

What makes a successful sanctions regime?

Written by Erik Sande

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ERIK SANDE, JAN 25 2012

In May of 2010, in New York City, contentious political debate was taking place in the meeting rooms of the US Mission to the United Nations. Iran had recently been flaunting UN sanctions even more than normal, making bold claims regarding their nuclear capabilities and closing off their facilities to International Atomic Energy Agency inspectors. A process that had begun in November of 2009 was now, in the final week of May 2010, coming to fruition – and I was able to witness it. For the six or seven weeks previous, I had worked alongside the Sanctions Unit as a member of a team researching information on such disparate issues as correspondent banking, the Iranian missile program, and nuclear proliferation for my internship with the US State Department. Now, after nearly six months of work by the Sanctions Unit, there was barely any mention of centrifuges, missile payloads, or proliferation. Instead, debate was focused around which Iranian financial institutions the US, UK, and France negotiators could get China and Russia to agree to listing within the sanctions text. The US representative was finding the Russian and Chinese representatives obtusely denying the need to ratchet up the pressure on Iran's financial sector. However, when looking at the issue of effective International Sanctions, we will see that carefully increasing restrictions and ratcheting up pressure is the only way to increase the chances of success.

The concepts of granularity and interdependence play key roles in the complex web of modern International Relations. At the international level, granularity is meant to symbolize the increasing number of important players and, of course, interdependence is the relationships between those players. Due to this granularity international relations becomes a system of ever-increasing complexity. In Joshua Cooper Ramo's book, "The Age of the Unthinkable," he equates the complexity and unpredictability of today's world to a series of experiments carried out by physicist, Per Bak. Bak's experiments focused on the idea of 'organized instability,' which we will cover momentarily.

In an effort to better control some of the granularity inherent in the international system, nations use sanctions. "Economic sanctions—deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations—remain an important yet controversial foreign policy tool that policymakers invoke to respond to perceived misdeeds of foreign governments." [1] United Nations sanctions, in particular, are used to carefully ratchet up pressure or change the calculus of different governments, typically in order to get them to fall in line with some sort of international consensus. Sanctions were not always the carefully measured and targeted approach that they are today. The question before us presently is what makes for a successful sanctions regime? In order to answer this, while taking into consideration Per Bak's sandpile experiments and the increasing granularity of modern International Relations, we will first delve into an overview of Per Bak's work, then examine United Nations sanctions, before exploring a case of a partial sanctions "success" in Libya and a sanctions "failure" in the case of North Korea, and finally settling on the issue of integrative complexity and the current sanctions regime in Iran.

Per Bak and Self-Organized Criticality

When learning an instrument, a student learns one note and then a second. The next step is to combine these first two or three notes into a tune, to make practicing more enjoyable. Soon, the student has mastered eight notes in a row and is practicing scales and moving on to theory – next stop, Carnegie Hall. Learning one thing helps you learn the next thing by building upon the first. The same type of additive concept is at play in other fields as well. When

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building a house, a foundation must be laid, then the walls are framed, trusses are put in place, and a roof is the final step. However, what would happen if the foundation of each house reacted in different ways; if, in fact, the roof of the house acted in its own unique interest against the walls but in conjunction with the trusses. The real world, with its unending complexities is typically like this.

Complex systems are all around us. For example, the spread of disease in a community, the foreign exchange market, or a Gulf Coast ecosystem are all examples of complex systems. “Complex behavior in nature reflects the tendency of large systems to evolve into a poised ‘critical’ state, way out of balance, where minor disturbances may lead to events, called avalanches, of all sizes.”^[2] Physicist Per Bak referred to these systems as Self Organized Criticality; a type of organized instability. The classic way of understanding this concept is by visualizing a pile of sand. As sand continues to drop onto the pile, grain by grain, each individual grain would be exerting force onto the grains that it fell on as well as the rest of the pile. The sand pile becomes increasingly complex as the pile grows, with each additional grain of sand having the potential to cause an avalanche, or, perhaps to do nothing at all but organize itself, always on the critical edge; indeed, Self Organized Criticality. “What was radical about this idea was that it implied that these sand cones, which looked relatively stable, were in fact deeply unpredictable, that you had no way of knowing what was going to happen next, that there was a mysterious relationship between input and output.”²

When Bak’s theories were tested in a lab, the researchers found that, after organizing itself into a small cone, it would reach a critical state where one additional grain would cause an avalanche...or it would not. Researchers found that “what happened within the pile, the shifting and sliding of the grains, was as important as what happened to the pile.”² This is where Per Bak, Self Organized Criticality, and piles of sand come together with International Relations. Every grain of sand in the pile has an effect on every other grain and is linked by “invisible webs of pressure and tension”. In International Relations, and United Nation sanctions in particular, the object is to work to visualize those webs and manipulate them in such a way as to cause compliance in the target country. Of course, the international community is in a constant state of change, which makes this process that much more challenging. Now that we have established a basic understanding of Self Organized Criticality, we will discuss the way that the United Nations (the International Community) attempts to combat this ‘constant state of change.’

There has recently been a great deal of study on the efficacy of sanctions. The pioneers in this field are Hufbauer, Schott, and Elliott (HSE) with their work, *Economic Sanctions Reconsidered*, now in its third edition. In their work, they identified seven “recommendations” that they have found to indicate effectiveness in sanctions regimes. These variables include:

- Don’t Bite Off More Than You Can Chew,
- Friends are More Likely to Comply than Adversaries,
- Beware Autocratic Regimes,
- Slam the Hammer, Don’t Turn the Screw,
- More Is Not Necessarily Merrier,
- Choose the Right Tool For the Job, and
- Don’t Be A Cheapskate or a Spendthrift.^[3]

These recommendations deal with expectations of the sanctions’ effects, bullying bullies, and levying sanctions that will have the greatest effect immediately. What these recommendations end up doing, however, is having the effect of taking the house apart and looking at the foundation separate from the walls and roof. As Bak wrote, “Studying the individual grains under the microscope doesn’t give a clue as to what is going on in the whole sandpile. Nothing in the individual grain suggests the emergent properties of the pile.”^[4] The International Community is thoroughly more complicated than simply ‘slamming the hammer’ or being concerned with ‘bullies.’ The only way to truly appreciate the complex nature of the International structure is by observing it as a whole, interconnected system where each actor continues to push and pull on other actors as additional variables are constantly being added; increasing granularity.

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United Nations and Sanctions

The United Nations currently has 10 different Sanctions regimes in effect in Eritrea and Somalia, Iraq, Liberia, the Democratic Republic of the Congo, Cote d'Ivoire, the Sudan, Syria, the Democratic People's Republic of Korea, Iran and on those individuals listed as members of Al Qaeda. "The use of mandatory sanctions is intended to apply pressure on a State or entity to comply with the objectives set by the Security Council without resorting to the use of force." [5] The enforcement of sanctions will nearly always include a 'travel ban,' an 'assets freeze,' and an 'arms embargo.' If an individual is listed in the sanctions text (sometimes a difficult process in and of itself as consensus of all Security Council members must be gained) for example individuals involved with Congolese militias of the Democratic Republic of the Congo, then they will not be able to travel outside of their country. The idea being that they will not be able to flee prosecution for their alleged wrongdoing as well as effectively taking away the privilege of traveling. These same individuals will very likely have an asset freeze imposed upon their finances as well with the intention to make it as difficult as possible for them to continue violating international norms.

The third element of any major sanctions regime is the arms embargo. Currently, for example, the nation of Cote d'Ivoire, a divided nation since a failed coup in 2002, has an arms embargo in place. This is put in place as an attempt to limit the possibility of violence. Unfortunately, in an example of the 'sandpile effect' in International Relations (exemplified by difficulties with enforcement), the rebels in Cote d'Ivoire easily get arms by trading cocoa with its northern neighbors. The reason that the rebels in the north trade something as seemingly innocuous as cocoa is that the United Nations Security Council imposed a ban on the export of Ivorian diamonds, an example of the attempt at smart or targeted sanctions.

With the implementation of smart sanctions, "The Security Council has...sought to target decision-makers more directly...It has also focused its sanctions regimes increasingly upon strategic goods, prohibiting particular items – such as arms, diamonds, and timber – the export or import of which is perceived to contribute to the relevant threat to the peace." [6] The use of smart sanctions by the United Nations is an example of the international community attempting to control more of the grains of sand, to maintain a grasp on the granularity of any given situation.

After my internship experience working for the United States Mission to the UN, in the sanctions department, the one question I was asked the most was: "Do you think the UN does anything?" After working numerous twelve-hour days week in and week out, I can certainly attest to the fact that the UN does, in fact, "do something." The reason that individuals outside of the UN might feel as though the international community is slow to respond and is ineffective when they do so, is because of the granular approach that is taken. When comprehensive sanctions have been employed in the past, most famously in Iraq, the civilian cost has been viewed as too high. What this, in turn, causes is the United Nations Security Council to implement sanctions on a piecemeal basis. This takes a great deal of time, as each 'piece' has to be agreed upon by all members. It is also worth noting that many members of the Security Council may have trade and economic ties with whichever nation is under scrutiny, adding to the pressure felt 'within the pile.'

Even with the granularity and interdependence present within the international system and the problems with enforcement caused by this, "in approximately one-third of the cases examined...Security Council sanctions had some impact." [7] In a world filled with international actors where power is frequently maintained through zero-sum calculations, having a system such as the United Nations Security Council utilizing the tool of smart sanctions is undoubtedly positive. Keeping the granular nature of international problems in mind and the occasional need for globalized, cohesive action, we will examine an instance where sanctions were successful.

Libya and Partial Success

As indicated earlier, there are few standout successes in the world of United Nations sanctions. Sanctions were used in the case of Yugoslavia, and ended in the Dayton accords, and sanctions were implemented in Liberia where they "denied first resources, and then legitimacy to the Charles Taylor regime." [8] An additional example of a sanctions

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'success' is the case of Libya.

The Qaddafi regime in Libya had, as far back as the mid-1970's, stated its intention of creating a nuclear weapons capability. Additionally, Qaddafi allowed (and perhaps encouraged) the development of terrorist training camps within Libya. "Among the groups aided by Qaddafi were the Irish Republican Army, Spain's ETA, Italy's Red Brigades, and Palestinian groups such as the Palestine Liberation Organization." [9] In addition to this, Libya sponsored the bombing of a German dance club in 1986, the 1988 bombing of Flight 103 over Lockerbie, Scotland and another bombing of a French passenger plane over Niger in 1989. Needless to say, all of these actions were viewed as outside the international norm. In an attempt to curb this internationally deviant behavior, the United States implemented a unilateral, gradually ratcheted up sanctions regime. However, it wasn't until 1992 that the UN Security Council implemented international sanctions including an arms embargo and limits on the type of equipment that could be transported to Libya. The reasoning behind the UN sanctions was the desire to bring to trial those responsible for the Lockerbie bombing. The sanctions were suspended in 1999, after successfully working to isolate the region, and then finally the sanctions were lifted in 2003. Through the use of sanctions, the international community was able to secure the stated goal of prosecuting those responsible for terrorist acts. Additionally, through constant pressure exercised by the United States before, during, and after UN sanctions, the Libyan government altered its calculus in regards to their Weapons of Mass Destruction program. "When Libya was faced with United Nations (UN) sanctions in the early 1990s, it was a relatively weak state in a confrontation with a relatively unified international community." [10] The effect of a unified international community and the fact that Libya lacked any kind of "coercive resources or powerful allies,"¹¹ ultimately led to the success of the sanctions regime.

This particular instance of UN sanctions is important, not simply because it was successful, but also because it exemplifies the flexibility that can be present when dealing with large, complex problems. One illustration of this flexibility is that instead of imposing overwhelming, comprehensive sanctions like those issued upon Iraq in 1991, oil exports were allowed to continue to countries like Italy, Spain, Germany, and France. Additionally, this regime was the first time that UN sanctions had been used in order to persuade a nation to turn over specific individuals. While the increasing granularity can be daunting when looking to control it, one must remember that the UN Security Council can approach issues from any of a variety of creative ways they simply need agreement. In this particular case, it was as if the effect of the sanctions regime was that the international community as a whole was able to hold out its hand to carefully monitor the amount and type of 'grains of sand' that fell instead of more and more sand falling onto the pile exacerbating the situation. This worked to control the granularity and highlight the interdependence that Libya required. In order to be let back into the International Community (and international markets) Libya, due to its lack of a successful internal market and dearth of allies, was induced to abide by the international standards being willed upon them. We will keep the idea of allies and interdependence in mind as we move to analyze a case typically thought of as a sanctions 'failure,' the Democratic People's Republic of Korea.

DPRK: A Study in Diplomatic Perseverance and Lack of International Cohesion

While the Libyan government was able to maintain its defiance for a decade, during that time it was not able to expand upon its desire for a Weapons of Mass Destruction (WMD) program. Unfortunately, that is not always the case, as we will see with the Democratic People's Republic of Korea (DPRK). Both North and South Korea joined the UN in 1991. As soon as 1992, however, DPRK was causing a stir by not allowing IAEA inspectors into sites believed to be used for nuclear production. This then begins a long series of manipulations by DPRK and on July 5, 2006 (July 4th in the United States – they have a history of aggressive acts on US holidays) after a month of warnings that a test might be coming soon, DPRK launched 7 ballistic missiles. The reaction from Japan, South Korea and even Australia was immediate and ten days later, the UN Security Council passed Resolution 1695. This resolution placed restrictions on what could go into and out of DPRK. Even in this initial resolution, however, China was working to weaken the text of the regime [11] (the same actors had the same weakening effect later in the Iranian sanctions negotiations). At this early juncture, the cohesive front needed to control the granularity of the situation and enforce successful sanctions was already faltering. Since the passing of 1695 additional attempts have been made to ratchet up pressure on the DPRK government.

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In reviewing much of the literature regarding the DPRK sanctions, it is interesting to note that many experts believed that working together with China would resolve the issue. An added bonus foreseen by many experts was the boost in Sino-American relations that this would imbue. In fact, what has happened is that, "North Korea's nuclear test and the imposition of UN Security Council sanctions have had no perceptible effect on North Korea's trade with its two largest partners, China and South Korea." [12] Instead of a DPRK that falls in line with international norms and closer US/China relations, what has happened is closer China/DPRK relations. What seems to have been missed, and is another example of granularity, is that in order for sanctions to work all parties must have similar goal and believe in the process. While it took a decade, the international community remained inflexible and eventually Libya cracked. What is clear in the case of DPRK is that there are very deep divisions between the parties involved and the cohesiveness needed to effectively manage the granularity of the situation is simply lacking. Indeed, as Lopez noted, "if there's a fundamental difference in an approach to a potential target country by members of the Security Council then you're probably not going to get effective sanctions and I think that's what we've seen with North Korea." [13] While the US (and 'the West') is concerned about nuclear proliferation and the threats of violence to our allies, South Korea and Japan, China is instead worried more about the collapse of DPRK. The northeast region of China that borders DPRK is already experiencing economic distress leading to protests by the citizenry. The leadership in Beijing is willing to do almost anything to maintain the delicate balance within DPRK to keep the country together, preventing a stream of refugees from flooding into China.

What this leads to is instead of the hand of the international community reaching out to carefully control the sandpile as in the Libya example, there are multiple hands in the pile all with differing motivations. As mentioned previously, a cohesive front was important in the success of the Libyan sanctions regime. Unfortunately, in the case of DPRK, there is not the same level of cooperation. Each individual sanctions regime is mandated its own Panel of Experts (POE) used to investigate how effective, or ineffective, the sanctions are at achieving the stated goal. According to the DPRK Panel of Experts, the main export of the DPRK is arms, counterfeit money, and nuclear technology. It has become almost the very definition of a criminal state.

The DPRK utilizes a number of different methods to accomplish this goal including mislabeling containers and using a myriad of shell companies and intermediaries. Additionally, the DPRK has become expert at selling arms in what are called "knock-down kits," materiel that is delivered in pieces and then assembled in foreign plants either by locals or with DPRK assistance. Finally, the recent POE reports also evidenced the transfer of nuclear technology and equipment to Myanmar, Syria, and Iran. [14] While this defiance in the face of international pressure might make it appear as though sanctions are ineffective, the Chief of the US Mission to the UN Sanctions Unit stated simply that the fact that we are finding and stopping most of these shipments prove that the sanctions are actually working.

The infractions listed above are examples of evading the UN sanctions and at the same time we can see (typically luxury) goods being imported into the DPRK through China. An additional layer of granularity to be considered is the issue of the South Korean people. "President Lee Myung-bak is under intense domestic pressure to further loosen the South's military rules of engagement." [15] A military engagement instead of a continued effort at a diplomatic one would have the effect of completely wiping out the entire carefully constructed sandpile.

Even though the sanctions evasions and military build-up has been well-documented by UN experts and by the South Korean press, on December 6, the Foreign Ministers of Japan and South Korea along with Secretary of State Hillary Clinton stated that they "looked forward to further enhancing cooperation with China and Russia, in particular within the Six-Party Talks framework, on ways to deal with DPRK related issues, including an appropriate response to its recent provocative actions and denuclearization, emphasizing the implementation of relevant United Nations Security Council Resolutions." [16] This continued a show of patience and diplomatic perseverance, which gives hope for the future possibility of the sanctions regime's success. Certainly, the DPRK's recent bout of aggression towards the South is regrettable, however, the DPRK's government has shown itself to be calculating and shrewd and there is typically some sort of rational motivation for its actions (in most cases aid in the form of food or fuel). This can only lend hope to the thinking that once the correct combination of grains of sand has fallen on the DPRK sandpile, eventually there will be an avalanche. This 'avalanche' will be discussed momentarily but first we will look to the future of sanctions and the case of Iran.

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Integrative Complexity and Iranian Sanctions

What we have explored so far is an overview of Per Bak's work while threading it through the needle of international coercion. We have seen how, in the past, sanctions have been successful in the case of Libya and (relatively) unsuccessful (up to this point) in the case of DPRK. To see where this leads for the future of UN sanctions and what makes a successful sanctions regime, let us turn now to examine the case of the most recent sanctions regime instituted against Iran.

As mentioned previously, what happens *within* the 'pile' is just as important as what happens *to* the pile. But what happens if the sandpile, as is the case with many nations and in particular Iran, has already been standing for quite some time when the UN comes along and there is a troubled history already present? "Lord Kitchener's decision at the outset of the first World War to partition the Middle East after the war between Britain, France, and Russia,"[17] has certainly set the table for years of Western interference in the Middle East, at least from the Iranian perspective. "With Iran, a major problem for nuclear deterrence has been how to dismantle the burdens of history." [18] The United States, typically the main promoter of UN sanctions, has a relatively difficult history with Iran to say the least. Between CIA involvement in their 1953 coup, dubbed a "a crucial turning point both in Iran's modern history and in U.S. Iran relations,"[19] through the 1979 revolution and subsequent hostage crisis and finally the ending of diplomatic relations in April of 1980, Iranian opinion of the United States in particular and 'the West' in general has been shaped negatively.

With a history of 'Western meddling' and over sixty years of troublesome US/Iran relations, it is easy to see why implementing an effective sanctions regime on Iran would be so difficult. As seen in other cases of sanctions, and exemplified above in the DPRK example, enforcement becomes of utmost importance for success. When attempting to isolate a state in order to change the calculus of its government, unilateral action has been shown to be the least effective. In order to have as big of an impact on as many grains of sand as possible, a united and cohesive front must be displayed. For sanctions to be carried out effectively, we should not be asking, "How do we handle Iran's belligerent plans?" but, rather "How do we create an environment that gives us the leverage we need to manipulate Tehran?"[20] It is United Nations sanctions that allow us to create that environment and give the International Community the space for manipulation.

In Richard Pape's "Why Economic Sanctions *Still* Do Not Work" he states, "there is no sound basis for even qualified optimism about the effects of sanctions." [21] What then is the International Community to do about the rogue actors of the world? As we have seen, International UN Sanctions are not *always* successful, but they *can* be successful when implemented completely and carefully. Part of this careful and complete implementation involves the International community carefully monitoring the inputs and outputs of the target nation. Indeed, the true implication of granularity and interdependence in International Sanctions theory is that it illustrates the concept of having a small input and getting a dramatic output. The 'small input' is, of course, the process of ratcheting up the pressure on deviant regimes. When Per Bak's theories were tested in a lab, it was quickly realized that there is simply not enough computing power to make all the necessary calculations to determine exactly when a sandpile will collapse. With the exponential number of forces interacting with one another as the number of grains increases, eventually there will be an avalanche. Even at that critical point, there is no method for calculating the magnitude of the impending avalanche. The goal, of course, particularly when dealing with nations, is the careful manipulation of the pile in order to cause baby avalanches. For example, the International Community does not truly want the DPRK government to collapse, causing mass chaos all throughout the Korean peninsula. What is desired instead is the careful dismantling, or at the very least monitoring, of North Korea's nuclear program. This same result is desired in the case of Iran.

As Lopez noted, "US leaders can incorrectly use sanctions for punishment and isolation, or they can combine these tools with incentives as part of a dynamic bargaining process that eases or increases pressure in response to cooperation or defiance." [22] While the Obama administration has implemented a 'two-track' approach utilizing both engagement and isolation, we have so far seen mixed results. On the one hand, Iran has, just this week, entered into a new round of talks with the P5 + 1 (the 5 permanent members of the Security Council, plus Germany) regarding

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their nuclear program. On the other, they have maintained defiance in terms of the International Atomic Energy Agency's inspectors and have made boastful claims regarding their uranium producing capabilities. The 'stick' of sanctions has been wielded with increased vigor as Iran continues to thumb its nose at the UN's (and the United States' in particular) efforts with the 'carrot' of access to financial markets, suspension of sanctions, and technological exchange.

The Final Grains

Following an overview of the physicist Per Bak's Self Organized Criticality, a review of the UN sanctions process, an exploration of the sanctions experiences in Libya and the DPRK, and finally, a review of recent sanctions work in regards to Iran; we were able to state that effective sanctions are possible. Careful ratcheting of sanctions in order to control for the granularity and interdependence present in the global system along with a healthy dose of International cohesion in terms of enforcement is a potent combination allowing the International Community's goals to be met. However as the world is increasingly interconnected, it becomes progressively more difficult to enforce sanctions measures and therefore more and more difficult to end up with successful sanctions.

This goal of enforcement, together with the backdrop of increasing pressure on target regimes is part of the reason for the broad approach when it came to the sanctions on Iran. In those meeting rooms, when the representatives for the nations on the Security Council would gather to discuss the appropriate text for an updated sanctions regime, a broad scope was necessary. Granularity and interdependence was playing a very definite role, similar to the increasing grains of sand in a Per Bak physics experiment. It was in this way that I found myself analyzing the specifics of the Iranian missile program and its importation of technology from the Democratic People's Republic of Korea one moment and then researching the concept of correspondent banking and money laundering the next. As we worked towards a more successful set of sanctions, it was our way of attempting to account for each grain of sand within a very complex pile.

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