worst during summers, spoil food and medicine and stop water purification, sewage treatment and irrigated agriculture, interfering with all aspects of life'.343 Such an environment is a major disincentive to any economic activity.

3.2.3 Role of the Government:

The government did not have a long term orientation in its planning and policy strategies in fact oil revenues could have been used more proficiently help in making Iraq a diverse economy independent of the oil sector. There was no strong linkage between oil revenues and development in other domestic sectors. For example in 1989 agriculture contributed only 5.1% of total output while industry 11.6% but oil exports remained to dominate with 61.3% of total output in 1989.344 There were no substitution policies. The government didn't present people with local substitutes and it didn't perceive it as a priority to nurture new industries or produce capital good for self sufficiency. The only goods produced were directly for consumption or minor intermediary products. In 1986 the volume of non food products was about two thirds of importations. The government did not exert any effort or formulate any emergency strategies to economically face the embargo or mitigate its effect. On the contrary the

341 Ibid p.4
342 Ibid p.4
343 Ibid p.3 also see Rowat, 'How the sanctions hurt Iraq' (2001), p.3
344 Ibid p.3
government saw it as a chance to further its political aspiration and thrive in the context of corruption.

3.2.4 International Efforts:

3.2.4.1 UN Sanctions Committee:

Just as in all sanctions cases, in terms of humanitarian assistance the committee responsible for sanctions implementation and monitoring have the right and privilege to exempt certain types of products needed for humanitarian purposes but as previously mentioned disorganization, bureaucracy and misinformation inevitably lead to inefficiency, tardiness and banning of products that should have been exempted.\(^{345}\) According to Rowat 'the committee also removes commercial protection clauses from import contracts\(^{346}\) such action leads to weakening of the position of the government in case fraud committed by the supplying party. In the same context, the committee was also responsible for the implementation of the humanitarian program 'oil for food program' which we discussed comprehensively in the second chapter.

3.2.4.2. International Organizations:

Sadly, due to government hindrances and instability international organizations failed in playing an event turning role in Iraq, although they were the actual gateway through which the world new the humanitarian crisis within. Although they had humanitarian field missions, they were not able to avoid the sanitation and malnutrition problems faced by the people. Moreover, the UN famous 'oil for food' program did not ultimately live up to its goals and expectations.

3.2.5 Lessons learned from the sanctions regime:

The absence of a viable role of the government, a missing organized and efficient role of the UN sanctions committee in addition to the lack of real concrete steps taken by the international society and organization all pinpointed to a staggering lack of coordination and mechanism to help in mitigating the impact of sanctions. Iraq was considered to be the true test for the effectiveness of comprehensive economic sanctions in theory. Alas the latest US coalition in 2003 was the final episode of the sanctions regime through

\(^{345}\) For more on the subject please read Cortright & Lopez 'the sanctions decade: Assessing UN strategies in the 1990s', (2000) p.121-126.

\(^{346}\) Rowat, 'How the sanctions hurt Iraq' (2001), p.4
which contrary to all belief the governing party continued to rule despite all hardships. It is therefore safe to say that the purpose of sanctions was not met.

3.2.6 An Evaluation:

Economic, social and humanitarian conditions of Iraq during sanctions were disastrous and so severe affecting all segments of the society and depleting all resources, capital and remaining infrastructure. Thousands of children died and normal standards of living were almost non-existent, poverty increased to staggering levels. The Saddam regime did not take any serious step to mitigate the impact of sanctions and on the contrary, the government tended to hinder all international assistance, especially the 'Oil for Food' program. Moreover, true efforts to change the humanitarian conditions in Iraq were not attained by organizations or the international society.

3.3 Common Symptoms of comprehensive Economic Sanctions:

Comprehensive economic sanctions have direct and indirect adverse economic and social effects in any targeted country as been demonstrated in both sanction cases presented.

3.3.1 Economic Effects:

- Inflation: is considered to be a regular symptom of any sanctions regime, especially in an export import depended country. The targeted country suffers from a number of aggregate supply shocks due to disruptions in trade that leads to increase in prices and create a recessionary gap. The situation is yet exacerbated and if accompanied with 'monetary validation' which portrays expansionary monetary policy such as printing money leashes a vicious cycle of chronic escalatory inflation that eventually lead to hyperinflation.

-Chronic Budget Deficit: In an effort to mitigate the effects of sanctions, governments often embark upon increasing expenditure on public policies through the adoption of an expansionary policy. On the other hand, its revenues especially from taxes and national income considerably decrease. As a result, this creates a chronic budget deficit.

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347 Although the 'oil for food program' was considered to be a landmark of humanitarian assistance in case of a multilateral sanctions regime, corruption and deficiency in the role played by the government led to limiting its humanitarian value and impact.


349 Ibid
- **Decreasing Wages**: High inflation accompanied with recessionary gap imply that there is excess supply of labor when compared to demand due to the decreased profitability margin available to companies and firms owed to reduced capacity and productivity and the limited consumption in case of economic sanctions.

- **Increasing Level of unemployment**: Unemployment is an unavoidable evil of sanctions. Inflation, decreased production, supply shocks and recession could not but cause increased level of unemployment.

- **Decreased Foreign Direct Investment**: Economic instability, global political displeasure, and sanctions are strong signals for international businessmen and corporations to invest in the targeted country, especially when the targeted government has neither the strategy nor the capacity to offer attractive packages to investors.

- **Decreased savings**: A household's decision of savings depends on the level of consumption. Sanctions adverse effects such as inflation, high unemployment and decreased nominal and real wages, decreased real GDP influence the people in to cashing their savings and use it for spending and consumption.\(^{350}\) Also people with savings in foreign currencies are tempted to sell them in the black market for an extra source of revenues.

- **Decreased level of exports and imports**: In light of comprehensive sanctions export and import activities are halted for the duration of the sanctions regime, but smuggling and illegal border activities act as a shield from reaching a zero level of transnational trading.

- **Decreasing performance of the financial sector**: Currency instability, low wages, and decreased savings, decreased investments and low reserve of foreign currency in addition to corruption and mismanagement, all contribute to cause considerable damage to the financial sector and the banking system.

- **Instability of the Currency and Exchange Rate**: Economic sanctions jeopardize the stability of exchange rate by shifting the supply curve of foreign exchange to the lift depreciating the value of the national currency.\(^{351}\) The situation is further exacerbated by inflation, low reserve of foreign exchange and the rise of the black market of foreign currency.

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\(^{350}\) Ibid p.137  
\(^{351}\) Ibid p.573
- Low reserve of foreign currency: Due to the banning of commercial transnational trade, foreign currency buildup through capital inflows is decreased. Also, the existing reserve was used to buy essential products. Yet, it is important to note that remittance money through immigration is a viable but limited source of foreign currency during sanctions regime.

- Informal Economy: Small family work, such as growing produce in the back yard or sewing cloth at home become alternative means to normal work that mirror the adaptation capabilities of people in hard times.

3.3.2 Social Effects:

- Immigration: Low wages and high levels of unemployment are the main catalyst behind immigration. Young males leave their nations in search of better means of gaining money that will sustain their families back home and guarantee a source of a stable income in foreign currency that will somehow shape their future.

- Corruption: Sanctions present a fertile ground full of opportunities and chance of gaining money for those who are corrupt. It's often the case for government officials and army officers to be at the head of the corruption ladder, having the authority, power, manpower and means to facilitate smuggling, and operate the black market.\(^{352}\)

- Increase of crime: Increased poverty, unemployment and deteriorating educational system are factors of increasing the rate of crime.\(^{353}\)

- Decreased level of Education: Due to the lack of sufficient government revenue and funding, the educational system suffers from ongoing deterioration that pertains to the low number of professional teachers, the quality of the curriculum and the conditions of the infrastructure of schools.

- Inefficiency of the Health System: Maintaining an efficient health system becomes a challenge to the ruling government with no significant revenue inflow. The deteriorating conditions of hospital in addition to the understaffing, old medication techniques and depreciated hospital supplies and machines all jeopardize the wellbeing of people.

\(^{352}\) In an interesting paper, Schlicht, 'The Post – Crisis Economic Consequences of Sanctions', (2001), p. 4, the author introduced the concept of Help yourself – practices which he considers as a natural consequences of multilateral sanctions regime. He states that it is 'rational to use available resources for immediate private ends.'

\(^{353}\) Schlicht, 'The Post – Crisis Economic Consequences of Sanctions', (2001), p. 4
- **Decreasing standards of living:** All in all, every aspect of life is affected by sanctions, and luxuries in light of the economic situation cannot be afforded. On the contrary the main goal of ordinary people is to carry on with their lives as normal as possible and this could be attained through focusing on meeting the basic requirements of a minimal life such as food, shelter, health and work.

- **Increased Poverty:** As a normal consequence of sanctions and the above explained economic effects, poverty significantly increases. People that barely were able to maintain a decent life before sanctions became poor when they lost their jobs due to sanctions while others who were already poor before sanctions crossed the country's poverty line. The extent of harm caused by these symptoms varies from a country to another, depending on a number of factors that needs to be summarized as well.

3.4 **Adverse Effects of Sanctions were found to be Highly Correlating With:**

*Vulnerability of the economy before sanctions:* Chronic economic conditions, lack of proper fiscal and monetary policy that guarantees long term growth and mismanagement are responsible for exacerbating the effects of economic sanctions on ordinary people.

*Extent of openness of the market and liberalization of the economy:* The process of economic liberalization is often gradual and progressive with a continuous need to mitigate incurred adjustment costs, however with the imposition of sanction benefits of liberalization is usually halted yet adjustment costs continue. This is considered as an extra source of economic pressure on the government. At the same time it downplays the prospect of development and economic prosperity in the long term.

*Dependence on Imports and Exports and level of industrialization:* An economy that totally operates through trade transactions with no local substitutes, imposing a sanctions embargo on it could turn out to be fatal. In other more diversified economies this could proof harmful as well, since trade share are often a high percentage of GDP growth rate.

*Dependence on foreign direct investments:* Sanctions signal insecurity to interested global investors thus imposition of sanctions in country that is known to attract FDI often means losing a considerable margin of FDI. This directly affects the business cycle in the country and variables depending on it such as employment, income, savings, and GDP.
Strength of Institutions and Infrastructure: A targeted country with a weak base of economic, social and even political institutions is considerably harmed when sanctions are implemented. Deteriorated infrastructure before sanctions will ultimately become useless during sanctions.

Political system of the country: Several studies have been conducted to study the relation between sanction impact and the political system of the targeted country, it was discovered that democratic countries are more vulnerable to sanctions than authoritarian ones.\(^{354}\)

Geographic location of the country: Sanctions busting and smuggling could be an effective if not a legal way of facing the adverse effect of sanctions. The geographic location of the targeted country is critical for the effectiveness of the country borders could be a real challenge to any authority implementing sanctions.

Social cohesion of people and religious ties: The strength of the society and strong religious ties often form an adaptation shield against negative impacts of comprehensive economic sanctions; families, friends and neighbors help and supply each other with basic needs and wants.

Strategic and political importance of the targeted country: Sometimes effective sanctions depend on the strategic significance of the targeted country. Some countries of the region or other allies may turn a blind eye on smuggling and patrolling sanctions implementation due to the power and importance of the targeted country.

3.5 Conclusion:

The extent of economic and social damage that takes place during and even after a sanctions regime highly depends on the role that the government plays, the strength of the economy before sanctions, the efforts exerted by International society, and Social Cohesion. Therefore, the outcome and level of the severity of sanctions depends on the degree of the collaborative performance of all of the above-mentioned factors in addition to other factors that will be mentioned in the final chapter. If one of these factors is impaired, then the chances of mitigation and adaptation are jeopardized or even diminished.

\(^{354}\) The Section "Theoretical Background " in chapter one reviews such theories.
At the end of this chapter the conclusions of the previous ones remain solidly intact. The above mentioned factors should be operating through a clear and organized context, if the adverse effects of sanctions are to be mitigated. Although, ongoing humanitarian and relief efforts are to be commended, they are not enough.
Chapter Four
Towards a comprehensive mechanism of sanctions mitigation

'Galtung made the point well in his 1967 article in world politics which characterized the target society as 'an organism with self maintaining potential': 'when hit and hurt it reacts like most organisms in such a way as to try and undo the damage and to restore the status quo ante'.

'It is a miracle of harmony, of the adaptation of free inner life to the outward necessity of things.'

[356] John C. Ransom brainy quotes .com
Chapter Four

Towards a Comprehensive Framework of Sanctions Mitigation

At the outset, this chapter finale represent the culmination of my research journey undertaken on behalf of those ordinary people, the recipients of sanctions injustices, who are marginalized by a global system but short of the right framework to do so. Having established a realistic perception on the importance of sanctions as a middle-ground foreign policy tool, I can fairly say that in the short run until another miraculous foreign policy tool comes along, sanctions are here to stay. Meanwhile, it is therefore our duty to work towards establishing a system in the context of which nations, international entities and intellectuals all corroborate in mitigating multilateral economic sanctions harmful effects. Although at a first glance, my personal suggestion or 'corrective mechanism' seem to be impregnated with many elements or ideas that might be perceived as simple, already taking place or unfeasible. These ideas are discussed in this chapter with honest details because I want this thesis to be a platform of an array of suggestions that if some of which were selected for utilization then I would have contributed to mitigating harmful sanctions effect.

4.1 Towards a 'corrective mechanism' of sanctions mitigation:

4.1.1 Defining the 'Corrective mechanism' of sanctions mitigation

I perceived that the many suggestions that I had incurred after careful evaluation and examinations that took place throughout the pervious chapters could be more comprehensible if stated within a detailed framework of countermeasures that if properly operated and controlled should eventually replace the present process of sanctions instigation, implementation, and adaptation. Allow me to call this framework for clarity's sake 'Corrective Mechanism'.

4.1.2 Purpose of the 'corrective mechanism'

The term corrective is a good indicator of the true purpose behind this proposed framework. It is a world wide global fact that sanctions have a great too many shortfalls that affect the general populace to ignore. Thus academics, intellectuals, political leaders
and respectable authorities embarked on discussing and debating what could be done to mitigate sanctions. Yet none was able to tackle the issue comprehensively and generally or attempt to study it form all perspectives. As well, it is but of extreme importance to note that the initiative for change and the serious responsible attitude to address the problems of economic sanctions exist and pursued under the patronage and auspices of the United Nations and its General Directors such as Boutros Ghali and Kofi Annan who personally admitted that sanctions process are in need of dire alterations to the benefit of the ordinary citizen. In the same context world head of states came out of the Iraq case with more lenient inclinations and exhibited willingness to adopted strategies and suitable sanctions procedures to avoid humanitarian calamity. It is I think a perfect time to seize this momentum and state policy oriented and developmental suggestions within this mechanism. Therefore the purpose of this 'corrective mechanism' that I am proposing is to try and assemble all element and factors that are considered to be the direct cause of negative and adverse impact of sanctions and comprehensively find a solution and method to try to minimize there impact as much as possible.

4.1.3 Structural Framework of the Mechanism:

All of the suggestions and ideas that I have harbored, I attempted to incorporate them in a manner that is logical and coherent for the reader within the 'corrective mechanism'. The optimal route to such endeavor was to find a clear yet understandable outline to organize the suggestions. Thus the corrective framework has to main divisions: Sanctioning policy and Developmental policy.

4.2 Operational Framework of the Corrective Mechanism: How does it Work?

4.2.1 First Division: Sanctioning Policies and constituents:

4.2.1.1 International law and the Legal Factor:

If the ailment of sanctions has legal roots, then corrective measures in the context of international law stands as an imperative remedy to diminish its impact and protect human rights and humanitarian law. So what can be done from this angle is a lot that

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357 Secretary General Kofi Annan continuously calls for rendering multilateral economic sanctions 'a less blunt and more effective instrument'. Also Former Secretary General Boutros Ghali recommended the creation of a working group to study assess sanctions.
with proper dedication should be achieved and implemented. A 'legal' committee could be formed under the patronage of UN with every sanction case to monitor, review, and design and change sanctions appropriate to each case taking into consideration the humanitarian aspect. Another option could be the incorporation of a legal advisor in to the existing sanctions committee that have the authority and mandate from the Security Council to act upon any humanitarian situations and deal with according to its scale and importance. Also, a UN office either through the sanctions committee or independent of it could be established in the targeted country that directly communicates with the people and take in their grievances and humanitarian case and accordingly send important cases to a legal panel on case by case bases.

Also a Judicial review through the ICJ should be allotted more importance in case of humanitarian problems encountered during sanctions regime, although not binding ICJ ruling have a great legal and ethical impact that is reflected on the credibility of the UN and the sanctioning party. Henceforth, the advisory opinion of the ICJ on the appropriateness, justification of sanctions and its competitiveness with human rights and humanitarian law should be granted upon request from Security Council in any case of sanctions.

4.2.1.2 The Role of the UN

There are two main bodies within the UN that have direct effects on a sanctions regime and if a source of corrective actions were introduced to there operative work, this will definitely guarantee an efficient adjustment and alteration to the sanctions regime:

**The Security Council:**

The authoritative heart of the UN is as well the body responsible for designing sanctions and by that is to say it is the body responsible for issuing resolutions under chapter 7. It should mandate a pre-assessment of the suitability of sanctions on case by case bases and take the decision of imposing sanction in proportion with its cause or misbehavior of the targeted country.\(^{359}\) From a political perspective, the council should

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\(^{358}\) Bossuyt report, 'The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights' (2000), p.22, where it is mentioned that a victim of sanctions regime or the targeted country could forward complaints in a national court or could bring the case before the International Court of Justice.

\(^{359}\) For more details see Security Council Press Release SCA 6845 4128th Meeting 17 April 2000 ' Open Meeting to discuss general issues relating to sanctions.' (2000)
maintain a level of neutrality; powerful states and prominent members should not try to enforce their own agendas pursuant to their interests when deciding to impose sanctions.\textsuperscript{360} Finally and the most important function is that although the charter mentions sanctions as an enforcement tool it is rather ambiguous concerning its humanitarian impacts therefore the Security Council should design clear, precise and accurate resolutions.

\textit{The Secretariat: Re-Structuring and widening its scope of work}

It is the administrative focal center of the United Nations, and is ultimately responsible for the steering of an efficient sanctions implementation process. One of the most persisting problems facing UN secretariat is its weak structure, the limited number of its personal and its funding. Therefore there is considerable room for changes and restructuring. A well designed process of restructuring the secretariat can be the answer to many of the challenges we face in any sanctions regime. To begin with, increasing the number of staff responsible for sanctions implementation, review and imposition will guarantee efficiency and incorporate more systemized sanctions implementation and monitoring process could be an option.\textsuperscript{361} The Chowdhury working group proposed the undertaking of a comprehensive assessment report on the capacity and experience of the secretariat staff concerning the handling of and management of sanctions regimes.\textsuperscript{362}

It can also grant technical and technological help and access to all responsible parties of managing and reviewing sanctions. Moreover, the authority and power of the Secretariat should be expanded to share with the Security Council the responsibility of designing sanction and putting its modalities and principles. It should be responsible to create a complete guideline book or booklet on sanctions that details and clarifies the role of the UN (Security Council and sanctions Committee) in designing, and implementing sanctions regimes.\textsuperscript{363} This booklet should also include basic research, studies, reports and statistics on primary and elementary effects of comprehensive sanctions. It must also highlight methods and ways to limit and mitigate the impact of sanctions. The Secretariat should embark as well, on creating a data warehouse (Unit or

\textsuperscript{360}Ibid
\textsuperscript{361}Ibid
\textsuperscript{363} Ibid
website)\(^{364}\) accessible to people, and organizations alike through which all information, studies conducted, media stories, technical information relating to border control, customs, immigration and export – import control in addition to the experiences of targeted countries during sanctions.

4.2.1.2 The Sanctioning Process: Pre Assessments, Sanction's designing, imposition, implementation and review:

It must be admitted that this element is extremely complicated armed with a web of subsidiaries therefore for the benefit of the reader; it can be better explained through the course of four main stages:

*Stage one: Pre-Assessment*

This stage is unfortunately absent from the considerations of the UN or more precisely the Security Council when deliberations are ongoing and the option of sanctions is on the table. Although maybe considered by many as beyond the scope or timing of the corrective mechanism, nonetheless if adopted before sanctions designing and imposition could lead interested parties and the UN to totally disregard the options of sanctions when the human cost is too great or when its effectiveness is questionable.\(^{365}\)

The Security Council should either mandate certain experts (Economists, Sociologist and field researchers), even mandate on of its sub-agencies or international institutions like the World Bank, WTO or the IMF to conduct a complete research studies and gather reliable data. The conducted research should assess the current economic situation (export & import dependence), and the health, & educational systems of the targeted country.\(^{366}\) It should also deal with the economic and social impact of sanctions, the possibilities of the effectiveness of sanctions to reach its goals and whether the outcome of sanctions will out way the cost. It can also address other questions are well, such as

\(^{364}\) Cortright & Lopez, 'Sanctions and the Search for Security'(2002), p. 214, the Chowhury working group recommended the creation of a website that posts all experiences with international multilateral sanctions regime.

\(^{365}\) It should be noted that 'pre-assessment' was first mentioned as an attempt to reform sanctions regimes during the Security Council open discussion on sanctions on 17 April 2000. Also see Cortright & Lopez, 'The Sanctions Decade: Assessing UN Strategies in the 1990s' (2000) p. 225 & Cortright & Lopez, 'Toward Ethical Economic Sanctions', p.3. For more details see Cortright & Lopez, 'Sanctions and the Search for Security'(2002), p. 214, where the Chowhury report suggested the need to conduct pre-assessment reports and research.

what would be the most suitable type of sanctions that should be designed, the extent of political harm that would face the violating regime and or what would be the suitable and effective time and duration of sanctions without totally destroying the development efforts on the long run after sanctions are elevated. After finalizing the research, analyzing the collected data, research and reports becomes the next move based upon which, a detailed decision will be taken by the assigned authority. This decision should be extensively written in a briefing report that mentions the findings of the assigned party, and its recommendations. Then this report would be submitted to be reviewed by the Security Council based on which, it will decide the appropriateness of using sanctions and its design accordingly.367

Second Stage: Designing Sanctions

UN resolutions

They should clearly state the demands that international community wants the targeted state to fulfill and directly define the type of sanctions and steps for imposing it.368 These resolutions should detail out the mechanism of implementation, reviewing, monitoring and duration of sanctions.369 Moreover, a clause should be added to the resolution in order to insure flexibility to change amend the sanctions regime in light of new circumstances. Automatic suspension clauses370 should be added when a humanitarian disaster takes place.371 It should grant UN sanctions Committee wide scope and margin of flexibility to deal with crisis and disasters during sanctions imposition. Further still in an act of confirmation Humanitarian Exemptions clauses should be clearly included and stated in any sanctions resolution as a guarantee that

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367 Ibid, also the authors mentioned that the UN officials are increasingly support the concept of pre-assessment, they sent pre-assessment missions to Sudan (1997) and to Sierra Leone (1998)
368 The Stockholm Process, Working Group No. 3, discussion paper 'How Can the accuracy and effectiveness of targeted sanctions be improved and how can sanctions evasion be addressed' (2002).
369 For more details see Security Council Press Release SC/6845 4124th Meeting 17 April 2000 'Open Meeting to discuss general issues relating to sanctions.' (2000)
371 The famed Bosuayt report, 'The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights' 2000,p.21 suggests that when serious violations are registered the sanctioning imposing body should automatically act to review and mend inappropriate effects and apparent problems. He even goes further that severe violations of human rights should be a direct reason to suspend sanctions.
these resolutions will preserve the minimum requirements of human rights preservation.\textsuperscript{372}

**Type of sanctions imposed**

After Pre-assessments, it is necessary for the UN Security Council to accordingly decide the best type of sanctions that serves the purpose of imposing sanctions in the first place. Economic sanctions could be on a selective basis that targets country specific sensitive sectors or a general export embargo or an import embargo. In other cases, the Council could consider a ban on an important product like oil, rice, cotton, and steel. This kind economic targeted sanction is a new orientation pushed forward by many political veterans that are pro sanctions but trying to mitigate its impact. Travel Embargos or Arms embargo have already been adopted as an alternative to economic sanctions. It is also necessary to carefully consider the time of sanctions regime to be applied according to strict criteria that take into consideration the impact on people, political nature of the country and economic nature of the country.

*Third Stage: Sanctions Implementation*

After designing UN resolutions by which sanctions are legally imposed on a targeted country, the process of imposing them according to the rules and standards of the UN and Human Rights have always been considered to be challenging.

**Supervisory Authority**

According to the UN a sanctions committee are the legal body responsible to managing and operating the sanctions regime. It is credited with the ability of utilizing the clause of humanitarian exemptions, However, due to the surmounting negative impacts of sanctions under the auspices of the sanctions committee and to add credibility, independence and objectivity some experts proposed new sanctions implementing bodies that act as supervisory board or a steering unit under which the sanctions committee can operate. The famous 'Chowdhury' working group\textsuperscript{373} recommended the establishment of an independent 'UN Council on Economic Sanctions' that is holistically responsible for all sanctions related issues with its own


\textsuperscript{373} In 2000 the UN Security Council decided to create a working group to discuss and research issues pertaining to economic sanctions known as the Chowdhury working group since it is chaired by Anwarul Karim Chowdhury.
charter or list of rules and regulation on its operational framework, while others propose the creation of a 'New office of Sanctions affairs' with a separate budget under the auspices of the UN secretariat.

**Subsidiary Committees**

Although presently the sanctions committee is the main responsible authority for sanctions implementation directly under the UN, in this thesis it has been suggested that it is necessary to appoint a 'supervisory authority' that has the role of supervising and managing any subsidiary bodies including the sanctions committee. This supervisory authority then answers to the Security Council, UN secretariat and UN secretary General.

a) Sanctions Committee

Without doubt, the sanctions committee is the backbone of any current sanctions regime however, history bared witness to many shortcomings inherent in the operational mechanism of this committee that needs to be remedied. It should be expanded to include professional experts in economics, and humanitarian crisis to better equip the committee with close understanding of the harsh reality of the populace under sanctions.

Along the same lines, it should conduct comprehensive monthly assessments report as a form of follow up and update on the effects of the sanctions and how it should accordingly respond to them. When implementing the procedures of humanitarian exemptions the committee is plagued with bureaucracy and inflexibility in filling and reviewing the applications in addition to taking decision of granting exemptions. This directly led the 'Chowdhury' working group to suggest the issuing of 'standardized and simplified applications for humanitarian and other exemptions." Consequently this resulted in inefficiency, loss of valuable time precious to the livelihood of people and affected the credibility of the sanctions committee. Yet, according the corrective mechanism this could be rectified through increasing the personnel of the committee or

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374 Cortright, Lopez & Gerber, 'Sanctions and the search for security: Challenges to UN Actions' (2002), p. 213
375 It is worth mentioning that Ukraine proposed the establishment of a standing Security Council sanctions committee during the security council meeting on general discussions on sanctions 17 April 2000.
its representatives; through increasing its presence on the ground and carefully distributing its personnel to cover important cities across the country.

It can work on granting humanitarian organizations or other entities information and tips on the steps needed to apply for humanitarian exemptions and it can seriously commit to being flexible and lenient at the time of humanitarian crisis. The committee should also have an active part in pooling global efforts and funds to maintain if not renovate existing infrastructure of the country, in order to avoid a major country crash down in case of deteriorating infrastructure.

Further a field, in the context of efficient compliance and flexibility the committee must have complains hotline, or office or officer to receive complains and claims. It is inclined to review these complaints objectively, after which it can either directly respond to them if possible or file them to a higher authority that will respond to them. It has also been suggested by experts that, the chairperson of the sanctions committee should conduct regular visits to the targeted country in order to harness a better perspective of what is happening on the ground and during sanctions.\textsuperscript{377}

b) Political Committee:

...In a previous section mentioned in the third chapter 'The Politics of Foreign Policy', it has been suggested that a political follow up committee should be created as a form of ongoing monitoring of the changing political and strategic circumstances surrounding a sanctions regime. To assemble a comprehensive outlook on proper sanctions implementation, two remaining issues need to be addressed:

\textit{Financing and Funding Economic Sanctions Regime}

It is not a secret that the UN suffers from escalatory budgetary constraints that makes it pretty hard to completely control and implement a sanctions regime with minimal humanitarian impact. Notwithstanding, it is necessary to find ways to allocate generous funds to sanction's regime management and operation independent of the ordinary budget and expenses of the UN. Individual donor countries could be the main source of funding sanctions regime on a case by case basis, countries with strategic and political

\textsuperscript{377} For more details see Security Council Press Release S/5845 4128th Meeting 17 April 2000 ' Open Meeting to discuss general issues relating to sanctions.' (2000), also see Bruderlein, 'Coping with the humanitarian impact of sanctions: An OCHA Perspective' (1998), p. 8
interest to impose sanctions are the most likely to donate money or technical assistance to the UN. Along the same lines NGOs and humanitarian groups should be encouraged to have a larger stake in financing relief and humanitarian efforts. Moreover, the UN has the credibility to manage an 'International Sanctions Mitigation fund' (donations from all over the world, individuals and co operations and countries) that will help in assisting and aiding needy people under a sanctions regime.

**Humanitarian Exemptions**

The last important section in sanctions implementation is the part that deals with Humanitarian Exemptions, its effectiveness, and scope have constantly been put to the test and are considered a debatable subject. As with every thing else humanitarian sanctions can indeed benefit from changes and new suggestions in the course of our discussed mechanism.\(^{378}\) The procedures and steps to fulfill conditions of exemptions should be stated clearly and transparently and the application form of exemptions request as some suggest should be simple, clear and direct to help standardize the process of exemptions.

Moreover, the type of exempted goods should not be standard or generic unfortunately though this is always the case. Experts suggest that besides regular exemptions there should also be 'country specific exemptions' and 'item specific exemptions'.\(^{379}\) Humanitarian exemptions should be expanded when humanitarian NGOs and groups apply for exemptions. As well, experts suggested the creation of an 'end use certification' which guarantees that the exempted goods will not be used for purposes other than humanitarian and for civilian use. This certificate could be the ideal solution for granting exemptions for an increased number of essential goods. They also consider the inefficiency of distribution of exempted goods to be a significant obstacle in need of a quick solution. A fixed and short distribution channel that guarantees equality and fairness is key to any real effort of helping the population. Reliable parties, persons from the government, civilians or foreign humanitarian organization in addition to UN

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378 For more details see Security Council Press Release S/6845 4126th Meeting 17 April 2006 'Open Meeting to discuss general issues relating to sanctions.' (2000)
personnel should be considered all as witnesses and party to the supply chain with a proof that exempted goods does reach the needy.

**Fourth Stage: Reviewing and Monitoring Sanctions**

To begin with, the purpose of reviewing and monitoring sanctions is to allow constant alteration of sanctions design and implementation, and to help in looking after the wellbeing of ordinary citizens. In addition, it aims at evaluating the success of sanctions and its duration and based on monitoring long term economic, social and political effects of sanctions.\(^{380}\) Unfortunately it is apparent that such comprehensive monitoring mechanism does not exist in reality,\(^{381}\) not because it is unattainable, but because of a lack of determination and disregard of self interest. An institutional monitoring mechanism should be set. Having safely established this, the process of reviewing and monitoring should include:

**Evaluation reports**

a) **External Evaluation**

These evaluative technical reports are dedicated towards careful examination of circumstances, efficiency, and implementation of sanctions on the targeted country. Therefore, they should thoroughly cover several areas such as the extent of humanitarian impact on the population, and the degree of convergence of human rights, international law and the existing sanctions regime. These reports should deal with repercussions of sanctions design, its implementation, its economic and social impact, on both the long and short term. One last significant factor that such reports need to address is logistics: export – import control, customs, and border control.

b) **Internal Evaluation**

UN secretariat, sanctions committee, other authoritative bodies such as Security Council, individuals such as Director General could all be responsible to delegate or conduct investigative reports on conducts and efficiency of implementing sanctions.

\(^{380}\) Ibid, conducting periodical assessment reports seems to be the most suggested action to enhance the efficiency of sanctions implementation and curtail its adverse effects. Also see Cottrill, Lopez & Gerber, ‘Sanctions and the search for security: Challenges to the UN Action’ (2002), 204. Also see Bruderlein, ‘Coping with the Humanitarian Impact of Sanctions: An OCHA Perspective’ (1998) & Geiss, ‘Humanitarian Safeguards in a sanctions regime’ (2005),p.15.

\(^{381}\) It is worth noting that the secretary – general's suggested that the security council should establish 'a permanent technical review mechanism of United Nations', see UN document s/1999/957 of 8 September 1999,p.16. Also it is worth mentioning that the UN Committee of Experts on Afghanistan, May 2001, s/2001/511 suggested the creation of an office of sanctions monitoring and coordination.
Resolutions, and evaluate the output, and productivity of persons responsible. This is in addition to assessing and evaluating facilities, funding, equipment, and expertise used.

**Regularity and Continuity of Evaluation and Monitoring**

Monitory reports are crucial and if not pursued regularly and constantly to keep track of changes, render any efficient sanctions regime obsolete and highly ineffective.\(^{382}\) Building on this, Sanctions Committee should conduct monthly or quarterly field reviews, technical reports and gather updated statistics. UN secretariat should also conduct research or contract professional experts for an evaluation report.

**Third Party Participation**

International humanitarian organizations should be allowed and encouraged to participate in assessments and evaluations\(^ {383}\) through sending representatives of the UN to be active participants of the regular evaluation or they could be independently granted the opportunity to issue their own monthly, quarterly or yearly review.

4.2.2 Second Division: Developmental policies and constituents:

4.2.2.1. Role of the Government:

The legal governing authority in the targeted state, I consider it to be the most detrimental element of the corrective mechanism. It holds within its scope of authority the power of instigating policies, and long term economic projection. Having said that, it is therefore the duty of the government to create the necessary economic conditions to face any possible external economic threat. It should be responsible for insuring:

**Degree of Dependency**

a) Dependency on Foreign Trade:

The government should strike a balance between the need to maintain a healthy level of trade exchange with the world economy, yet it should not cross the threshold of

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\(^{382}\) In the famous Bossuyt, 'The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights' (2000), p.21, the author states that there is an 'obligation to evaluate on a continual basis every proposed or ongoing sanctions regime now exists as a binding feature of international law.'

complete dependency with no alternative substitutes. The government should not exclusively and completely import raw material, technology, vital goods and machinery. Instead it should regularly hold reserves, try to retain the know how, have available domestic substitutes, or have the ability to produce domestically these substitutes or same products on short notice even when the cost and price is much higher.\textsuperscript{384} If it intends to maintain export led economies should also take into consideration the needs and requirements of the domestic market not only the international one, specializing in exporting a product that doesn’t have domestic demand will seriously injure the economy in case of total exports ban. Thus diversification of the economy is a vital aspect.\textsuperscript{385} There is need for government to at least consider small scale production of domestic demand driven products.

b) Foreign capital and investments:

The Government should encourage national investments just as much as it encourages international ones. National companies, expatriates, family businesses, and SMEs should be endorsed by investment policies of the government.\textsuperscript{386} Governments should grant facilitated loans, credits and encourage expansion and push for establishing joint ventures as a way to secure the non withdrawal of foreign capital during a sanctions regime.

\textit{Availability of strategic resources:}

Regular assessments and checkups should be adopted on periodical basis to receive constant feedback concerning the availability of vital primary products and goods to citizens such as Food (Wheat and Sugar) or Oil (Fuel).\textsuperscript{387} In anticipation of an economic sanctions regime the targeted country should strive to hold a comprehensive check on the volume and quantity of available resources. As well the country should put a detailed plan concerning the means, methods and frequency of distributing these resources to the citizens. The number and geographic distribution of the population should be factors held under consideration.

\textsuperscript{385} Ibid p.2
\textsuperscript{386} Ibid
\textsuperscript{387} Ibid
International assets:

Countries should try to keep international assets in friendly countries that entertain close relations with the targeted country.\textsuperscript{388} Liquidity is an important key point in this regard, all assets should retain a degree of liquidity concerning the type of assets they have. Accordingly, the country can try to sell its assets and regain money at the first sign of the possibility of sanctions imposition.

Ability of mobilization:

Any government should have a complete and comprehensive mobilization system\textsuperscript{389} that will enable it to withstand any economic sanctions regime. According to Chinese Military Expert Jiang Luming An efficient mobilization system should ensure "a rapid start, swift and mobile response, orderly operation and close coordination" that will help the economy to kick start after sanctions imposition.\textsuperscript{390} In the context of this factor we should emphasize on three main issues:

a) Resources: The ruling party should strive to secure transportation, delivery, and storage areas distributed around the country. Moreover it must find alternatives to dire or diminishing resources.\textsuperscript{391}

b) Capital: The government should assist through the know how and expertise local businesses to change the nature and type of their production line in case of the banning of exports and imports essential to the process of production. This can happen through technical assistance schemes, sharing the expenses and costs of changing production line. In addition to assessing the facilities and machinery in local factories and checking whether it can be used for other production lines.

c) Work Force: In the same context the government should aim to curtail rising unemployment through mobilizing and re-directing labor\textsuperscript{392} form specific field or line of work to others available during sanctions such as agriculture. This can take place by

\textsuperscript{388} Ibid p.3
\textsuperscript{389} Jiang Luming " Certain Issues on China Countering Future Economic Sanctions' (2001), p.3
\textsuperscript{390} Ibid
\textsuperscript{391} Margret Doxey in her book 'International sanctions in contemporary perspective' (1996) suggested that the targeted country as a source of countered defense ration strategic material and redirect their use through carefully planed and implimented quota as another method of preservation of resources.
\textsuperscript{392} The idea of re-directing labor was mentioned in the context of the defense of the economy against sanctions in Doxey, 'International Sanctions in Contemporary Perspective', (1996) p.99
encouraging and giving vocational training and supplying workers with necessary tools, equipments and machinery for their new field of work.

Institutional Efficiency:

Responding to a sanctions regime the targeted government (often authoritarian) should adopt a modified institutional framework and define a new relationship with its economic and financial institutions in order to insure operational efficiency, and better serve the ordinary citizen. It has to realize that it is important to instigate a sort of decentralization process that consequently grants economic and financial institutions a form of autonomy. It also has to acknowledge the need to fight corruption within the hierarchy of departments and units in addition to individuals. In the same context, retaining managerial skills and methods from international expertise along with limiting bureaucratic practices could also contribute to increasing institutional efficiency which in return will be better equipped or prepared to face any threats of sanctions. If these efforts are seriously adopted it will lead to cushioning some negative impacts of sanctions. Time management, promptness in decisions and projected planning will pave the way to a government that is able to mobilize the economy, and adapt to sanctions.

Social Responsibility:

The role of the government in sanctions mitigation transcends the boundaries of economic responsibility to surpass the threshold of the social as well.
a) Identity and Citizenship

The government has the inherent role of nurturing emotions and feelings of identity, and nationality. As a ruling authority, it can gradually build up a strong sense of belonging through utilizing the media to market sentiments of nationalism and patriotic feelings. It should introduce a new educational system and school curricula that work on building gradual sense of identity in the younger population of the country. Along the same lines, it should aim to encourage social and cultural cohesion of people, in addition to harmonizing multicultural societies and putting comprehensive social safety nets and public welfare policies that grant the ordinary citizen a feeling of security and self respect hence respect in the system of his\ her country. If economies are the means to physically and materially meet the needs of the citizen it’s the pride in identity and
strong belief in the nationality that will lead to meeting the psychological needs of people during sanctions and avoid population up rest. These factors if exit, will indirectly and progressively result in meeting the psychological needs of people during sanctions and support them in withstanding economic hardship, suffering and humiliation in addition to preserving the essential structure of the community and state.

b) Collaboration with Civil Society

Apart from its legislative and governing role, and as an extension to its social role the government should and must realize, acknowledge and underscore the essentiality of building bridges and linkages with the civil society, especially during economic sanctions regime. Therefore a strong based collaboration and partnership between these two parties can be realized through launching of shared social, educational projects and programs aimed at enhancing social and economic conditions of people. Exchange of information and expertise, besides financing and funding surveys and research conducted by NGOs and other international organization can also be a viable bond and linkage between the two sides. Indeed if regular cooperation is achieved, assistance and help will reach an increased number of citizens that could not have been reached by the government alone. This will also add a dimension of objectivity and credibility to the existing humanitarian and economic crisis.

4.2.2.2. Domestic Civil Society

Locally based humanitarian associations, and non profitable organizations can conspire to play a leading role in the rally against negativities of economic sanctions. These organizations have the financial and social ability to efficiently work during sanctions in an independent manner. Domestic Civil Society must live up to its role as a focal point through which international civil society and public opinion are updated on the actual extent of humanitarian crisis. It can assume the responsibility of being a source of raising international funding campaign for humanitarian assistance and a

393 For more details see Security Council Press Release SC\6845  4128th Meeting 17 April 2000 ' Open Meeting to discuss general issues relating to sanctions.' (2000)
mediator in the process of humanitarian exemptions conducted by UN. NGOs can convey the true needs of food and medicine that are vital to ordinary people.

4.2.2.3. Ordinary Citizen: Cultural ties & Religious Adherence

Social safety nets doesn’t always have to be set by the ruling government, cultural ties and religious adherence throughout history have proven to be another source of safety nets that preserves the structure and fabric of society amidst wars and conflicts. Considering Cultural ties and religious adherence as a strong motivation, it is then of no surprise that the ordinary citizen as well has a responsibility to himself/herself and fellow citizens towards mitigating sanctions effect. Groups of people, societies, or rural and urban communities can conspire through sentiments of brotherhood and common cultures to establish community centers that promote adherence and brotherhood, and forms of adapting to the economic hardships of sanctions regimes. These centers in return can give educational seminars, and vocational training to redirect the unemployed to domestic jobs by acquiring skills in agriculture, furniture making, and carpentry among other things. Such centers can be the venue for discussion group meetings to exchange ideas, and assistance. These can also help in establishing a fund that pools the resources of high income citizens to help others in need and offer financial assistance, food rations, infant supplies, educational materials among other things to those in dire need gather through donations or the centers funds.

The process of establishing them is not difficult; the premises could be launched in a small place, with no significant cost, or could be donated by international NGOs. Other than Community centers, families could always share their meals and houses with long distant relatives, and friends in need. In the same regard, individuals with certain professions such as doctors, teachers, and lawyers could offer their services for free or with minimum fees to those affected by economic sanctions the most. Family businesses could employ relatives and friends even for small wages and barter could be the ideal solution for hyperinflation in closely knit societies where people exchange goods, activities and services without the need for money, this is built on a sense of trust.

4.2.2.4. National Media:

In alignment with the pertinent, prominent and evolutionary role of media today both internationally and domestically, the culture of consumerism and the business of
cultivating needs and wants, there is a necessity to alter ongoing perceptions and views of the public for their benefit during a sanctions regime. It is also important to mention that the government is often the controlling real authority of the media in targeted countries. It is also true in this case that the operating atmosphere of the media is more often than not charged with vibes of political inclinations of the ruling governments. However, since the linkage between the government and the media could allow exceptions, ambiguous and often not admitted. It is more appropriate to discuss the role of the national media separately from the role of the government.

a) Planned Awareness Campaigns: in the form of advertisement, broadcasted talk shows, seminars, TV surveys could help prepare ordinary citizen psychologically to the hardships of sanctions, changed economic conditions and declining standards of living. Retaining information, forecasting the future, knowing what to expect is the gateway responsible for an easier adaptational process undertaken by ordinary citizens. It can also alert people and the opposition on the harm of sanctions that often rallying for it while being totally ignorant of its consequences.

b) Informative TV & Radio programs: That offers actions, information and data on how to overcome or at least adapt to social and economic problems faced during sanctions.

c) Encouraging National products: Advertising and marketing domestic products as substitutes to certain exported goods whenever possible or when there is a room for domestic alternatives to be produced with same or lower cost is a key to elevating certain economic imbalances and breach gaps resulting form shortages in exports and lost trade value.

d) Advertising Solidarity: Another significant aspect that could also be utilized in pursuant of sanctions mitigation on the social level is pulling the strings of social cohesion, solidarity, and brotherhood. Such a strategy if successful could have a double impact; it will have a share in creating a social cushion based on unity and commonality and secondly it could contribute to assisting the government into avoiding instability, internal insecurity and upheaval. Vital to note is that advertising solidarity could also be used by civil society for the same purpose but beyond the sphere of government control.
4.2.2.5. International Society

*International organizations*

All constituents of international civil society including organizations are usually active during any humanitarian crisis, especially in a large scale humanitarian suffering such as that of Iraq. Therefore concerning international organizations, it is not a matter of intensity and level of their work, but the method of channeling their tremendous efforts and the results of such efforts at the end of which is the relief of ordinary citizens. International organizations should be extrovert to all available methods of communication necessary to guarantee the receipt of people to humanitarian relief, by raising funds on a large scale for humanitarian relief, through media campaigns, events, and approaching rich and renowned figures for financial support. They can be more supportive by embracing initiatives of close joint projects between government and the sanctioning party (UN)\(^{394}\) and conducting large scale technical research, studies and deriving statistical data from the targeted country. These organizations can send their humanitarian experts to help the government and sanctioning party on how and what is the best way to mitigate harsh conditions of people under sanctions.

*Third Parties: States and International global Standards*

Developed industrialized countries should live up to their promise of assisting and helping developing countries. They entrenched 'development' to be a global theme anonymous to peace, harmony, and modernization. UN Millennium Goals and Doha 'Development' round of multilateral trade are but two examples of the importance of development. Thus strong developed countries should take into consideration the type, duration and harshness of economic sanctions not to completely affect long term perspectives of development.

\(^{394}\) Cortright & Lopez 'The sanctions decade' (2000) p.235, also see Cortright & Lopez, 'Sanctions and the Search for Security'(2002), p. 214 where the chowdhury working group underscored the importance of have solid and generative cooperation between the sanctioning part and international and regional organizations.
4.2.2.5. Technology & Communication:

Notwithstanding much argument the world is indeed experiencing a technological revolution in all domains of life that works towards fulfilling the prerequisites of modernity and globalization.

*World Wide Web:* or what is known as the internet is a massive technological advancement that holistically benefited humanity. Sanctions are not a barrier to the influence and positive externalities of the internet. To begin with, from the viewpoint of the targeted state it is a window to the external world, a venue to through which the adverse impact of sanctions could be broadcasted to the world, and an essential source of exchanging information. It is also now relatively available to the ordinary citizen through cafes, lounges, and even at home which also could be a direct channel to target the citizen and help him in the adaptation process. The government, international society and humanitarian organizations should take a step forward in assisting the public to access the internet either for free or a small fee in different areas located throughout the country, in addition to giving computer skills training and teaching people to use the internet.

*Telecommunications:* via satellite, and digital technology, international calls and mobiles are also now accessible to all countries and large majority of populations, which could also be another venue for the above stated benefits and reasons. All responsible parties should strive to make the access of such technology available to people and assist them in using it and understanding its benefits.

4.2.2.6 The politics of foreign policy

In the context of the politics of the carrot and the stick it is absolutely necessary for the UN (Security Council) or any other sanctioning entity and with the vital contribution of strong countries to engage in a dynamic political dialogue with the targeted state that is characterized with flexibility\(^{395}\) and creativity. It is not to the benefit of the international community to keep the targeted state an isolated island without any serious channels of communication.

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\(^{395}\) Sanctions experts Cortright and Lopez stressed on the importance of flexibility in strategy. Flexibility should be incorporated in any sanctions policy framework. This was mentioned Cortright & Lopez, 'The sanctions Decade: Assessing UN Strategies in the 1990s' (2000).
Therefore as counterbalance to the UN sanctions committee a 'Political Follow-up' committee could be formed for this sole purpose. This committee could either consist of a representative of members of the Security Council or distinguished diplomats assigned by the Secretary General. Moreover, the political committee should operate under a wide and flexible mandate that grants it all possible means and methods to try and establish bridges and channels with the targeted regime in an ongoing effort to lift sanctions and elevate the sufferings of the people. It also should offer dynamic incentive package that are case specific relation to the unique economic conditions, political environment of each targeted state. These incentive packages should include promises of economic nature that tackles the need of development in the long term. These economic promises could include financial aid, technical assistance, educational grants, long term loans from international financial institutions, technology transfer among other things. To achieve this, the committee should work in the context of a legal and regulatory framework that envelops it from third party intervention and political influences.

4.3 What's Next After Sanctions?

Pursuant to the purpose and goal of the presented corrective mechanism, it is vital to supplement the above detailed efforts with a comprehensive follow up arrangement that deals with the after effects of sanctions regime ranging from increased poverty, unemployment, deteriorating infrastructure, and crime. It is indeed undeniable that the after effects of any sanctions regime should not be taken by the international community lightly. The long term well being and prosperity of the population of the targeted state depends on the support of states and international organizations.

4.3.1 Financial Aid:

International financial institutions and donor countries have an obligation towards assisting the targeted country after lifting sanctions to recap its economic loses and help it regain its economic strength. This can take place through financing projects of infrastructure development, long term loans with low interest rates and targeted grants to develop specific sectors (education, health...).

4.3.2 Technical Assistance:

Sending technical experts and advisors to the targeted country to complement its efforts to limit long term effects of sanctions and push the wheel of development
forward through the use of bilateral relations, could be the key to easing any economic and social after effects of sanctions. International institutions such as World Bank has developmental projects that if used can help in establishing technology centers, institutions and aid government agencies.

4.4 Remaining issues that need to be addressed:

The above presented 'Corrective Mechanism' is by no means binding or the only outcome and result of existing loopholes of the configurations of sanctions regimes. As well it should be clear that it is not necessary or vital to implement all of the above suggestions and consider the mechanism rendered ineffective as a result. I stress again that the main purpose of this mechanism I to provide a selection of ideas that could be considered a remedy of sanctions adverse impacts. Further suggestions and ideas can always be added.

4.4.1 Conditions for an effective sanctions mitigation framework:

Pragmatically speaking, the fruits of labor of any serious mitigation efforts could not be reaped unless its constituents are operating in the context of an effective framework. Such an effective framework is attainable if certain conditions are pursued and met:

4.4.1.1 Motivation:

The Political Will to launch this corrective mechanism and operate it is at the heart of its success. International leaders and strong nations acknowledge and underscore the fact that up till now there is no alternative to economic sanctions. Therefore, it is vital to mainstream its negatives while keeping it a vital option in the context of coercive diplomacy.

4.4.1.2 Resources:

It is hard to use lack of resources as a counter argument to the viability of the mechanism. History is impregnated with wars that cost billions of dollars and the American war on Iraq will not be the last example. If the political will existed, countries can pool enough resources such as money, humanitarian goods, man power, experience and technology to pull it off.

4.4.1.3 Synchronization and synergy:

All instigated mitigating efforts incurred from the above mentioned mechanism or other external activities as well should be enacted according to a well organized plan or
structure that will ensure harmony, avoid deficiency and abolish repeated and conflicted efforts.

4.4.1.3 Connectivity:

To attain the required synchronization, all parties involved should begin by opening numerous channels of continues communication through which follow ups, developments and work harmonization and standardization could be exchanged and achieved.

4.5 Conclusion

In the previous four chapters, I tried to exhibit and proof the eminent and immediate need to find a mechanism of sanctions mitigation and insure its perpetuation. In the first chapter, I presented a comprehensive outlook on existing literature and theoretical background of economic sanctions which proved to lack any serious attempt to explore sanctions from the view point of ordinary people. All available literature often evaluate the effect of sanctions and its importance as a foreign policy tool notwithstanding the ways of making it better to the ordinary individual through adaptation and mitigation. In the second chapter, I wanted to clarify and discuss economic sanctions in the context of international law and with regard to a perplexed relationship to human rights and humanitarian law. At the end of this chapter it was found that although sanctions are a legal tool they should be limited by humanitarian legal considerations.

While in the third chapter, I decided that studying the legal dimension, economic and social perspective of sanctions implementation and their impact on citizens could be best served through the close examination of sanctions cases. These case studies could act as an indicator of the weakness of existing efforts taken by various sources and entities and a highlighter to the rising need of a comprehensive mechanism of sanctions mitigation. The fourth chapter was based on my humble expertise in sanctions compiled and harvested in this research adventure and the existing suggestions of researchers. I attempted to present and suggest a comprehensive system or mechanism comprised of several factor and actors essential to the safe implementation of any sanctions process. After which a small section was dedicated to explaining the means by which we can insure the continuous efficiency and cohesiveness of the suggested mechanism. Finally,
in this concluding brief chapter, it is vital for the sake of any presented counterargument to include a reference to what experts and intellectual call 'smart sanctions'.

4.5.1 The Road to Smarter Sanctions?

It is quite remarkable to observe the sigh of relief of the international society upon declaring a new enhanced version of sanctions as the key to the quandary we have been discussing throughout this thesis. The promise of targeted and smart sanctions that will penalize those directly responsible for the breach of international law without causing any collateral economic and social damage to the ordinary population is admittedly appealing and encouraging. Amidst a tirade of discussions pertaining to the validity and humanitarian impact of sanctions, the UN and world wide academic elite soon embarked on marketing an era of 'guiltless sanctions' that have the same political purpose and impact as ordinary comprehensive economic sanctions.

Smart Sanctions were carefully designed to guarantee the end results of normal comprehensive sanctions while cleverly minimizing or even completely eluding the negative and adverse effects felt by the innocent populace. Financial sanctions, travel sanctions and arms sanctions were imposed to directly affect the ruling authority either through forbidding officials from traveling and freezing their overseas assets or through banning the selling of weapons and arms to them. However the real practical implementation of these new types of sanctions proved to be rather disappointing so far at least. Global testimonies of sanctions expert attested that the degree of effectiveness of these sanctions is not as strong or promising as normal economic sanctions.396 Renowned experts Cortright and Lopez announced that cases of smart or targeted sanctions yielded ambiguous results.397 In Africa most of these sanctions were breached and resulted in all most no noticeable changes. Thus the only truth that we have so far concerning the topic of smart sanctions is that the theoretical base of targeted sanctions 'outpaces the development of practical systems to implement these sanctions'.398

4.5.1 Concluding remarks:

Taking a realistic stance and preserving a minimum degree of objectivity, world leaders, officials, and intellectuals should live up and make good of countless promises, slogans, speeches and declarations calling for a world of perpetual peace ruled by diplomacy. Indeed the pressures can not be denied, political interests can not be ignored, yet the price of multilateral economic standards should not be a burden shouldered by innocents.

It is therefore the duty and responsibility of all players on the international arena ranging from leader, states, international organizations to the civil society and the ordinary individual to take active steps and actions to support attempts to mitigate adverse impacts of economic sanctions such as the proposed 'corrective mechanism'.
Bibliography

Books


**Journal Articles**


**Magazine Article**


**Newspaper**


**Electronic Resources**


Reports and Conferences


Tables and Figures

1- Index of Industrial Production in Yugoslavia


2- Budget in FRY measured in terms of percentage of GDP


3-GDP and GDP per Capita in Yugoslavia


4- Purchasing Power of Average Income

Data Charted from the WFP Belgrade quoted in Garfield, 2001, p.34.

5- Retail Prices in the Federal Republic of Yugoslavia

Appendix 1

Table 1: Economic Sanctions in History

<table>
<thead>
<tr>
<th>Sender</th>
<th>Target</th>
<th>Active years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athens</td>
<td>Megara</td>
<td>432 B.C</td>
</tr>
<tr>
<td>Rome</td>
<td>Jerusalem</td>
<td>A.D 72</td>
</tr>
<tr>
<td>King Stephen of England</td>
<td>Baldwin de Redvers</td>
<td>1138</td>
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<tr>
<td>Geoffrey of Anjou</td>
<td>Rouen</td>
<td>1144</td>
</tr>
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<td>Mongolia</td>
<td>Baghdad</td>
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</tr>
<tr>
<td>American Colonies</td>
<td>Britain</td>
<td>1765</td>
</tr>
<tr>
<td>American Colonies</td>
<td>Britain</td>
<td>1767 – 1770</td>
</tr>
<tr>
<td>Britain and France</td>
<td>France – Britain</td>
<td>1792 – 1815</td>
</tr>
<tr>
<td>United States</td>
<td>Britain</td>
<td>1812 – 1814</td>
</tr>
<tr>
<td>United States</td>
<td>Confederate colonies</td>
<td>1861-1865</td>
</tr>
<tr>
<td>Prussia</td>
<td>France</td>
<td>1870</td>
</tr>
<tr>
<td>Versailles</td>
<td>Paris</td>
<td>1871</td>
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Table 2: selected pre – First World War examples of economic sanctions

<table>
<thead>
<tr>
<th>Sender</th>
<th>Target</th>
<th>Active Years</th>
<th>Background</th>
</tr>
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<tbody>
<tr>
<td>Athens</td>
<td>Megara</td>
<td>c. 432 BC</td>
<td>Limiting access to Megara's products</td>
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<tr>
<td>American Colonies</td>
<td>Britain</td>
<td>1765</td>
<td>Boycotting English goods</td>
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<tr>
<td>American Colonies</td>
<td>Britain</td>
<td>1767-70</td>
<td>Boycotting English goods</td>
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<td>Britain and France</td>
<td>Britain and France</td>
<td>1793 – 1815</td>
<td>Napoleonic wars – France developed sugar beet as substitute products. US embargoed British goods</td>
</tr>
<tr>
<td>United States</td>
<td>Britain</td>
<td>1812 – 14</td>
<td>Napoleonic wars – France developed sugar beet as substitute products. US embargoed British goods</td>
</tr>
<tr>
<td>Britain and France</td>
<td>Russia</td>
<td>1853 – 6</td>
<td>Danube Blockade</td>
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<tr>
<td>US North</td>
<td>Confederate states</td>
<td>1861-5</td>
<td>Economic Blockade</td>
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<td>France</td>
<td>Germany</td>
<td>1870 -1</td>
<td>Franco Prussian war-Economic Blockade</td>
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<tr>
<td>France</td>
<td>China</td>
<td>1883 -5</td>
<td>Indochina war – France declared Rice contraband</td>
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<tr>
<td>United States</td>
<td>Spain</td>
<td>1898</td>
<td>Spanish American war – naval blockade</td>
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<td>Britain</td>
<td>Dutch South Africa</td>
<td>1899 – 1902</td>
<td>Denial of contraband articles</td>
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<td>Russia</td>
<td>Japan</td>
<td>1904 – 5</td>
<td>Russo-Japanese war- blockade on fuel, rice and cotton</td>
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<tr>
<td>Italy</td>
<td>Turkey</td>
<td>1911- 12</td>
<td>Limited blockade</td>
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### Table 3 History of multilateral Sanctions in the Twentieth Century, League of Nations:

<table>
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<th>Sender</th>
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<th>Issue</th>
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<tr>
<td>League</td>
<td>Yugoslavia</td>
<td>1921</td>
<td>Invasion of Albania</td>
</tr>
<tr>
<td>League</td>
<td>Greece</td>
<td>1925</td>
<td>dispute Greece and Bulgaria</td>
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<tr>
<td>League</td>
<td>Japan</td>
<td>1931-1932</td>
<td>Invasion of Manchuria by Japan</td>
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<tr>
<td>League</td>
<td>Paraguay –Bolivia</td>
<td>1932-1935</td>
<td>Border dispute</td>
</tr>
<tr>
<td>League</td>
<td>Turkey-Bulgaria</td>
<td>1933</td>
<td>Drug trafficking</td>
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<tr>
<td>League</td>
<td>Italy</td>
<td>1935-1936</td>
<td>Invasion of Abyssinia</td>
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<tr>
<td>League</td>
<td>Spain</td>
<td>1936-1939</td>
<td>Civil War</td>
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### Table 4 History of multilateral Sanctions in the 20th Century of United Nations:

<table>
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<tr>
<th>Sender</th>
<th>Target</th>
<th>Active years</th>
<th>Issue</th>
</tr>
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<tbody>
<tr>
<td>UN</td>
<td>North Korea</td>
<td>1945-1953</td>
<td>Conflict between US &amp; USSR about troops in South Korea</td>
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<tr>
<td>UN</td>
<td>Soviet Union</td>
<td>1948-1949</td>
<td>Conflict between USSR and allies over Germany</td>
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<td>UN</td>
<td>Portugal</td>
<td>1960-1974</td>
<td>Colonialism in Southern Africa</td>
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<td>UN</td>
<td>South Africa</td>
<td>1962-1994</td>
<td>Apartheid and annexation of Namibia</td>
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<tr>
<td>UN</td>
<td>Rhodesia</td>
<td>1965-1979</td>
<td>Rhodesia's policy of racial discrimination</td>
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<td>UN</td>
<td>Iraq</td>
<td>1990-on going</td>
<td>Invasion of Kuwait</td>
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<tr>
<td>UN</td>
<td>Yugoslavia</td>
<td>1991-1998</td>
<td>War between Serbia and Croatia</td>
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<td>UN</td>
<td>Somalia</td>
<td>1992-ongoing</td>
<td>Civil war in Somalia</td>
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<tr>
<td>UN</td>
<td>Libya</td>
<td>1992-1999</td>
<td>Libya's involvement in Lockerbie</td>
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<td>UN</td>
<td>Cambodia</td>
<td>1992-1993</td>
<td>Khmer Rouge regime</td>
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<td>UN</td>
<td>Liberia</td>
<td>1992-2001</td>
<td>Attack of National patriotic party on regime of Samuel K. Doe</td>
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<td>UN</td>
<td>Haiti</td>
<td>1993-1994</td>
<td>Restoration of democratically elected president</td>
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<td>UN</td>
<td>Angola</td>
<td>1993-on going</td>
<td>UNITA becoming a large military force</td>
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<td>UN</td>
<td>Rwanda</td>
<td>1994-1996</td>
<td>Struggle between government and Patriotic Front</td>
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<td>Sudan</td>
<td>1996-2001</td>
<td>International Terrorism</td>
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<td>Sierra Leone</td>
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<td>Afghanistan</td>
<td>1999-ongoing</td>
<td>Support of Taliban</td>
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<td>UN</td>
<td>Ethiopia &amp; Eritrea</td>
<td>2000 – 2001</td>
<td>Military conflict between both countries</td>
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Sources of tables:

## Appendix 2

### Table 1: Iraqi Security Council Resolutions

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>661</td>
<td><strong>6 August 1990:</strong> Comprehensive sanction – created sanctions committee – Banned all trade – imposed oil &amp; arms embargo – suspended international flights- Froze assets.</td>
</tr>
<tr>
<td>678</td>
<td><strong>29 November 1990:</strong> Authorized members to liberate Kuwait. Gave Iraq 'pause of goodwill' to comply with UN demands.</td>
</tr>
<tr>
<td>687</td>
<td><strong>3 April 1991:</strong> Established terms of cease fire. Established set of eight specific conditions for the lifting of sanctions.</td>
</tr>
<tr>
<td>706</td>
<td><strong>15 August 1991:</strong> Authorized oil for food program. Permitted sale of up to 1.6 billion in Iraqi oil over sixth month period. Directed that proceeds be deposited in UN escrow account to finance humanitarian imports and war reparations</td>
</tr>
<tr>
<td>712</td>
<td><strong>19 September 1991:</strong> Established basic structure for implementation of oil for food program</td>
</tr>
<tr>
<td>778</td>
<td><strong>2 October 1992:</strong> Called on members to transfer Iraqi oil funds from pre Gulf crisis to UN escrow account.</td>
</tr>
<tr>
<td>986</td>
<td><strong>14 April 1995:</strong> Established new formula for Iraqi oil for food permitted the sale of up to 1 billion in Iraqi oil every 3 months. Gave Baghdad responsibility for distributing humanitarian goods.</td>
</tr>
<tr>
<td>1111</td>
<td><strong>4 June 1997:</strong> Extended the oil for food program. Government withheld distribution plans and oil sales.</td>
</tr>
<tr>
<td>1153</td>
<td><strong>20 February 1998:</strong> Extended oil for food program again. Raised oil sales to $ 5.25 billion every 6 months. Permitted revenues to finance urgent development needs.</td>
</tr>
<tr>
<td>1284</td>
<td><strong>17 December 1999:</strong> UNMOVIC was established—outlined procedures for the completion of weapons verification process. Expand humanitarian provisions. Suspending sanctions if Iraq cooperated.</td>
</tr>
</tbody>
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