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The United Nation Security Council's Continued Use of Economic Sanctions: Controversy, Evolution and Justification

When the Cold War ended, the Security Council needed to find its place in a new world, and it did this through various changes. One of these changes was the notable increase of its use of economic sanctions. Used only twice in the 1960s since its establishment, resorting to sanctions became a more readily accepted tool by the Security Council after the Cold War, especially in the 1990s (Special Research Report 2013). Other changes can be seen in the Security Council's activities and global perception, including such elements as initiating peacekeeping missions, authorizing the use of force, and serving as a place that states must go before they use force (Voeten 2008, pg. 288). In this way, the Security Council became a referee of sorts: ensuring that states play fair, and trying to always find alternatives to military action.

The effectiveness of the Security Council, however, has come into question, particularly when it comes to their use of comprehensive economic sanctions. Criticism over the imposition of these sanctions has included its uneven standards, and using sanctions as punishment and/or as a means of merely legitimizing those posed by the more powerful states (Carisch & Rickard-Martin 2011, pg. 8). These claims not only speak to the effectiveness of sanctions, but they also cast doubt on the legitimacy of the Security Council as a whole. A council that discriminates, punishes, and is at the mercy of powerful states cannot adequately serve its primary function of maintaining the peace. Additionally, controversy surrounds another aspect of these sanctions: their negative humanitarian impact (Reisman 2005; Suter 1999; Voeten 2008 & Morris 2000). Particularly when the sanctions imposed affect the state's economy, the population suffers as a result. This impact has been seen most notably in Iraq, where the Iraqi population continue to suffer from the sanctions that were imposed following the Gulf War in 1990 (Chitalkar & Malone 2013; Browne 2003; Boone, P, Gazdar, H & Hussain, A. 1997).

Despite the controversy, the use of economic sanctions by the Security Council continues to be a popular option, due to how "... relevant Security Council decisions have reflected a more refined approach to the design, application and implementation of mandatory sanctions" (United Nations 2014). Having taken the criticism seriously, the Security Council claims to have incorporated solutions to these issues when choosing to use sanctions. Through the integration of targeted sanctions, the Security Council has attempted to ensure maximum effectiveness, with as little collateral damage as possible. The evolution of sanctions in this way can serve as the best explanation as to why the controversy that surrounds sanctions has not led the Security Council to give up on them entirely.

The aim of this paper is to elaborate on why, despite controversy, the Security Council's continues to use economic sanctions. To this end, an understanding of both comprehensive and targeted sanctions is developed, in order to show how the Security Council's evolution towards, and eventually the increased use of, targeted sanctions provides reason enough for their continued use of sanctions. To begin with, an overview of both the Security Council and economic sanctions is developed, followed by an understanding of how the Security Council uses economic sanctions and a brief reflection on how effective these sanctions have been. Following this, the controversy that has arisen primarily regarding comprehensive sanctions is clarified in greater detail, in order to better understand how

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targeted sanctions were developed. Ultimately, the evolution of targeted sanctions is outlined as a means of understanding why the Security Council continues to use sanctions at all.

The Security Council and Economic Sanctions: Overview and Definitions

The main function of the Security Council is to ensure that peace and security is maintained internationally, and its structure was designed to suit this function. As the primary body of the United Nations, it is responsible for dealing with any threats to peace, which it does through first attempting negotiated settlements, but then may escalate measures to the use of sanctions or even force, if necessary (United Nations Web Services 2014). The role of the Security Council has evolved over time since its inception, particularly following the end of the Cold War. Initially only concerned with military threats, it began to include issues such as human rights abuses, and particularly after the end of the Cold War, situations dealing with refugees, terrorism, WMDs, and other non-military threats, in its function (Schrijver 2007, pg. 128). One of the measures that the Security Council has increasingly utilized to accomplish its function is the use of economic sanctions – comprehensive, at first, but then becoming more targeted. Barely used during the Cold War, the use of comprehensive sanctions was deemed an essential tool which helped to end the Iraqi invasion of Kuwait in 1990, and has since been used much more often, but with mixed results. Cartright and Lopez (2000) argue that the “Sanctions Decade” of the 90s, prompted by Iraq, saw limited success not due to the ineffectiveness of the sanctions themselves, but because of flaws related to how some of the sanctions have been made, implemented, and enforced.

In order to understand the extent of the effectiveness, or lack thereof, of economic sanctions, it is necessary to understand what they are, and what purpose they are intended to serve. Economic sanctions can be defined as, “... restrictions on the import or export of goods, technology, capital, or services against a country or a group of countries with the aim of compelling the recipients of sanctions, for political reasons, towards a specific behavior” (Trachsler 2010). It has been argued that there are four main forms of economic sanctions, which are: controlling trade, halting aid or other forms of assistance, freezing the financial assets of key figures, and blacklisting relevant companies (Doxey 1980, pg. 14-15). For example, during the 1990 invasion of Kuwait by Iraq, sanctions were imposed as a means of preventing the continued aggression of Iraq, and included both general and arms embargoes, bans on oil exports and the halting of humanitarian imports program (Browne 2003).

While the Security Council imposed these sanctions as a result of aggression, this is only one of the reasons why sanctions are imposed. Lindsay (1986, pg. 155-156) argues that the objectives of posing sanctions fall into four categories: compliance, subversion, deterrence, and symbolism. This means that possible reasons for imposing sanctions are to change or stop a particular behavior, to overthrow leadership, or to send a message. For example, the Security Council used sanctions on North Korea in 2006 after they had conducted a nuclear test, in order to attempt to change this behavior, or, as categorized above, for compliance (Noland 2009). The use of sanctions by the Security Council has varied both in which of these types has been used and the reasons for their use, particularly as the elements that fell under maintaining peace and security in the world continued to expand after the Cold War. When the Security Council began using economic sanctions, however, it was in the form of comprehensive sanctions, which are applied on an entire state, irrespective of the reasons for its imposition, and can greatly impact the population as a result.

The Implementation and Consequences of Economic Sanctions

While Lindsay (1986) argues that compliance, subversion, deterrence, or symbolism are the primary reasons why sanctions may be posed against a state, based on the current 13 United Nation's sanctions regimes, it can be argued that the use of sanctions now fall into five main categories: conflict resolution, non-proliferation, counterterrorism, democratization, and the protection of civilians (Special Research Report 2013). In other words, the reasons why sanctions are currently being used include resolving intrastate issues, encouraging a state to disarm, combating terrorism concerns, assisting in the transition towards a democracy, and human rights issues. While these intentions may seem reasonable, it is important to understand the extent of their effectiveness thus far at resolving these issues. This means developing an idea of the process through which the Security Council decides on using sanctions and whether they have generally been an effective tool.

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The way the Security Council decides on the use of economic sanctions is stipulated in its Charter, primarily as an alternative to the use of military force. Article 41 under Chapter VII of the United Nations Charter provides a very broad overview of the use of economic sanctions by the Security Council, where,

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations (United Nations 2014).

Thus, the role of the Security Council is to require certain states to impose these sanctions if the decision is made that they are necessary. However, this does not mean that the Security Council is free to impose sanctions as it deems fit, as there are certain legal limitations that it must take into consideration, including elements from international, humanitarian and human rights law, and the Charter of the United Nations (Owen 2012; Ruiz 2012; Lopez-Jacoiste 2010). As a result of these limitations, sanctions can be evaluated on the basis of several criteria: whether they target the appropriate people or goods and whether they are valid, time-limited, effective, and do not raise objections from a human rights standpoint (Bossuyt 2000).

Once again, the example of Iraq can be used to demonstrate the way these criteria can be applied to assess whether the imposition of sanctions does not violate the limitations that have been set. It can be argued that, "While the sanctions regime might have been effective in reducing Iraq's military potential and in securing its compliance with international law for the time being, by imposing a heavy cost on Iraqi civilians it adds further fuel to the sense of historical injustice felt by ordinary Iraqis" (Boone, P, Gazdar, H & Hussain, A. 1997, p. 36). This indicates that despite any positive ramifications these sanctions may have had in the short-term for the international community in this case, the negative ramifications for the Iraqi people far outweigh them. Although sanctions have been established as an alternative to armed force, without guaranteed methods to ensure the adverse effects suffered by the population are kept at a minimum, they do not carry out their intended function. However, the problem is that while some may view certain limitations as binding, others may not, and thus true standards for the implementation of sanctions cannot exist, and ineffective sanctions may continue to be imposed.

Beyond the negative humanitarian impact that they have, there are indications that economic sanctions have not achieved a high success rate when it comes to achieving their intention. In a study done by Hufbauer, Schott and Elliot (1990), in reviewing the success rate of sanctions from 1914-1990, they claim that an impressive forty of the total one hundred and fifteen cases, or thirty-four percent, have been successful, and their study has helped justify the increased use of sanctions by the Security Council in the 1990s. While this study serves to show that sanctions could be a great alternative to military force, upon further examination, major flaws can be found in the research, particularly when it comes to what standards have been used to deem certain sanctions a success (Pape 1997). Pape (1997) argues that the number of cases that can be viewed as successful actually stands at five, which is a stark difference from the original findings. More than anything, this serves to show how difficult it has been to provide clear guidelines for sanctions that can be adequately measured, to both ensure their effectiveness and cause the least amount of suffering on the population.

The Controversial Use of Comprehensive Sanctions and Applying Strict Standards

While the lack of clear standards has provided much criticism for the Security Council, it is the use of comprehensive economic sanctions that has led to the most controversy. The major issue is the humanitarian impact that they pose, and whether any impact of this nature is ever truly justified. At times, the humanitarian impact can be detrimental for the affected population, and this has continued to be an issue as a result of the lack of clear standards set for the imposition of sanctions. To expand further on the case of Iraq, it is estimated that around 567,000 children have been affected by sanctions imposed on Iraq after the end of Gulf War in 1990 (Pape 1997, pg. 110). For this many children to be affected as a result of a tool that is meant to, essentially, protect the general population from threats to peace, exhibits an important reason why sanctions need to ensure the least amount of collateral damage. Additionally, based on the events that have occurred in Iraq since then, most notably the US invasion of Iraq and the subsequent spread of ISIS within the state, it is very clear that, due in part to the failure of these comprehensive sanctions and

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their negative impact on the Iraqi people, the reason why controversy has surrounded their implementation can be justified (Chitalkar & Malone 2013). Without the use of harsh sanctions that did not necessarily accomplish their function, as military force was eventually used to remove Iraq from Kuwait, both Iraq and the Middle East as a whole may not have plummeted into this amount of chaos in a matter of mere decades. While they are not the only factor contributing to the current state of the region, it is clear that sanctions which impact an entire population to this extent only lead to a drastic long-term impact on the stability of the state as a whole, and by extension, the region.

Although it has been generally agreed upon that the Security Council has the right to impose sanctions, some would argue that this is only the case if strict standards are adhered to, even at the cost of effectiveness (O'Connell 2002). Following this logic, the primary focus, therefore, should be on the way the sanctions are implemented within a state, rather than how much they achieve the initial goals set by their imposition. One possible way of ensuring the legality of economic sanctions includes setting different standards for different kinds of sanctions (O'Connell 2002). Different standards depending on the kind of sanctions imposed would mean that the punishment will always fit the crime, or so to speak, and sanctions can be adjusted accordingly depending on the circumstance. Setting some form of standards is essential, as the lack of clarity thus far has led to ineffective sanctions due, in part, to the Security Council setting unrealistic goals for these sanctions to accomplish, and the lack of good implementation once the decision to use them has been made (Trachsler 2010).

In order to address the need for better standards, there have been many suggestions, which can serve as a means of understanding what aspects of the use and implementation of sanctions need the most reform. One important aspect is the idea that the standards of economic sanctions adhere to the concept of proportionality, or that

"...any means of attack must be selected with a view toward preventing incidental civilian casualties and damage that is disproportionate to a concrete and direct military objective. It is likely that a remote, indirect, or indefinite advantage would never be a proper consideration in relation to the collateral damage" (Owen 2012, pg. 119).

In this way, the humanitarian impact of economic sanctions must be carefully considered prior to their implementation, and if the cost is too high, alternatives must be sought. As a result of the importance placed on this aspect, and the massive negative impact that has already occurred following the use of comprehensive sanctions thus far, the Security Council's answer to the controversy has been the introduction and continued modification of targeted sanctions.

The Evolution and Justification for the Use of Targeted Sanctions

Primarily as a result of the detrimental effects on the Iraqi population resulting from the use of comprehensive sanctions on Iraq in the early 90s, targeted sanctions evolved as a way to ensure that the only people suffering from sanctions are those responsible for their use in the first place. "If designed and implemented effectively, only dictators, demagogues, and the elites that support them would need to fear the effects of targeted sanctions" (Biersteker 2004, pg. 2), which would address the most pressing concern that has been raised regarding the use of comprehensive sanctions. Additionally, targeted sanctions also ensure that those responsible for committing acts that the international community deems a threat to international peace are the ones being reprimanded. The overall goal, thus, is to create sanctions that accomplish their goals faster, with the least amount of collateral damage. The Security Council has continued to modify and evolve its use of targeted sanctions since the 90s, and an overview of what this evolution has entailed will help in clarifying why they use these targeted economic sanctions, even after suffering many failures as a result of comprehensive sanctions.

In the early 90s, comprehensive and targeted sanctions were both used and can serve to show why targeted sanctions were determined to be more effective. While comprehensive sanctions were used on Iraq and the former Yugoslavia as a means of avoiding military intervention, targeted sanctions were used on the government in Libya, the leadership in Haiti, and the arms industry in both Rwanda and Sudan in the early 90s (Biersteker 2004). The failure of comprehensive sanctions in Iraq has already been elaborated on, yet, while these sanctions were by no means perfected in terms of their implementation, with a dramatic failure in Haiti, the use of targeted sanctions better ensured that the population of these states did not suffer from the potential economic damage caused by sanctions.

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In this way, the Security Council attempted to ensure that the sanctions were being applied to guarantee the best outcome, with the least amount of human suffering.

Both monitoring measures and a system of listing have been used to increase the effectiveness of economic sanctions, in addition to providing additional reasons for their imposition. By the late 90s, targeted sanctions on UNITA in Angola ushered in a new system for the implementation of sanctions: both through the creation of a panel and a means of monitoring to guarantee their effectiveness (Wallenstein, Staibano & Eriksson 2003). The Security Council now had a means of continually reviewing the impact of sanctions placed, and adjusting their measures accordingly, while also learning for the future. Additionally, when targeted sanctions were used against the Taliban during this time, it led to a system of listing known individuals and companies that support or are involved in terrorist activities, which was later subject to a set of procedures to guarantee its adherence to human rights (Biersteker 2004). By targeting specific individuals and companies, when the government bears no responsibility to the action causing the sanctioning, the Security Council ensures that the right people are bearing the consequences of their actions. In the mid-2000s, the application of sanctions saw the greatest departure from the previous decade, whereby the Security Council began to experiment with using sanctions to support groups that are acting in accordance with the wishes of the international community, specifically in Liberia and Sierra Leone (Wallenstein, Staibano & Eriksson 2003). Instead of using sanctions exclusively as a means to 'punish' bad behavior, they were used to reward good behavior, and assist those who needed the support of the international community, which showed the true potential that sanctions can have.

The use of targeted sanctions has seen relative success in some instances, but criticism regarding the operational issues that come up as a result of their application has been made. While these sanctions do serve the purpose of reducing the negative humanitarian impact by targeting particular entities, "... persistent technical inadequacies, legal loopholes, institutional weaknesses, budgetary and staff scarcities, and political constraints" (Tostensen & Bull 2002, pg. 402) make it difficult to truly deem these types of sanctions as the all-encompassing solution to the initial issues raised regarding sanctions as a whole. These operational issues influence the extent of the effectiveness of these sanctions, and essentially, sanctions cannot be successful if these issues are not completely resolved. Additionally, while these sanctions proved quite successful in some states, it is difficult to truly assess the extent of their success due to different measuring criteria, their use in combination with other measures, the influence of unrelated changes within a state, and the need for more comprehensive evaluation (Biersteker 2004). In this regard, Drezner (2011) argues that more research is needed to truly assess the impact of targeted sanctions, and while they do minimize human rights concerns, they do not seem to do much more than comprehensive sanctions did at achieving their intended goals. It is as though the reduced negative humanitarian impact has led to the global community to turn a blind eye to the other weaknesses that are still apparent when it comes to the use of economic sanctions. What remains, however, is that the use of targeted sanctions has at times served as a decent alternative to military intervention, while not doing the same kind of damage suffered by the Iraqi people from the use of traditional sanctions.

Through the use of targeted sanctions, the Security Council now uses an evolved, seemingly more effective form of sanctions that are meant to dispel the controversy and criticism that has arisen in their regard. The application of targeted sanctions, particularly as they are constantly evolving, has not been occurring long enough for an adequate assessment of their effectiveness. It is clear, however, that the Security Council continually attempts to re-examine its policies and procedures when it comes to the implementation of sanctions, in order to better address the intended goal of these sanctions. While not always successful, it is still too soon to deem targeted sanctions a complete failure and thus, the Security Council continues to rectify, but more importantly, use these sanctions, despite controversy that arises.

Conclusions

Economic sanctions can be defined as restrictions imposed on a state or individual in order to influence a particular political outcome, or in the case of the Security Council, as an alternative to military force if a situation interferes with peace and security, as it deems necessary. There are various reasons why economic sanctions may be used under this umbrella, categorized as compliance, subversion, deterrence, and symbolism (Lindsay 1986) or, according to

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the current Security Council sanctions regimes, as conflict resolution, non-proliferation, counterterrorism, democratization, and the protection of civilians (Special Research Report 2013). There are also various types of sanctions at the disposal of the Security Council to ensure that they achieve their intended goal, including controlling trade, halting aid or other forms of assistance, freezing the financial assets of key figures, and blacklisting relevant companies (Doxey 1980, pg. 14-15). Controversy has arisen primarily due to the lack of agreed upon standards through which the best possible means of implementation and monitoring of these sanctions can be achieved. Beyond the lack of clear standards, the negative humanitarian impact that sanctions have had has been a major concern, exemplified by the population of Iraq, who continue to feel the effects of the 1990 sanctions regime placed on their state.

Despite controversy, the use of economic sanctions continues to be a popular option for the Security Council. The reason for this is the introduction and evolution of the use of targeted sanctions, which, beginning from the 90s onwards, have allowed for the Security Council to better ensure that the proper entities are on the receiving end of the sanctions with minimal damage to civilian populations. Both the use and implementation of these targeted sanctions are continually being monitored and evaluated, in an effort to establish how best they can accomplish their goals. The extent of the effectiveness of these sanctions, beyond their decreased negative humanitarian impact, has yet to be determined, as more time and further research is required to truly assess whether they accomplish their intended goal. Regardless, these targeted sanctions provide more than enough reason for the Security Council's continued use of these sanctions, by being a means for the council to tackle serious global issues that arise, avoid outright military intervention and keep civilian collateral damage low.

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