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# Sanctioning the sanctioned

*A postcolonial perspective on the sanctions paradox*

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## Preface

I want to begin by thanking my mentor Elena Namli for all the wisdom, inspiration and motivation throughout the writing process but mainly throughout the entire master's program.

I would also like to thank My wonderful fiancé Mohammed Rima Al-Naemi for all the love, support and encouragement you have given me and continue to give me everyday. For you I am eternally grateful.

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## Abstract

The aim of this is to develop a theoretical framework for addressing the usage and effects of economic sanctions, through a postcolonial perspective on the human rights discourse, by examining how economic sanctions can be legitimized even though proven to be ineffective and harmful to civilians. The main theoretical framework is based on a postcolonial perspective on the human rights discourse and how it relates to liberalism, imperialism and international law - to further understand the role that economic sanctions has. Further, the effectiveness of sanctions is assessed through different perspectives from researchers opposed to economic sanctions as well as researchers that promote the use of economic sanctions. Examples of sanctions against Iraq, Myanmar and Cuba will be highlighted in terms of impacts on health, food, economy and so on. The thesis states that economic sanctions are mostly ineffective and have devastating effects on the civilian population of sanctioned states and that the notion that they promote human rights therefore proves the sanctions paradox to be inevitable.

**Keywords:** Economic Sanctions, Democracy, Human Rights, Imperialism, Postcolonialism, International law.

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## 1. Introduction

Economic sanctions have become an increasingly common feature of foreign policy. The ideal goal for a sanctioner is to apply economic pressure on the target in order to make the regime comply with the sender demands. The promoters of the use of economic sanctions argue that economic sanctions are a modern and more humane alternative than military intervention that helps promote democracy, human rights and international security. They also argue that sanctions are the best alternative international tool, as opposed to taking no action at all, and that the absence of sanctions would mean that "oppressive" states would have no incentive for reforms.<sup>1</sup>

However, economic sanctions have long been the subject of controversy as it is proven to be a detrimental foreign policy tool due to the deliberate and unintentional destabilizing effects they create in sanctioned countries.<sup>2</sup> Economic sanctions have been shown to cause disproportionate harm to the civilian population in sanctioned countries because of negative impacts in areas such as human rights, democracy, poverty, health care and basic living conditions - while at the same time the sanctioner can avoid the outcome of the economic war they started.<sup>3</sup>

This thesis develops a theoretical framework for addressing the usage and effects of economic sanctions, through a postcolonial perspective on the human rights discourse, by examining how economic sanctions can be legitimized even though proven to be ineffective and harmful to civilians.

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<sup>1</sup> Hufbauer, Gary, Schott, Jeffrey and Elliot, A Kimberley: *Economic Sanctions Reconsidered*. Washington: Peterson Institute for International Economics, 2009, 44.

<sup>2</sup> Peksen, Dursun: "Better or Worse? The Effect of Economic Sanctions on Human Rights\*". *Journal of Peace Research*. Vol. 46, No. 1, 2009, 40-41.

<sup>3</sup> Cortright, David and Lopez A. George: "The Sanctions Era: An Alternative to Military Intervention". *Fletcher Forum of World Affairs*, 1995, 67-68.

## 1.1 Aim and research questions

The purpose of the study is to critically examine how and when economic sanctions are used as a foreign policy tool from a postcolonial perspective. The purpose is further to examine how economic sanctions are legitimized from a human rights perspective when there are clear evidence that economic sanctions increased repression of civilian human rights in sanctioned states.

### 1.1.1. Research questions

1. How are economic sanctions legitimized from a human rights perspective?
2. What are the consequences of imposing economic sanctions on the civilian population in sanctioned countries?

## 1.2 Method and material

The method which will be used for the thesis, is a literature study. The litteratur at hand will be found by searching through different databases such as google scholar and the uppsala university library. The keywords that will be used in the search are; *economic sanctions* and *human rights* but also different inflections on the keywords. These keywords are used with the purpose of finding relevant literature that aims to answer the key questions of this thesis which are: "What are the consequences of using economic sanctions for the civilian population in sanctioned countries?" and "How are economic sanctions legitimized from a human rights perspective?". The findings will further be delimited using exclusion and inclusion criterias.

The literature that will be included in the sample will only be scientific and by established researchers known researchers in the specific field, this goes for primary but also the secondary sources. News articles and other forms of literature will therefore be excluded, so will litterature that are in other languages than Swedish, English and Arabic, because of the fact that they are foreign to the author. There has been no exclusion regarding the age of the literature as older literature as well as new is relevant to this thesis which aims to also examine how

the view has developed regarding economic sanctions but also effects that last over time.

The primary sources are those who explore the different approaches to examining effects of economic sanctions from different perspectives such as; political, economic, cultural, social and legal which is important for the reliability of the study. While the secondary explores different parts that are of interest to the study but do not necessarily have a holistic view of the subject but a more specific angle.

The purpose of of this data collection method is to get an overview of the material and then find a structure for a systematic and critical review of the material. The structure of the result will then be built on the basis of themes or categories. Each study is analyzed individually and then in relation to the whole, that is, the total result from the included studies. Data processing means that the most important content is condensed, reduced and focused. It is fundamental to emphasize similarities and differences between the different studies.<sup>4</sup> Therefore the data that is then collected will be processed by first thematizing based on the different chapters of the thesis which are; “Economic sanctions, definition and implementation”, “Critique of human rights discourse”, “Legitimizing the use of economic sanctions” and “The effect of economic sanctions on civilians”.

The chapter on “Economic sanctions, definition and implementation”, is based on the findings in the primary source “The Art of Sanctions: A View from the Field”<sup>5</sup> by Richard Nephew. Nephew is an adjunct professor and senior researcher who served as a leading sanctions expert for the US team that negotiated with Iran between 2013-2014. His research in “The Art of Sanctions: A View from the Field” has been used as a guideline by American politicians since its publication and has become a manual for the application of economic sanctions. The book largely includes a theory of economic sanctions being a tool for achieving pain against the target country in order to get the target country to carry out reforms or

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<sup>4</sup> Bryman, Alan: *Social Research Methods*. Oxford: OUP Oxford, 2012

<sup>5</sup> Nephew, Richard: *The Art of Sanctions - A View from the Field*. New York: Columbia University Press, 2017.

other actions desired by the country that sanctions. Nephew argues for the importance of interpreting the sanctioned states response to sanctions based on two critical factors: pain and determination. This definition of how economic sanctions work, how and when they are carried out lay the basis for this study's understanding of the processes of implementation.

The chapter on “Critique of the human rights discourse”, is based on the findings in the primary source “Human Rights: A Political and Cultural Critique”<sup>6</sup> by Makau Mutua. Mutua is a professor of law and a member of the Council on Foreign Relations. His work “Human Rights: A Political and Cultural Critique” is essential in this paper for his postcolonial perspective on the Human rights discourse. His work therefore lays the foundation for the critique and hypocrisy of the use of economic sanctions as a means to a continuation of Western conceptual and cultural dominance that we have witnessed in recent centuries. That essence of this campaign is to universalize Eurocentric norms and values by denying and demonizing what is different and non-Western.

The chapter on “Legitimizing the use of economic sanctions” is based on the findings in the primary sources “Economic Sanctions Reconsidered”<sup>7</sup> by Gary Hufbauer, Jeffrey Schott and Kimberly Elliot and "On the Effects of International Economic Sanctions: With Examples from the Case of Rhodesia"<sup>8</sup> by Johan Galtung. Hufbauer et. al. have compiled data for over four decades and provided important analytical material on the effects of economic sanctions. In "Economic Sanctions Reconsidered" from 2009, the researchers conclude that economic sanctions continue to play an important role in response to international security and conflicts by giving empirical examples. The researchers promote the use of economic sanctions but mean to say that when economic sanctions are ineffective it is due to poor design and implementation of sanctions policies. This book therefore lays the foundation for how economic sanctions can be legitimized

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<sup>6</sup> Mutua, Makau: *Human Rights: A Political and Cultural Critique*. Philadelphia, Pennsylvania: University of Pennsylvania Press, 2002.

<sup>7</sup> Hufbauer, Gary, Schott, Jeffrey and Elliot, A Kimberley: *Economic Sanctions Reconsidered*. Washington: Peterson Institute for International Economics, 2009.

<sup>8</sup> Galtung, Johan: *On the Effects of International Economic Sanctions: With Examples from the Case of Rhodesia*. Cambridge University Press. Vol. 19, No. 3, 1967, 378-416.

because of its extensive research where they examine 170 cases of economic sanctions imposed and their effects.

Johan Galtung is a professor and a peace and conflict researcher who has served as mediator in over 40 international conflicts. His research "On the Effects of International Economic Sanctions: With Examples from the Case of Rhodesia" from 1967 is one of the primary sources for this paper. This, though it has been criticized partly on the basis of the age of the source, but mainly on the basis of the research method that underlies Galtung's work. Galtung conducted his study which aimed to investigate the effects of economic sanctions on the civilian population in Garfield, Richard: "Economic Sanctions, Health, and Welfare in the Federal Republic of Yugoslavia, 1990 - 2000". OCHA/UNICEF, Belgrade. May 2001.sia during the implementation of sanctions, which means that the results are not particularly reliable as the investigation cannot study the credible consequences of anything during the actual time of the implication. However, Galtung's choice will not take away from this study as this essay uses only Galtung's definition of economic sanctions and the theoretical framework he presents which most established researchers in the field of economic sanctions also use and acknowledge as the basis of their understanding of the foreign policy tool.

The chapter on "The effect of economic sanctions on civilians" is based on the findings in the primary sources of Richard M. Garfield. different research. Richard Garfield is a Professor Emeritus of Clinical International Nursing and a Professor Emeritus of Clinical Population and Family Health, and Special Lecturer at Columbia University School of Nursing. His work mainly criticized the use of economic sanctions from different perspectives, though mainly by pointing out economic sanctions effect on health and wellbeing. In this essay, various of his works appear, with and without collaboration with other researchers such as: "The Health Impact of Economic Sanctions"<sup>9</sup>, "Economic Sanctions,

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<sup>9</sup> Garfield, Richard, Devin, Julia and Fausey, Joy: The Health Impact of Economic Sanctions. Bulletin of the New York Academy of Medicine, 1995, 454-469.

Humanitarianism, and Conflict After the Cold War"<sup>10</sup>, "The Impact of Economic Sanctions on Health and Well-being"<sup>11</sup>, "The impact of the economic crisis and the US embargo on health in Cuba"<sup>12</sup> and "Economic Sanctions, Health, and Welfare in the Federal Republic of Yugoslavia, 1990 - 2000"<sup>13</sup>.

## **2. Economic sanctions, definition and implementation**

Economic sanctions have been used as a means since ancient Greece, however, there is a fundamental difference in how sanctions are seen and used today, and what results they aim to achieve. Although there are examples of sanctions regimes prior to the 20th century, where the tool was considered a sufficient threat or punishment to prevent conflict and achieve diplomatic victory, it was not until the 20th century that sanctions began to be exercised at the frequency as an independent instrument of foreign policy.<sup>14</sup> With the development of increasingly violent wars during the 20th century, beginning with the First World War, strategists began to seek new ways to impose their will on opponents, which led to the popularity of economic sanctions among western states, especially the US.<sup>15</sup> Economic sanctions seemed to be a mature path for many, especially in a cold war environment that - for all its peripheral violence - did not include the direct confrontations that many expected and feared.<sup>16</sup>

Economic sanctions are the most frequently used type of sanctions (among other types such as military sanctions, cultural sanctions, diplomatic sanctions), and undoubtedly the one with the most immediate effect. Economic sanctions impose restrictions on the freedom of action of a state through unilateral decision by one state or collective decision by other states. The purpose of this is to damage the

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<sup>10</sup> Garfield, Richard: Economic Sanctions, Humanitarianism, and Conflict After the Cold War. Social Justice. Vol. 29, No. 3. Global Threats To Security. 2002, 94-107.

<sup>11</sup> Garfield, Richard: The Impact of Economic Sanctions on Health and Well-being. Overseas Development Institute, 1999.

<sup>12</sup> Garfield, Richard and Santana, Sarah: The impact of the economic crisis and the US embargo on health in Cuba. American Journal of Public Health. February 1997.

<sup>13</sup> Garfield, Richard: Economic Sanctions, Health, and Welfare in the Federal Republic of Yugoslavia, 1990 - 2000. OCHA/UNICEF, May 2001.

<sup>14</sup> Nephew, Richard: *The Art of Sanctions - A View from the Field*. New York: Columbia University Press, 2017, 1-2.

<sup>15</sup> Nephew: *The Art of Sanctions - A View from the Field*, 1-2.

<sup>16</sup> Ibid.

target's ability to obtain and use financial resources, thereby directly undermining its behavior by depriving it of the opportunity and/or the means to act.<sup>17</sup> The purpose is further for the sanctioner to try to influence the behavior of the state, through various economic and political measures such as; to influence the behavior and capacity of the sanctioned state, to satisfy domestic or international constituents demands for either a specific response to whatever behavior is going on or, more generally or/and for someone to "do something" to show the will to escalate the pressure if the sanction target does not change course.<sup>18</sup>

Economic sanctions can be used in many different ways, some sanctions regimes are introduced quickly, with rapid escalation from the first step to a comprehensive set of restrictions, such as in Iraq in the 1990s - While other sanction regimes take longer to develop, like the case of Iran, which began in as an international movement with the adoption of UN Security Council Resolution 1737 in December 2006 and is still intact till this day. The effects of each strategy are therefore different, depending on the nature of the target and its violations, the extent of its vulnerabilities and the degree of international support for the imposition of sanctions.

With the same notion that no two people experience pain in the same way, no two countries perceive sanctions in the same way. What is clear is that the sanctioner perceives pain differently than the sanctioned state because of the nature of economic sanctions. What is less obvious is that one's perception of how intense the pain is can also vary depending on who is receiving the pain. This is where a central challenge becomes evident, that when it comes to enforcing sanctions it is essential to know your opponent's nature. This can play an important part in minimizing or maximizing civilian pain when imposing sanctions but also influence how effective the imposition of sanctions can be.

When economic sanctions are imposed, they are made in the light of the characteristics of the target state and their vulnerabilities. This is because the

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<sup>17</sup> Nephew, Richard: *The Art of Sanctions - A View from the Field*. New York: Columbia University Press, 2017, 46 - 48.

<sup>18</sup> Nephew: *The Art of Sanctions - A View from the Field*, 48-50.

purpose of these sanctions is, in whatever form, to create sufficient difficulties or impose proportional "pain" for the object of sanctions to change its behavior in the direction that those who implement sanctions want.<sup>19</sup> Using pain as the specific word for the goal may seem advantageous and charged, yet pain is a useful term as an human experience, people can instinctively appreciate what sanctions entail with such an ordinary term and therefore also the desire to avoid the resulting "pain".

Richard Nephew states that Pain as a term emphasizes both the purpose of sanctions and their inherent limitations. Pain causes discomfort most people try to avoid, but it can also be handled, tolerated and - over time - potentially adapted to, even to the recipient's gain.<sup>20</sup> Of course, the physical dimension of pain is less pronounced in sanctions, certainly because they have been exercised over the past decade with an increased emphasis on avoiding the reduction of humanitarian trade, even with heavily sanctioned jurisdictions. In fact, the type of pain and its severity can be modulated, but the intention of sanctions is always to make the new status quo uncomfortable and that the discomfort will lead to the sanctioned state to do something different. In this way, economic sanctions are a form of violence and economic warfare.<sup>21</sup>

The impact of economic sanctions may be less visible and may therefore appear less devastating to others than those directly affected. This undoubtedly explains part of the attractiveness of the sanctions as a foreign policy tool. It is easier to explain a decline in the country's GDP than a major loss of the country's own military forces. But at a strategic level, the introduction of pain through sanctions is intended to register the same impulses in an opponent as those introduced through military force and just because the damage caused by sanctions can be less visible, at least in some sanctioned states, it does not have to be less devastating, especially for the civilian populations that often are the ones that feel the actual pain that is being imposed. Unfortunately, the sanctioners often deny

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<sup>19</sup> Nephew, Richard: *The Art of Sanctions - A View from the Field*. New York: Columbia University Press, , 2017, 48-50.

<sup>20</sup> Nephew: *The Art of Sanctions - A View from the Field*, 48-51.

<sup>21</sup> *Ibid.*, 9-10.

the concept that they in fact are introducing pain and therefore also deny the responsibility they have to protect the civilian population.

When implementing economic sanctions, there are differing perceptions about when and how economic sanctions should be applied, but there is a certain consensus that principles of necessity and proportionality should be at the heart of the assessment - of which all parties must obey. Economic sanctions should thus be tested on the basis of the necessity test and the proportionality test to determine whether it is considered legal.

The necessity test is based on the principle of necessity and requires that the imposed sanctions are limited to the measures that can reasonably be expected to achieve by the sanctioner. Necessity therefore involves a weighing and balancing of the sanctions in question and whether it is likely to achieve the sanctions objectives. The measure in question is thus subjected to an empirical assessment of the potential effect on achieving the goal.<sup>22</sup>

The proportionality test prescribes a limit on the damage that is allowed for economic sanctions to be considered a necessary measure and thus a legal measure. The central function of the proportionality test is therefore to be able to limit the amount of damage that can be detected in connection with the introduction of economic sanctions<sup>23</sup>. The International Court of Justice (ICJ) has specified the period of proportionality in relation to the use of economic sanctions in connection with the effects it has on the security of the civilian population in the sanctioned country. The ICJ interprets proportionality to prohibit the impact of unnecessary damage, that is, damage greater than what is inevitable in order to achieve legitimate objectives.<sup>24</sup>

These principles impose restrictions on the implementation of economic sanctions to minimize the loss of those not responsible for the act that triggered the

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<sup>22</sup>Gutmann, Jerg et. al: Economic sanctions and human rights: Quantifying the legal proportionality principle. ILE Working Paper Series, No. 12, 2018, 5-7.

<sup>23</sup> Gutmann, Jerg et. al: Economic sanctions and human rights: Quantifying the legal proportionality principle, 5-7.

<sup>24</sup> ICJ, 1996, p. 257, paragraph 78.

sanctions. Although the deliberations of the interests and rights involved is a normative and legal exercise, there is an empirical dimension for assessing the proportionality of the sanctions, since the amount of damages allowed can only be determined in the light of the actual degree and durability of the harm suffered by the public.<sup>25</sup> Although there is no consensus on the impact of sanctions on human rights, the legal necessity test can contribute to a legitimate goal pursued by the party evaluated against its future effects.

Gutmann et. al concludes that both empirical and legal analyzes tend to assert a causal effect of the imposition of economic sanctions on aggravated human rights in targeted countries.<sup>26</sup> Legally, this means that there is an evaluation of the principle of proportionality not being complied with - which makes economic sanctions illegal under international law. They conclude that the general claim that the analysis of proportionality, like the cardinal principle in international and national law, should be kept open to integrate empirical insight. This claim applies to all stages of legislation and application of law, where it is governed by the principle of proportionality. They further state that it is also unlikely that improvements on human rights are achieved through economic sanctions, and thus they do not pass the necessity test. They also argue that the different effects of sanctions on different dimensions of human rights need to be taken into account and that the most important obstacle to legality is the necessity rather than the proportionality test, at least when the sanctions are aimed at improving human rights.<sup>27</sup>

### **3. Critique of the human rights discourse**

The idea of human rights can be found in many cultures and religions around the world. The roots can be traced back to different societies at different times where

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<sup>25</sup> Reisman, W Michael and Stevick, L Douglas: The Applicability of International Law Standards to United Nations Economic Sanctions Programmes. *European Journal of International Law*, Vol. 9, No. 1, 1998, 130.

<sup>26</sup> Gutmann, Jerg et. al: Economic sanctions and human rights: Quantifying the legal proportionality principle. *ILE Working Paper Series*, No. 12, 2018, 5-7.

<sup>27</sup> Gutmann et. al: Economic sanctions and human rights: Quantifying the legal proportionality principle, 15-16.

the need to address universal issues of injustice can be traced. Human rights can therefore be seen as cross-cultural where norms find legitimacy in different traditions. In this thesis, human rights will not in themselves be criticized, what will be the main object of criticism is the discourse on human rights as an ideological tool established in conjunction with the doctrine of human rights which has a great influence on international law as well as global and regional institutions.

The UN Charter, which is the constitutional basis of all UN human rights documents, declares human rights as an indispensable element of human survival. It does so by promoting a "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."<sup>28</sup> The idea of human rights suggests that if the public conversation about the global peace community can be said to have a common moral language, it is human rights.<sup>29</sup> But this grand human rights document raises a variety of normative and cultural issues and problems, especially in light of the historical roots of the human rights movement.

### 3.1 The human rights metaphor

Makau Mutua argues that the discourse on human rights and the indispensable campaign to universalize them is a continuation of Western conceptual and cultural dominance that we have witnessed in recent centuries.<sup>30</sup> That the essence of this campaign is to universalize Eurocentric norms and values by denying and demonizing what is different and non-Western.<sup>31</sup> By this argument is not meant to suggest that human rights are bad in themselves, rather it is suggested that the globalization of human rights fits a historical pattern in which all high morality comes from the West which in turn acts as a civilizing agent against lower forms of civilization in the remaining parts of the world.

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<sup>28</sup> Charter of the United Nations, CHAPTER IX: INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION, Article 55. <https://www.un.org/en/sections/un-charter/chapter-ix/index.html>.

<sup>29</sup> Beitz, Charles: *The Idea of Human Rights*. Oxford: Oxford University Press. 2009, 1.

<sup>30</sup> Mutua, Makau: *Human Rights: A Political and Cultural Critique*. Pennsylvania, Philadelphia: University of Pennsylvania Press, 2002, 15.

<sup>31</sup> Mutua: *Human Rights: A Political and Cultural Critique*. 15.

Since 1945, the United Nations has played a key role in preserving the global order dominated by the West. A critically important agenda at the UN has been the universalization of principles and norms that are European in identity and has its origin in Western liberalism and international law. Mutua writes that human rights have mainly focused on the rights that strengthen, legitimize and export the liberal democratic state to non-Western societies.<sup>32</sup> And that although the human rights movement originated in Europe, with the expressed purpose of stopping European atrocities, today it is a civilizing crusade aimed mainly at the “Third World”. Muta further states that it is a matter for Europeans and North Americans, whose states have a common philosophical and legal provenance, to create a common political and cultural template to govern societies.

Mutua argues that once again Europeans and North Americans assert their superiority by continuing to assert that “the white man's burden” is a reality by civilizing the backward natives of the “Third World” with human rights to free them from their despotic governments and barbaric cultures.<sup>33</sup> In this context, human rights becomes an ideology with a specific cultural and ethnographic fingerprint. Discourse expresses a cultural bias, and its punishment of a state is therefore a cultural expression. The advocacy of human rights that transcends cultural boundaries is then an attempt to shift the local culture so that it becomes “universal”, and “the other” is forced to assimilate or risk being sanctioned.

In large international human rights instruments, the “other” culture is often depicted as the evil that must be overcome by human rights themselves. Over the past two decades, industrial democracies have worked to link human rights to aspects of foreign policy such as development assistance, aid and trade with non-Western states. Such linking requires the recipient, usually a non-Western state, to adapt aspects of its domestic laws, policies or programs to human rights or democratic norms. The forced maneuver is intended to civilize the offending state.

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<sup>32</sup> Mutua, Makau: *Human Rights: A Political and Cultural Critique*. Pennsylvania, Philadelphia: University of Pennsylvania Press, 2002, 18.

<sup>33</sup> Mutua: *Human Rights: A Political and Cultural Critique.*, 19.

Mutua claims that International human rights organizations, based in the political and cultural capitals of the most powerful countries in the West, are some of the most influential actors when it comes to this polarization through their reporting and other forms of public support.<sup>34</sup> Usually, these organizations perform three basic functions of “investigation, reporting and advocacy” where the focus is to shed light on human rights violations in a “third world” country where the “investigation” normally occurs.

International human rights organizations often criticize the foreign states for deviating from civil and political rights in order to shame them by pointing out the gap between state behavior and internationally sanctioned civilized behavior. Not too infrequently, deficiencies in countries of the "third world" are also pointed out by a great power in the West which itself has the same deficiency. An example of this is the controversy around the subject of nuclear weapons which members of the Security Council are allowed to possess, while Iran and North Korea face extreme sanctions for doing the same. The human rights discourse contains many examples of hypocrisy, in which Western countries repeatedly throw stones into glass houses, emphasizing the global power imbalance in the human rights discourse.

International human rights organizations normally recommend corrective measures and recommendations to the state allegedly violating the rights of its population, where the West is, among other things, called upon to withdraw aid, impose economic sanctions and publicly condemn the unacceptable behavior of the state in the “Third World”. Human rights organizations thus call on institutions to play a significant role in "taming" and "civilizing" the Third World, even if such a role relies on imbalances in relation to power, economic conditions in the international order that favor the West over the rest of the world.

Mutua states that the institutional international actors that promote liberal democracy as an antidote to human rights violations are deeply embedded in the

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<sup>34</sup> Mutua, Makau: *Human Rights: A Political and Cultural Critique*. Pennsylvania, Philadelphia: University of Pennsylvania Press, 15.

universalist pretensions of the enlightenment, which constructed Europe as superior and the center of the universe.<sup>35</sup> International law is based on these assumptions and assumptions and has therefore become "universal" even though some have argued that it has an ethnocentric fingerprint. The extension and universalization of European experience is achieved within the axiomatic framework of positivism, which in turn advocates that European states are sovereign while non-European states are not. The violence of the positivist language in relation to non-European people is difficult to overlook, especially in the context of economic sanctions. Positivists developed an elaborate vocabulary to deny these people, present them as suitable subjects for conquest, and legitimize the most extreme violence against them, as there are too many examples.

Human rights movements have become increasingly identified openly with the United States, today, the United States is the leading player using economic sanctions as a means to force "third world" states to change their behavior to correlate with The US and The European Union's interests. There is virtually no conflict or issue of importance today where the United States does not seek, and often plays, a crucial role. The United States is now the main determinant of "international peace and security" and spokesman for humanity's "welfare". Never before has a state exercised so much power and influence in the global arena. The United States now plays the central civilizing role through the control it has over the global economy, and this could not be more evident than when researching the discourse of economic sanctions.

### **3.2 Human rights as an imperialistic ideology**

According to critics of the human rights discourse, human rights are used as an imperialist ideology by the West to legitimize interventions allegedly provoked by an urgent need to protect human rights. When references are made to human rights as an *ideology* throughout this thesis Justin Jennings definition will be used;

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<sup>35</sup> Mutua, Makau: *Human Rights: A Political and Cultural Critique*. Pennsylvania, Philadelphia: University of Pennsylvania Press, 15.

An ideology can be defined as a set of ideas and behaviors that promotes a social system that benefits some classes or interest groups more than others... Ideologies are embedded in the structure of all societies that exhibit some degree of social inequality... and the élite who benefit from these social systems endeavor to present a vision of the world that appears natural and timeless.<sup>36</sup>

In this context, the definition is viewed on the basis that human rights are used to positively justify a negative dominant practice. That it is a moral discourse that legitimizes a negative practice and that is why they serve the negative side of ideology. That the ideology emerged as an opportunity for moral righteousness of global dominance. You could say that there are two sides to ideologies and their impact. One side of ideology is its dissemination of reality, while the other side is in its constitutive role of legitimation. The concept of ideas will not be complete as long as we do not know what we are opposed to, the function of ideology in this context is to instill credibility in the very process of disseminating and distorting reality, that is - that there is a rational motivation for a certain social order.

When it comes to understanding an imperialistic ideology, there are also different understandings and definitions depending on the different ideological disciplines. For example, Vladimir Lenin defines imperialism as the highest level of capitalism, that imperialism is capitalism at the stage of development where monopoly and financial capital predominate - where the export of capital has a pronounced significance; where the division of the world and international trust has begun and the division of all territories in the world among the greatest capitalist powers has been conquered.<sup>37</sup> Joseph Schumpeter disputes that capitalism is inherently imperialist, he argues that wars in foreign policy must in general be regarded as troublesome distractions, destruction of the meaning of

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<sup>36</sup> Jennings, Justin: *The Fragility of Imperialist Ideology and the End of Local Traditions, an Inca Example*. Cambridge Archaeological Journal 13, 2003, 107–120.

<sup>37</sup> Lenin, Vladimir: *Imperialism, the Highest Stage of Capitalism: A Popular Outline*. Moscow: Progress Publishers. 1975, 83.

life, a diversion from the habit and therefore the "true" task which is to create opportunities and work for all people.<sup>38</sup>

Although it is difficult to reconcile these ideological backgrounds, there is a characteristic that permeates all definitions of imperialism and that is; *expansion*. Hannah Arendt reinforces this when she proclaims that expansion is a permanent and supreme goal of politics is the central political idea of imperialism.<sup>39</sup> Hannah Arendt also claims that imperialism was born when the ruling classes of capitalistic production met national restrictions on its economic growth.<sup>40</sup> Arendt's analysis links the economic factors with the political and demographic, and at the same time emphasizes an important point that imperialism was conceived as a solution to problems created by industrial growth that made a huge impact on the economy and demographics.<sup>41</sup>

As we can see, the relationship between liberalism and European imperialism is not without criticism. The rhetoric of human rights as a continuation of liberal imperialism that began during this period we are dealing with. Mutua argues that human rights doctrine is an ideology with deep roots in liberalism and democratic forms of government, and that the cultural condemnations in the human rights discourse can only be properly within liberal theory and philosophy.<sup>42</sup> Michael Ignatieff, on the other hand, believes that the West bears the responsibility of spreading and protecting human rights in the world.<sup>43</sup> He further motivates this by defending the US empire which he claims is different from former empires that were built on colonies, conquest and "the white man's burden".<sup>44</sup> He argues that it is now a global hegemony characterized by free markets, human rights,

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<sup>38</sup> Schumpeter, Joseph: *Imperialism, Social Classes: Two Essays*. Trans. Heinz Norden. New York: The World Publishing Company, 1971, 69.

<sup>39</sup> Arendt, Hannah: *The Origins of Totalitarianism*. New York: The World Publishing Company, 1958, 125.

<sup>40</sup> Arendt: *The Origins of Totalitarianism*. 125.

<sup>41</sup> Ibid.

<sup>42</sup> Mutua, Makau: *Human Rights: A Political and Cultural Critique*. Pennsylvania, Philadelphia: University of Pennsylvania Press, 2002, 6.

<sup>43</sup> Ignatieff, Michael. State Failure and Nation-Building. In *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane. Cambridge: Cambridge University Press.

<sup>44</sup> Ignatieff: State Failure and Nation-Building. 6.

democracy and maintained by the most fierce military power the world has ever known<sup>45</sup>. The question, however, is what the construction itself means when it is ultimately imperialist, which Ignatieff also admits.

For critics, human rights are deliberately framed in liberal terms because they must continue and promote the Western project of conquering the world through economic exploitation, slavery and colonization of the rest of the world. Thus, the actual spread of Western liberalism under a human rights label is neither temporary nor unintentional. In other words, this criticism of human rights discourse raises three prominent points. First, past events have continued to this day - only the actors have changed. Formerly it was France and the United Kingdom and now it is the United States, though they all belong to the West. Secondly, this project is about western domination of the rest of the world. Third, this dominance permeates several areas: cultural, economic, political, social, military and so on.

If human rights is an ideology rooted in liberal theory, and if it can be shown that liberalism was embedded with imperialism, then the hypothesis that human rights movements are a continuation of imperialist ideology will be firmly founded. Many scholars claim that liberalism has really been a major source of inspiration for European imperialism<sup>46</sup>. By being an ideology that hides something else instead of presenting itself, the so-called human rights movement, by promoting imperialist domination, it becomes more of a controversy to talk about the normative justification of the human rights movement and all it entails.

### **3.3 Responsibility to protect (R2P) and sovereignty**

The Responsibility to Protect (R2P) is an emerging international security and human rights norm which seeks to enhance the state's ability to protect civilians from genocide, crimes against humanity, ethnic cleansing and war crimes. R2P

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<sup>45</sup> Ignatieff, Michael. State Failure and Nation-Building. In *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane. Cambridge: Cambridge University Press, 6.

<sup>46</sup> Ingiyimbere, Fidèle: *Domesticating Human Rights - A Reappraisal of their Cultural-Political Critiques and their Imperialistic Use*. New York: Springer International Publishing AG. 2017, 18.

emphasises three fundamental pillars which are; 1. A state's obligations to protect the populations within its own borders; 2. The international community's role in helping states to fulfil pillar 1 and 3. Identifies the international community's responsibility to use appropriate diplomatic, humanitarian, peaceful or coercive means to protect civilian populations where a state fails to uphold its obligations.<sup>47</sup> R2P further entails the responsibility to *react* to an human catastrophe, but also the responsibility to *prevent* it, and the responsibility to *rebuild* after.<sup>48</sup> Since the endorsement of R2P it has various responses from states. Most states accept the fundamental idea behind the norm, but have concerns about its possible misuse and the question of how R2P relates to the issue of sovereignty.<sup>49</sup>

As national conflicts increased and confrontations between countries diminished, calls for new methods to deal with concepts such as "sovereignty" and "responsibility to protect" arose. The definition of sovereignty and national responsibility, which was accepted during the years of the independence movement, began to be considered too restrictive given the emergence of what members of the Security Council call "failed states". The international community began to speak of a broader responsibility for the citizens of other states and their welfare. In the early 1990s, the demands for change intensified when it was seen that failed states posed serious dangers to international security. Many governments believed that this justified an international right to intervene to end the "state failure" condition. References were made to "negative sovereignty" in cases where a "failed state" could no longer fulfill its basic duties of justice, welfare and protecting its people. This is based on Article 41 of the UN Charter, which provides for cross-border intervention without using military force.

The subject of "Failure states" and "new wars" became increasingly popular in the political discourse and questions of; when is a state a "failing state"? what's new with "new wars"? and who is responsible for protecting (R2P)? Answers to these

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<sup>47</sup> The United Nations Association: The Responsibility to Protect - In detail.  
<https://www.una.org.uk/r2p-detail>.

<sup>48</sup> The Responsibility To Protect: Report of the International Commission on Intervention and State Sovereignty. december 2001. <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

<sup>49</sup> The United Nations Association: The Responsibility to Protect - In detail.  
<https://www.una.org.uk/r2p-detail>.

questions have yet to be answered and the gap between what states say and do has been great. Consequently, the consequences for human safety have been disastrous. The crises of recent decades in the Middle East, Central and South Asia and Europe clearly show that, despite claims to the contrary, the protection of the civilian population has always been of secondary consideration. Domestic and external interests in individual UN member states or military alliances were always more important. The responsibility for protection (R2P), proposed at the 2005 UN summit, was ultimately transformed into "irresponsibility to protect" where Iraq, Libya and Syria are good examples.

Classical sovereignty is essentially important to non-western states since this understanding of sovereignty was the source of their creation. Jean Bricmont writes that international law based on classical sovereignty "is the paper shield that the Third World believed could protect it from the West at the time of decolonization."<sup>50</sup> Now that R2P weakens it there is an underlying fear that any powerful state will use human rights as a pretext to advance its political interests, and in turn interfere with the international order. John Westlake's understanding of statehood and sovereignty is based on European civilization and sovereignty through a European perspective. Westlake uses the polarization of *civilized* and the *uncivilized* to describe this and for him international law is not concerned with the "uncivilized". He implies that it is only the recognition of such sovereignty by the member of the international society which concerns us, that of uncivilized natives international law takes no account.<sup>51</sup> Westlake argues that international law subsumes the "uncivilized" states under European states, and that their rights are to be claimed under the care of the European states. He states that does not mean that all rights are denied to the "uncivilized" but that their rights are left to the conscience of the state within whose recognized territorial sovereignty they

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<sup>50</sup> Bricmont, Jean: *Humanitarian Imperialism: Using Human Rights to Sell War*. Trans. Diana Johnstone. New York: Monthly Review Press. 2006. 99.

<sup>51</sup> Westlake, John: *Chapters on the Principles of International Law*. Cambridge: Cambridge University Press. 1894, 136.

are comprised. That the rules of the international society only exists for the purpose of regulating the mutual behaviour of its peers.”<sup>52</sup>.

### 3.4 International Law as an Imperialistic Ideology

Fidèle Ingiyimbere states that some scholars state that international law emerged during the imperial era, and therefore was framed to justify imperialism. The same scholars mean that international law is embedded in liberal culture and has a liberal mission of spreading liberal ideas.<sup>53</sup> That the purpose of international law was to further the development of international law among “civilized” nations.<sup>54</sup> This goes back to the previous mentioned dichotomy of the imperialist ideology of the civilized-uncivilized, that Ingiyimbere means is a cornerstone of international law.

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Antony Anghie goes even further and argues that the emergence of international law itself is intrinsically connected with colonialism.<sup>56</sup> He argues that, without “cultural differences” there would not have been international law. This is to say that international law is intrinsically linked to not only colonialism but also that international law was developed during the peak of imperialism. Thus as a means of providing a legal justification of the imperial practice which had, once more, confronted Europe with non-European world. The question asked was whether such an encounter would be regulated by the same principles that operated between European nations.<sup>57</sup> As Martti Koskenniemi puts it;

By the 1870s the assumption of human development proceeding by stages from the primitive to the civilized had come to form the bedrock of social anthropology and evolutionary sociology that provided much of the conceptual background for

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<sup>52</sup> Westlake, John: *Chapters on the Principles of International Law*. Cambridge: Cambridge University Press. 1894, 136.

<sup>53</sup> Ingiyimbere, Fidèle: *Domesticating Human Rights - A Reappraisal of their Cultural-Political Critiques and their Imperialistic Use*. New York: Springer International Publishing AG. 2017, 18.

<sup>54</sup> Ingiyimbere: *Domesticating Human Rights - A Reappraisal of their Cultural-Political Critiques and their Imperialistic Use*. 18.

<sup>55</sup> Ibid.

<sup>56</sup> Anghie, Antony: *Imperialism, Sovereignty, and the Making of International Law*. Cambridge: Cambridge University Press, 2005, 3.

<sup>57</sup> Anghie: *Imperialism, Sovereignty, and the Making of International Law*. 3.

cultivated European reflection what Europeans often sweepingly termed the Orient.

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In that context, there is little chance that international law would not be built by the same ideology, like much of nineteenth-century social reflection, international law imagined itself in terms of progressive, or pedigree history<sup>59</sup>. From this perspective - international law found itself to be greatly involved in imperialism although it might not have been its main goal.

James Lorimer confronted the “fact of cultural difference” as an issue in the theory of recognition—which is essential to international law.<sup>60</sup> He also confronts the question of race by acknowledging that it was a problem for Britain, because it would decide the kind of relationship Britain would have to certain countries in the third world. Lorimer denies that race is an unimportant problem for international law, He states that; “it is only when, by the action of historical geographical factors, these have crystallized into political bodies, that they come within the scope of a treatise of the law of nations.”<sup>61</sup>. This is also how he relates international law to the problem of recognition.

Lorimer has grounds to stress that international law is concerned with political bodies, however, his theory of recognition is built on the same ideological presuppositions that has been highlighting this far by Muta and other researchers - by dividing humanity into three groups, which would then determine the degree of recognition.<sup>62</sup> Depending on which category a part of humanity belongs to, recognition will be different, “as a political phenomenon, humanity, in its present condition divides itself into three concentric zones or spheres—that of civilized humanity, that of barbarous humanity, and that of savage humanity.”<sup>63</sup>.

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<sup>58</sup> Koskenniemi, Martti: *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*. Cambridge: Cambridge University Press. 2002, 101.

<sup>59</sup> Koskenniemi: *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*. 101.

<sup>60</sup> Lorimer, James: *Institutes of International Law. A Treatise of the Jural Relations of Separate Political Communities*. Vol. 1. Edinburgh/London: Blackwood. 1883, 99.

<sup>61</sup> Lorimer: *Institutes of International Law. A Treatise of the Jural Relations of Separate Political Communities*. 101.

<sup>62</sup> *Ibid.*, 101.

<sup>63</sup> *Ibid.*

Lorimer's theory brings up questions of what criteria were used to determine these "concentric zones." He seems to offer a phenomenological description, but it would have been interesting to know the normative basis of his classification. What he actually does assert is that "to these, whether arising from peculiarities of race or from various stages of development in the same race, belong, *of right*, at the hands of civilized nations, three stages of recognition—plenary political recognition, partial political recognition, and natural mere human recognition."<sup>64</sup>

Fidèle Ingiyimbere discusses some of the consequences that derive from Lorimer's criteria for recognition. First, that he attributes a unlimited right to "civilized nations" to recognize and not to recognize others. That there is no reciprocity between the subjects involved in this process of recognition, and that recognition comes from "civilized nations" and that it is extended to the other two parts of humanity by "the sphere of plenary political recognition extends to all existing States of Europe, with their colonial dependencies, in so far as these are peopled by persons of European birth or descent; and to the States of North and South America which have vindicated their independence of the European States of which they were colonies."<sup>65</sup>

Lorimer, in other words, states that the supremacy of European origin is without hesitation. Unless one belongs to Europe or is of European origin, he or she is uncivilized. And this is appointed by Europeans who do not need to be recognized by others. In other words, the theory makes it impossible to change the world order based on predetermined criteria while relying on an unequal world where some remain in power at the expense of others. They are humanly recognized, but politically negated. By founding his theory of international law on recognition without reciprocity, he confirms the imperialistic goal of international law that excludes non-Europeans from the spheres regulated by it.<sup>66</sup> International law

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<sup>64</sup> Lorimer, James: *Institutes of International Law. A Treatise of the Jural Relations of Separate Political Communities*. Vol. 1. Edinburgh/London: Blackwood. 1883, 101.

<sup>65</sup> Lorimer: *Institutes of International Law. A Treatise of the Jural Relations of Separate Political Communities*.102.

<sup>66</sup> Ingiyimbere, Fidèle: *Domesticating Human Rights - A Reappraisal of their Cultural-Political Critiques and their Imperialistic Use*. New York: Springer International Publishing AG. 2017, 18.

therefore has as much to do with race as it does to imperialism and is discriminatory by nature.

That is especially extended to the third category of humanity - the savage - that is not even seen as fully human, but the “residue of mankind”<sup>67</sup>. Lorimer was not alone in relating imperialism through international law. Emmanuelle Jouannet states that “if we understand imperialism to mean domination and the imposition on others of one’s own legal and economic systems, it cannot be denied that classical, Eurocentric international law both accompanied and legitimated this imperialism.”<sup>68</sup> This practice becomes more evident when analyzing the rhetorics of legitimizing and the practice of implementations of the discourse on economic sanctions, that more often or not, is aimed at the “third world” through international law practiced by the west.

## **4. Legitimizing the use of economic sanctions**

### **4.1 Democracy and Human Rights**

After deeper analysis of the sanctions discourse, political core values are often at the center for the debate of legitimizing the use of economic sanctions. Hufbauer et. al. have compiled data for over four decades and provided important analytical material on the purpose behind and the effects of economic sanctions. They conclude that, in an overwhelming majority of cases of economic sanctions, the purpose is to change the regime of the sanctioned state, which is considered to go against fundamental values such as democracy, human rights and international security.<sup>69</sup> They therefore consider that the discussion on effectiveness should be measured by examining its contribution to foreign policy objectives by achieving a single purpose; to force change in the behavior of sanctioned states. However, they conclude that just under a third of regimes actually change their behavior in

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<sup>67</sup> Lorimer, James: *Institutes of International Law. A Treatise of the Jural Relations of Separate Political Communities*. Vol. 1. Edinburgh/London: Blackwood. 1883, 102.

<sup>68</sup> Ingiyimbere, Fidèle: *Domesticating Human Rights - A Reappraisal of their Cultural-Political Critiques and their Imperialistic Use*. New York: Springer International Publishing AG. 2017, 33.

<sup>69</sup> Hufbauer, Gary, Schott, Jeffrey and Elliot, A Kimberley: *Economic Sanctions Reconsidered*. Washington: Peterson Institute for International Economics, 2009, 44-46.

some way when economic sanctions are implemented, despite remaining optimistic about the use of economic sanctions while proposing improvements to the means to be more effective.<sup>70</sup>

Hufbauer et. al. acknowledge that behavioral change is the most difficult goal to achieve, but that if economic sanctions are used in conjunction with other tools such as diplomacy and other forms of use of power, economic sanctions can be seen as an effective means. They further argue that the success of economic sanctions varies depending on the foreign policy goal and is higher for modest political goals than for more ambitious goals such as regime change or democratization, but that it is still an important means of achieving political will.<sup>71</sup>

Proponents of economic sanctions also believe that economic sanctions not only have the effect of affecting how sanctioned countries act, but also to deter leaders in other countries who may consider implementing similar offensive political acts as sanctioned countries, and that economic sanctions thereby act as an effective agent. This can, for example, be about deterring countries from engaging in terrorism, implementing a nuclear weapons program or acting militarily when it is not appropriate for states that sanction their actions in this way.

Hufbauer et. al. describe that economic sanctions are generally implemented under the leadership of the United States and the European Union, as a common strategy to restore or promote what they consider to be democratic forms of government through regime change in other countries.<sup>72</sup> Countries in Africa, Asia, the Middle East and Latin America have been the most common economic sanctions since the Cold War, while European and American states have rarely been the subject of economic sanctions. The United States and the European Union believe that they help secure democratic electoral processes and other elements of democratic political structure such as pushing incumbent presidents for power to promote human rights and safeguard development in the right direction, and that economic sanctions play an important role. This, of course,

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<sup>70</sup> Hufbauer, Gary, Schott, Jeffrey and Elliot, A Kimberley: *Economic Sanctions Reconsidered*. Washington: Peterson Institute for International Economics, 2009, 44-46.

<sup>71</sup> Hufbauer et. al.: *Economic Sanctions Reconsidered.*, 44-46.

<sup>72</sup> Ibid.

reflects the US hegemonic position after the Second World War, Europe's continued takeover of power over other parts of the world and the Security Council's power over the discourse on economic sanctions and human rights.<sup>73</sup>

## 4.2 The moral and symbolic legitimisation of economic sanctions

When analyzing political documents based on their consequences, and especially with regard to whether the measures serve the intended purposes, often less rational goals are forgotten. If economic sanctions do not cause a country to change, they can still serve functions useful to the sender. Some scholars have explained the continuing popularity of the sanctions by highlighting the symbolic use of sanctions to express morality. Galtung (1967) writes:

When military action is impossible for one reason or another, and when doing nothing is seen as tantamount to complicity, then something has to be done to express morality, something that at least serves as a clear signal to everyone that what the receiving nation has done is disapproved of.<sup>74</sup>

In other words, the need to "do something" can override the lack of efficiency and be an important factor to take into account when analyzing the legitimacy of economic sanctions. The moral aspect of the implementation of economic sanctions has different dimensions highlighted by various established researchers; that economic sanctions strengthen the nation's moral identity<sup>75</sup>, that economic sanctions are an important moral means of sending a domestic or international message<sup>76</sup> and that economic sanctions can also be used for other morally expressive purposes such as punishing "offenders" at different levels<sup>77</sup>.

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<sup>73</sup>Hufbauer, Gary, Schott, Jeffrey and Elliot, A Kimberley: *Economic Sanctions Reconsidered*. Washington: Peterson Institute for International Economics, 2009, 44-46.

<sup>74</sup> Galtung, Johan: On the Effects of International Economic Sanctions: With Examples from the Case of Rhodesia. Cambridge University Press. Vol. 19, No. 3, 1967, 411.

<sup>75</sup> Addis, Adeno: Economic Sanctions and the Problem of Evil. *Human Rights Quarterly*, Vol. 25, No. 3, 2003, 573-623.

<sup>76</sup> Lindsay M. James: Trade Sanctions As Policy Instruments: A Re-Examination. *International Studies Quarterly*. Vol. 30, No. 2. 1986, 153-173.

<sup>77</sup> Nossal, Richard Kim: Knowing When to Fold: Western Sanctions against the USSR 1980-1983. *International Journal*, Vol. 44, No. 3, 1989, 698-724.

These arguments are exemplified most clearly when the UN Secretary-General's Special Counsel for the Prevention of Genocide and R2P, Francis Deng and Edward Luck expressed great concern about "the possibility of genocide, crimes against humanity, war crimes and ethnic cleansing," and recommended that the UN safety advice "urgent steps in line with the responsibility to protect." In response to these concerns, the Security Council unanimously adopted Resolution 1975 confirming each state's primary responsibility to protect civilians. This also explains the increased legitimacy and popularity of economic sanctions as it has become the primary means of use to achieve security policy objectives.

There is also growing evidence of the role of domestic politics in explaining the sanctions paradox. McLean and Whang argue that economic sanctions go through a two-step process in which voters demand that politicians do something about the sanctioned countries behavior and lead politicians to use economic sanctions.<sup>78</sup> They believe that the United States has threatened and implemented more sanctions than any other country and has made it home to many of the world's most influential non-governmental international human rights organizations. When US-based NGOs are located in a sanctioned country, the likelihood of the US government threatening economic sanctions increases. This is because non-governmental human rights organizations have been shown to play a significant role as they usually signal that sanctions should be imposed on the sanctioned country by drawing attention to the public and putting pressure on users to act.<sup>79</sup>

Murdie and Peksen present empirical evidence on how human rights organizations contribute specifically to the use of economic sanctions for the purpose of implementing human rights through direct lobbying efforts and by "naming and

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<sup>78</sup> McLean, V Elena and Whang, Taehee: Designing foreign policy: Voters, special interest groups, and economic sanctions. *Department of Political Science and International Studies* 51(5), July 2014, 599.

<sup>79</sup> McLean, and Whang: Designing foreign policy: Voters, special interest groups, and economic sanctions. 599.

shaming" activities.<sup>80</sup> They believe that human rights organizations are important for foreign policy decisions on humanitarian military action, similar to the supposed "CNN effect". Human rights organizations produce information that is gripping and lively, and starts a process of mobilization and change of opinion that can ultimately increase the likelihood of the use of economic sanctions and other means that lead to humanitarian intervention and thus civilian suffering.

International human rights organizations are placed on one of the highest moral levels in general political discourse, which means that they are rarely criticized for their role in human suffering. Their actions are justified and supported by the public when they are seen as "the good guys" and therefore the consequences of their work are rarely followed up. The paradoxical work of human rights organizations is that they often shed light on how a state violates the human rights of its people, advocates for sanctions and other forms of punishment, leading to more repression of these people's rights. When the population is then further oppressed but now by more parties through implemented sanctions, human rights organizations often highlight the suffering the civilian population is exposed to - though without taking responsibility for their role in the suffering themselves. The criticism is instead directed at the sanctioned country again, which has the opportunity to stop the repression by doing as the sender wishes and thus possibly reducing the suffering if the sender chooses to stop sanctioning.

After deeper analysis on the responsibilities of international non-governmental human rights organizations in the debate on economic sanctions, it is important to remember that they are not financially independent, relying almost exclusively on funding from Western states, foundations, charities, development agencies and intergovernmental institutions such as the European Union. This means that many of these activists and their organizations are financially dependent on the West and rely on relations with Western institutions, including the diplomatic missions in their countries, for their social status and continued operations. This makes their work questionable as it lacks real neutrality.

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<sup>80</sup> Murdie, Amanda and Peksen, Dursun: The Impact of Human Rights INGO Shaming on Humanitarian Interventions. *The Journal of Politics*. Vol. 76, No. 1, 2013, 222.

## 5. The effects of economic sanctions on civilians in sanctioned states

Economic sanctions have a statistically and economically significant influence on the economic growth of the target state. They are considered a non-violent, more humane alternative to military intervention, but are criticized by the imposition of economic sanctions, since the uncomfortable reality is that, even if these measures are aimed at governments, often not the civilian population of the target state is exposed to the real consequences. This is because the imposition of sanctions often affects access to food, clean water medicine and health care services which in turn has a detrimental effect on longevity and infant mortality.<sup>81</sup> This result can be particularly unfair when the regime targeted by the sanctions lacks democratic legitimacy.<sup>82</sup>

It is believed that pressure on civilians will in turn translate into pressure on governments for change. But in regimes where political decision is not democratic, there is simply no way through which civil pressure can bring about changes in the government. Since sanctions are generally imposed on countries where governments are not periodically exposed to free and open elections, the people have no chance to punish their leaders who follow a policy that results in sanctions imposed on them. It is also unlikely that these leaders, when they become aware of the suffering their policies will bring to their people, will change that policy. If they were genuinely concerned about the fate of their people, this could prove financial sanctions as effective - however, this argument does fall short in this context.

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<sup>81</sup> Weiss G. Thomas: Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses. *Journal of Peace Research*. Vol. 36, No. 5 (Sep., 1999), 499-509.; Garfield, Richard: Economic Sanctions, Humanitarianism, and Conflict After the Cold War. *Social Justice*. Vol. 29, No. 3. *Global Threats To Security*. 2002, 94-107.; Gibbons, Elizabeth & Garfield, Richard: The impact of economic sanctions on health and human rights in Haiti, 1991–1994. *American Journal of Public Health* 89:1, 1999, 499–1504.

<sup>82</sup> Neuenkirch, Matthias and Neumeier, Florian: The impact of UN and US economic sanctions on GDP growth. *European Journal of Political Economy*. Vol. 40, Part A, December 2015, 110-125.

Thomas G. Weiss et. al. concludes that “In no case were sanctions the definitive factor bringing about political change; but in each instance economic coercion played at least some role in generating pressures for negotiation or compromise”<sup>83</sup>. The researchers produce a wealth of statistical data that establish the destructive impact of economic sanctions on the health and well-being of the affected population, despite international humanitarian aid. On the basis of their findings, the authors reject extensive economic sanctions as a political tool, as a legitimate enforcement action against a state. With regard to the effects of economic sanctions on the most vulnerable and weakest in society, the researchers conclusions leave no room for doubt: economic sanctions have a detrimental effect on the civilian population.<sup>84</sup>

Given that the improvement of human rights is often a stated goal of economic sanctions, especially those imposed by Western countries, the impact of human rights on sanctions is an important issue of policy. It is therefore important to determine whether sanctions improve human rights in the target country or whether they may exacerbate an already problematic situation. If sanctions unintentionally contribute to oppression or undermine the conditions of human rights, decision-makers should weigh this cost against the desired outcome. This is when economic sanctions can exacerbate human rights problems, increase government repression and harm innocent people. We tend to lose sight of the fact that sanctions have a definite life cycle that includes more than just a decision by the sender to force a target to change its behavior. In short, we know a lot about how sanctions are started, but relatively little about how they are ended and what happens in between, and therefore the consequences of the sanctions application will be presented in more detail below.

## **5.2 The health impacts of economic sanctions**

The impact of economic sanctions on health care services is not limited to problems with the provision of medicine. Health care services depend on

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<sup>83</sup> Weiss G. Thomas: Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses. *Journal of Peace Research*. Vol. 36, No. 5 (Sep., 1999), 499-509.

<sup>84</sup> Weiss: Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses. 499-509.

functioning and clean water and sanitation infrastructure, on electricity and other equipment such as ambulances and refrigerators to store vaccines. A weakened infrastructure due to a lack of essential imports, but also due to a reduction in state resources for investment, maintenance and operating costs, which in themselves are the result of lost revenue as a result of economic sanctions, strain the ability of health care systems to provide services and respond to medical emergencies.<sup>85</sup>

Attention should also be paid to other, often neglected, vulnerable groups such as the chronically ill and the elderly, or other groups that are marginalized and excluded for economic, social or political reasons. There are countless examples of how economic sanctions have been directed at the water supply in sanctioned countries, which has had extremely devastating effects on the civilian population. Sanctioned countries often experience a lack of materials and substances needed to clean the water, resulting in less access to clean water. Dirty water makes children especially susceptible to stomach-related diseases and thus more likely to die.<sup>86</sup>

Medication shortages also often lead to outbreaks of influenza as imports of approved drugs decrease and imports of unauthorized and counterfeit drugs increase, leading to decreased efficacy of these drugs and serious side effects<sup>87</sup>. However, one of the most direct ways economic sanctions affect health is through the lack of proper nutrition. Sanctions have been proven to have a devastating effect on sanctioned countries agriculture and food imports. Cuts in food imports lead to a lack of calorie intake and malnutrition that makes children and other vulnerable groups who are chronically ill more susceptible to tuberculosis, measles and other infectious diseases.<sup>88</sup> These poor conditions in hospitals also lead to an increase in maternal mortality and complications at birth. Hospitals also

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<sup>85</sup> Garfield, Richard: *The Impact of Economic Sanctions on Health and Well-being*. Overseas Development Institute, London, 1999, 1.

<sup>86</sup> Garfield: *The Impact of Economic Sanctions on Health and Well-being*. 1-2.

<sup>87</sup> Garfield, Richard: *Economic Sanctions, Health, and Welfare in the Federal Republic of Yugoslavia, 1990 - 2000*. OCHA/UNICEF, Belgrade. May 2001.

<sup>88</sup> Garfield, Richard and Santana, Sarah: *The impact of the economic crisis and the US embargo on health in Cuba*. *American Journal of Public Health*. February 1997.

have fewer deliveries and perform fewer tests<sup>89</sup>. These are just some of the channels that sanctions affect children's health and mortality. These consequences became a reality when sanctions were imposed in Iraq, but Iraq is unfortunately only one of many examples.

### 5.2.1 Iraq

The United States, with the support of the UN Security Council, implemented comprehensive economic sanctions against Iraq in 1990, immediately after the Iraqi invasion of Kuwait. When the invasion ended the Security Council did not lift the sanctions against Iraq - allowing them to continue to impose their will on Iraq. This meant that the continued devastating effects of the sanctions on innocent Iraqi civilians continued - despite the fact that the economic sanctions had no effect on the Iraqi leader Saddam Hussein who carried out the criminal invasion. The US always made it clear that they would block all repeal of economic sanctions as long as Hussein remained in power, but this proved to not be true. After more than twelve years of economic sanctions, the United States invaded Iraq and deposed Hussein's government and took full control over Iraq's oil sales and oil industry. Even after Hussein's deposition - The sanctions continued to be in place and still are to this day.

The Iraqi example is one of the most well-known examples of the devastating effects that economic sanctions can have on a civilian population. Almost all commercial imports and exports were blocked, Iraqi funds were frozen and travel by Iraqi transport or to Iraq was banned. However, the most devastating effects of the imposed economic sanctions were on Iraq's water supply. The US Defense Intelligence Agency (DIA), stated in its "Iraq Water Treatment Vulnerabilities"<sup>90</sup> report how they predicted how US sanctions might prevent Iraq from securing its water supply to its citizens.<sup>91</sup> This is because Iraq needs to import special equipment and certain chemicals to purify the water, which is otherwise largely

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<sup>89</sup> Garfield, Richard: *The Impact of Economic Sanctions on Health and Well-being*. Overseas Development Institute, London, 1999, 1-3.

<sup>90</sup> Defense Intelligence Agency (DIA): *Iraq water treatment vulnerabilities*, Washington DC, 1995. [https://gulflink.health.mil/declassdocs/dia/19950901/950901\\_511rept\\_91.html](https://gulflink.health.mil/declassdocs/dia/19950901/950901_511rept_91.html)

<sup>91</sup> Crossette, Barbara: *Iraq Sanctions Kill Children*, *U.N. Reports*, 1995, <https://www.nytimes.com/1995/12/01/world/iraq-sanctions-kill-children-un-reports.html>

highly mineralized. These predictions became a reality and Iraqis still suffer from a lack of clean drinking water, due to sanctions.<sup>92</sup>

The US imposed economic sanctions have contributed to conditions that are favorable for outbreaks of infectious diseases, public health problems and infectious diseases. The UN estimated, in 1995, that approximately 576,000 Iraqi children died as a result of US sanctions and that 5,000 Iraqi children will continue to die each month due to the economic sanctions.<sup>93</sup> The living conditions in Iraq thus represent a loss of several decades of progress in reducing mortality. This is a humanitarian catastrophe that, and together with other impacts that the economic sanctions have had in Iraq, constitute a difficult ground to stand on when trying to legitimize the use of economic sanctions from a human rights perspective.

### **5.3 The economic impacts of economic sanctions**

Neuenkirch and Neumeier empirically evaluate how economic sanctions imposed by the UN and the US affect the GDP growth of the sanctioned states.<sup>94</sup> The sample includes 160 countries, of which 67 were subject to economic sanctions during the period 1976–2012. The results show that the economic sanctions have a statistically and economically significant influence on the economic growth of the sanctioned states. On average, the imposition of economic sanctions reduces the sanctioned states' annual GDP growth rate per capita by more than 2 percentage points. All in all, the imposition of economic sanctions entails negative effects that turn out to be for a period of 10 years and lead to a total decline in the target country's GDP per capita of 25.5%. Comprehensive economic sanctions affect almost all economic activity and trigger a decrease in GDP growth by more than 5 percentage points.<sup>95</sup>

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<sup>92</sup> Human Rights Watch: Iraq's Failure to Manage the Water Crisis. July 22, 2019 July 22, 2019 <https://www.hrw.org/report/2019/07/22/basra-thirsty/iraqs-failure-manage-water-crisis>

<sup>93</sup> Crossette, Barbara: Iraq Sanctions Kill Children, U.N. Reports, 1995, <https://www.nytimes.com/1995/12/01/world/iraq-sanctions-kill-children-un-reports.html>

<sup>94</sup> Neuenkirch, Matthias and Neumeier, Florian: The impact of UN and US economic sanctions on GDP growth. *European Journal of Political Economy*. Vol. 40, Part A, December 2015, 122.

<sup>95</sup> Neuenkirch and Neumeier: The impact of UN and US economic sanctions on GDP growth, 122.

The results suggest that economic sanctions are indeed detrimental to the economies of the sanctioned states and whether these sanctions are an appropriate (regardless of effectiveness) tool to force governments to follow - especially in light of the criticism that they often cause more harm among already exposed civilian groups in the sanctioned states - than for the political elite. Neuenkirch and Neumeier further find that US sanctions affect the poorest in sanctioned states to the greatest extent while the rich have access to resources such as medicine, oil, etc., which in turn leads to increased class divisions. They further argue that sanctioned countries are often the ones with fragile economies, which makes them more prone to economic collapse and greater poverty.<sup>96</sup> Afesorgbor and Mahadevan's quantitative analysis of 68 states that have economic sanctions aimed at shows empirical evidence that income inequality extends over a longer period of time and that even when the sanctions are lifted it will be difficult to deal with the increased class divisions.<sup>97</sup>

These results become more interesting when compared to the fact that those who impose sanctions have been shown to be the least vulnerable to sanctions, these countries are The United States, France, Germany and the United Kingdom, while the most vulnerable countries to sanctions are and have always been countries in the Middle East, Latin America, Asia and Africa. This means that the countries that are less exposed to sanctions but mainly impose them - are the former colonial powers while those exposed were their former colonies. This opens up a whole new form of vulnerability - that is to be exploited again by the same state that imposed pain under the colonial rule - using the same kind of semantics to legitimize the actions. This demonstrates what Muta and other researchers speak of when they state that the human rights discourse, along with international law and economic sanctions, is a continuation of the Western Empire.

These findings surrounding the economic effects of sanctions also contribute to a more devastating consequence which is that economic sanctions can be

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<sup>96</sup> Neuenkirch, Matthias and Neumeier, Florian: The impact of UN and US economic sanctions on GDP growth. *European Journal of Political Economy*. Vol. 40, Part A, December 2015, 122.

<sup>97</sup> Afesorgbor, Sylvanus and Mahadevan, Renuka: The Impact of Economic Sanctions on Income Inequality of Target States. *World Development*, Vol. 83, Issue C, 2016, 1-11.

demonstrated to prevent the former colonies from developing, while at the same time states in the West become increasingly powerful while hiding behind the human rights discourse. This ensures that the global power imbalance is becoming clearer with no plans to even out the gap. One of many examples of how economic sanctions can destroy a state's economy and prevent a country from developing is Myanmar.

### 5.3.1 Myanmar

This is exemplified in the case The United States sanctions against Myanmar in July 2003. The United States imposed economic sanctions against Myanmar to give humanitarian assistance, counter-narcotics assistance and aid that promotes human rights and democratic values. However, the economic sanctions mainly hurt the industries in the country, such as the garment industry whose industry exported nearly half of its products to the United States. Researchers were particularly critical of the negative impact the US sanctions had on the economy and the standard of living of the population. For example, Rarick argues that although the citizens of Myanmar would have welcomed the democracy that the sanctions would lead to, but what they wanted more, and needed immediately, was economic development.<sup>98</sup>

Rarick describes Myanmar as having failed education and health care systems, a collapsed private banking sector, unreliable and very sporadic power generation, rapidly rising prices of basic commodities, an increasing proportion of malnourished children, rising cases of diseases such as tuberculosis, malaria and HIV, and more and more young women are being forced to cross into neighboring countries to work in the sex trade. Rarick states that it is time to reconsider economic sanctions because of it being an ineffective tool but also for its inhumane and unethical effects on the civilian population. According to Rarick, the only economic sanctions were to destroy the country. He continues to question

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<sup>98</sup> Rarick A, Charles: "Destroying a Country in Order to Save it: The Folly of Economic Sanctions Against Myanmar". *Economic Affairs*, June 2006, Vol. 26, No. 2, Pages. 60-63.

the reason for destroying a country if the proposed reason for sanctions was to save it.

## **5.4 The agricultural impacts of economic sanctions**

The countries with the greatest import dependency experienced the greatest decline in food therefore are more exposed to malnutrition. And as stated under “5.2 The health impacts of economic sanctions” these effects hurt the most vulnerable in the sanctioned state. The most common effect of sanctions aimed against food and agriculture are malnutrition amongst children. Sanctions on food entail that some imports are not allowed but also that the pricing on food increases because of the shortage. This further means that the poor are more vulnerable while the élité can still afford the prices. The most affected groups are also pregnant and lactating women, those with chronic diseases and the elderly.<sup>99</sup>

Trade sanctions have had the greatest impact on the health of the general population but some countries are more vulnerable to this because of its dependency on imports. In order for sanctions to seem as legitimate through a human rights perspective, they should avoid the major humanitarian impacts described above, or below, in the case of Cuba.

### **5.4.1 Cuba**

The United States currently imposes comprehensive sanctions against Cuba, and have been doing so ever since 1958. The stated purpose behind the imposition of economic sanctions against the regime in Cuba is to maintain sanctions on Cuba as long as the Cuban government refuses to move toward "democratization and greater respect for human rights"<sup>100</sup>. The U.S. sanctions are aimed at all exports to and from Cuba and have also threatened to stop economic aid to other countries if they trade with Cuba.

Cuba has now been under economic sanctions for more than half a century and the grip on Cuba's economy is only getting tightened with no end in sight. The

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<sup>99</sup> Garfield, Richard and Santana, Sarah: The impact of the economic crisis and the US embargo on health in Cuba. American Journal of Public Health. February 1997.

<sup>100</sup> Garfield and Santana: The impact of the economic crisis and the US embargo on health in Cuba.

United States sanctions, combined with the pressure on other countries not to do business with Cuba, has had devastating effects on the citizens of Cuba. The primary impacts have been on health and nutrition.

Nearly 90 % of Cuba's trade was in agricultural and medicines. Farmers worry about the impacts that the petrol blockade has on the food supply. In 1997, the American Association for World Health issued a highly critical report confirming that the sanctions caused "malnutrition, poor water quality, and the denial of access to medical equipment and drugs" and amounted to "the deliberate blockading of the Cuban population's access to food and medicine"<sup>101</sup>. As a result, the agricultural access had declined by 25% from 1989 to 1992. As Leon Eisenberg, a Harvard Medical School professor wrote in the New England Journal of Medicine, "The Cuban and Iraqi instances make it abundantly clear that economic sanctions are, at their core, a war against public health"<sup>102</sup>.

The economic sanctions have also been shown to have had an especially harmful effect on children in Cuba. The percentage of low-weight births rose by 19% between 1989 and 1993, wiping out the 10 years of progress. Additionally, women's health have suffered by medicines and contraceptives being difficult to obtain and maternal mortality that rose by 50 % in the period of 1993-1994.<sup>103</sup> The Cuban case, the sanctions regime imposed by the United States violates human rights law in two distinct ways. First, the fact that the United States is the major regional economic power and the main source of new medicine and technology means that Cuba is subject to deprivations that affect its citizens' human rights. This being ironic because of the stated purpose of imposing sanctions on Cuba which was to improve the human rights of Cuban citizens. Although the United States has jurisdiction over its trade policy, this policy is subject to human rights considerations, and a trade policy causes grave, systematic violations of human

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<sup>101</sup> Economic and Social Council: The Bossuyt Report: The Adverse Consequences of Economic Sanctions. Review of Further Developments in Fields with Which the Subcommission Has Been or May Be Concerned. E/CN.4/Sub.2/2000/33. June 21, 2000.

<sup>102</sup> Eisenberg, Leon: The sleep of reason produces monsters? human costs of economic sanctions, New England Journal of Medicine, 24 April 1997, vol. 336, No. 17.

<sup>103</sup> Economic and Social Council: The Bossuyt Report: The Adverse Consequences of Economic Sanctions. Review of Further Developments in Fields with Which the Subcommission Has Been or May Be Concerned. E/CN.4/Sub.2/2000/33. June 21, 2000.

rights and therefore is in violation of international law. The fact that the sanctions continue to be in place even though these violations of international law occurs - and have been doing so for over half a century - only adds more legitimacy to the fact that international law has its roots in imperialism where the United States is the ruling actor.

## **6. Conclusions and further research**

In this study, it is made clear that both those advocating the use of economic sanctions as a foreign policy tool and those who oppose this believe that economic sanctions have devastating effects on the civilian population of the sanctioned countries. However, they differ when it comes to the debate about continuing to use this remedy. Those who advocate for economic sanctions believe that there is no better alternative than economic sanctions and that although there are only a few cases where they have been proven to be successful - it is better than not doing anything at all. Those who oppose its use argue that economic sanctions are an imperialist tool used by the West to maintain its dominance over the world while having devastating consequences for the civilian population in the Third World. They further argue that this becomes clearer when economic sanctions are alleged to be introduced to improve human rights when, paradoxically, they do the opposite as seen in the examples of Iraq, Myanmar and Cuba.

This study also presents a different perspective on the human rights discourse, which is not always prominent in the normative discourse - namely, questioning the motives behind the movement and evaluating its use. This study links ideas on legitimizing the use of economic sanctions through liberalism, imperialism and international human rights law - of which there are very limited research today. Future research on economic sanctions would therefore benefit from a post-colonial perspective in order to more clearly understand the link between economic sanctions and the human rights discourse. Questions regarding who decides when to implement “responsibility to protect”, to “do something” or which states need a “regime change” need further attentions.

Furthermore, it would be interesting to see more extensive research on how economic sanctions affect the global power imbalance since those who are exposed also are the former colonies while those who expose are the former colonizers. Research that relates this to concepts such as race, culture, development and power, but also highlight the issue of accountability where the sanctioner are held accountable for the consequences of their actions when they sanction the sanctioned.

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