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Author(s): Euclid A. Rose

Source: *International Studies Quarterly*, Sep., 2005, Vol. 49, No. 3 (Sep., 2005), pp. 459-479

Published by: Wiley on behalf of The International Studies Association

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## From a Punitive to a Bargaining Model of Sanctions: Lessons from Iraq

EUCLID A. ROSE

*York College, The City University of New York*

This article explores the effectiveness of the longest, most comprehensive, and most severe multilateral sanctions imposed by the United Nations (UN) Security Council against Iraq in 1990. It provides a different perspective with regard to the significance of sanctions in general, and against Iraq in particular. In contrast to the traditional use of the “punitive model” of sanctions, which mandated full compliance without reciprocating, this study offers a “bargaining model” framework that focuses on the process of negotiation and concessions for partial compliance. It claims that a decade of multilateral punitive sanctions against Iraq has led to some Iraqi compliance and the partial fulfillment of many of the UN’s cease-fire objectives. But the failure of the UN to use the bargaining model to reciprocate Iraq squandered opportunities for additional Iraqi cooperation, and generated dynamics of deepening distrust and animosity made a negotiated solution more difficult and war a reality.

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In recent years, and especially during the 1990s, the word “sanctions” has become a common term among statesmen and scholars of international relations. As shown in Table 1, since World War I, there have been 141 episodes of punitive sanctions, 118 of which have been imposed after World War II. Several interesting elements emerge from this table. The first is that prior to World War I, economic sanctions were seldom used as a means of coercing other states. In the 25 years between 1914 and 1939, the use of economic sanctions occurred only 13 times. This total is lower than for any decade since 1940 (Hufbauer, Schott, and Elliot, 1990). In the last decade alone, over 50 new episodes of punitive sanctions were enacted, including 14 by the United Nations<sup>1</sup> and the rest by the United States and the European Union (EU) (Elliott and Hufbauer, 1999:403). By 1998, nearly half of the world’s population lived in countries that were placed under sanctions (*Harper’s*, 1998:13). Most of these episodes were in response to states that engaged in actions contrary to international norms. A failure to respond would not only weaken those norms and embolden other would-be aggressors but also encourage such aggressors to interpret this inaction as a form of consent.

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*Author’s note:* The author would like to thank David Hennessy of the State University of New York (SUNY) College at Schenectady; Greg Nowell, Carlos Astiz, and Alvin Magid of SUNY Albany; Conrad Dyer; Shirley Ostholm of York College; Karen Rose, Reale Rose, and Trina Rose of Florida Atlantic University; the Center for Middle Eastern Studies; and the editors and reviewers of *ISQ*, especially Steven C. Poe, for their helpful comments.

<sup>1</sup> This is true of the recent economic measures imposed by the UN. In May 2000, the UN Security Council approved Resolution 1298, imposing an arms embargo on Ethiopia and Eritrea. In July 2000, the Council passed Resolution 1306, imposing a global ban on diamonds produced by the Revolutionary United Front in Sierra Leone. In December 2000, it adopted Resolution 1333, placing an arms embargo against the Taliban regime in Afghanistan. In March 2001, it implemented Resolution 1343, restricting the sale of diamonds from Liberia.

TABLE 1. Incidence of Economic Sanctions, 1914-1990

<i>Actor/Target</i>	1914-19	1920-29	1930-39	1940-49	1950-59	1960-69	1970-79	1980-1990
Developed vs Developed states	3	0	3	5	2	0	1	1
Developed vs Developing states	0	1	2	1	4	12	28	21
Developing vs Developed states	0	0	0	0	5	0	3	0
Developing vs Developing states	0	0	0	2	1	3	3	3
West vs East	0	0	0	7	2	2	3	4
East vs West	0	0	0	3	2	0	0	0
East vs East	0	0	0	1	0	3	0	1
International organization vs Developed states	0	0	1	0	0	0	0	0
International organization vs Developing states	0	1	2	0	0	2	0	3
Total	3	2	8	19	16	22	38	33

*Source:* Hufbauer, Schott, and Elliott (1990) *Economic Sanction Reconsidered: History and Current Policy*. Washington, DC: Institute for International Economics.

Sanctions may be defined to include acts intended to convince or compel a state to desist from engaging in unacceptable behavior. They are major instruments of coercive pressure enacted to express outrage and to change the behavior of targeted states. Traditionally, sanctions have been forged, implemented, and maintained in a manner consistent with punishing targeted states. This is termed the “punitive model” of sanctions because its goal is to inflict economic deprivation on a targeted state in order to coerce, isolate, and force it into capitulation. As Lisa Martin and Jeffrey Laurenti (1997:19) explain, “an operational sanctions regime is worth imposing in order to stigmatize, contain, and punish the offender and thus uphold international standards.” At times, punitive sanctions may be imposed as an initial response to wrongdoing and as an implied threat of stronger, more coercive measures to follow if the targeted state does not alter its policies, as was the case with Iraq.

During the 1990s, it has been assumed that punitive sanctions caused starvation and deaths in a number of countries, including Haiti, Somalia, and Rwanda, but the humanitarian crisis that resulted was far below the scale of the catastrophe that befell Iraq in the same period. In Iraq, the indiscriminate impact of punitive sanctions has contributed to a genuine public health crisis that resulted in the deaths of hundreds of thousands of Iraqis. Punitive sanctions have also failed to end the cycles of war or bring about substantive change in policy in Cuba, Angola, Sierra Leone, and several other countries. These negative results as well as concerns about their humanitarian impacts have made punitive sanctions highly unpopular and led to reluctance on the part of the UN to impose such drastic measures. Yet, sanctions remain important tools for addressing international conflict and violations of human rights. The need to maintain an option for using sanctions and the desire for more effective and less injurious means of applying them on wrongdoers have prompted the search for a different approach in resolving and preventing international conflict.

In recent years, several scholars, including David Cortright (1997), Elizabeth Gibbons (1999), George Lopez (1999), and Jim Hoagland (1996), have focused on a flexible sanction policy that would grant concessions to targets for partial compliance and cooperation. The aim has been to provide incentives to encourage states to change their objectionable behavior. This approach considers sanctions as a form of persuasion, a tool for encouraging states to reevaluate their policy options in terms of relative costs and benefits of those options. This is called the “bargaining model” of sanctions. It differs from the punitive model in that it highlights the importance of incentives for conflict prevention and resolution. Unlike the punitive model, the effectiveness of the bargaining model is not determined by an objectionable measurement of economic pain, but by the subjective response from leaders of targeted states. The art of this statecraft lies in applying sanctions that are sufficiently forceful to persuade those leaders to change their behavior and move toward political compliance while avoiding severe humanitarian impacts that would undermine the viability of the policy and the model itself. This is in line with the 1966 International Covenant on Economic, Social, and Cultural Rights, which, with reference to sanctions, states that citizens of a given country should not be denied their basic economic, social, and cultural rights because their leaders have violated norms relating to international peace and security. The bargaining model could be viewed as a halfway point between continuing and ending sanctions, and may be a precursor to the development of other concepts and strategies that would permit greater bargaining within the sanctions environment. Although the bargaining model seemed appropriate to many foreign policy analysts such as former Australian Minister of Foreign Affairs, Gareth Evans (1993) and Alexander George (1991), so far, it has not been used by the UN or by U.S. policy makers, who accept nothing short of full compliance from targeted states, as was the case with Iraq.<sup>2</sup>

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<sup>2</sup> For more on this topic, see David Baldwin (1971); Giti M. Amini (1997); and David Cortright (1997).

TABLE 2. United Nations Security Council Resolutions against Iraq, 1990–2002

<i>Year</i>	<i>Resolution Number</i>	<i>Action</i>
08/02/90	660	Demanded that Iraq withdraw, immediately and unconditionally, all its forces from Kuwait.
08/06/90	661	Created a sanctions regime that imposed comprehensive, mandatory, multi-lateral sanctions on Iraq; prohibited the sale of Iraqi oil on the world market; banned all trade with Iraq; imposed an arms embargo; suspended international flights; and blockaded all Iraqi ports. Froze Iraqi government financial assets and financial transactions.
11/29/90	678	Authorized the UN to use "all necessary means" to liberate Kuwait. Gave Iraq "pause of goodwill" to comply with UN demands.
04/03/91	687	Established the terms of the cease-fire. Set eight specific conditions that Iraq had to meet to ease sanctions.
08/15/91	706	Authorized the oil for food program. Permitted sale of up to \$1.6 billion in Iraqi oil over a 6-month period. Directed that proceeds from the oil sale be placed in a UN escrow account to finance humanitarian imports and war reparations.
09/19/91	712	Established basic structure for oil for food program implementation. Iraq rejected Resolutions 706 and 712.
10/02/92	778	Authorized member-states to transfer Iraqi oil funds to a UN escrow account.
04/14/95	986	Established new formula for the oil for food program. Permitted the sale of up to one billion dollars in Iraqi oil every three months. Gave Iraq primary responsibility for the distribution of humanitarian goods. Came into force in December 1996.
06/04/97	1111	Extended the oil for food program.
02/20/98	1154	Extended the oil for food program again. Increased oil sales to \$5.25 billion every six months. Permitted revenues from oil sales to finance urgent development needs.
12/17/99	1284	Established UNMOVIC. Outlined procedures for the completion of weapons verification process. Expanded humanitarian provisions, oil for food program. Declared Security Council's intention to suspend sanctions for 120-day periods if Iraq cooperated with UNMOVIC and the IAEA.
11/08/02	1441	Established a timetable for new monitor of arms and weapons sites in Iraq by UNMOVIC inspectors. Mandated Iraq to surrender any weapons of mass destruction and submit an accurate, full, and complete declaration of all its weapons programs. Granted immediate, unimpeded, unconditional access to UN weapons inspectors.

This article contends that over a decade of UN multilateral punitive sanctions, shown in Table 2 have applied effective coercive pressure on Iraq, leading to some Iraqi steps toward compliance and the partial fulfillment of most of the UN's cease-fire objectives outlined in Resolution 687. This, according to the bargaining model, merited a partial easing of sanctions against Iraq. However, the extensive use of UN punitive sanctions, which mandated full compliance across a very broad range of requirements without any concessions whatsoever, resulted in political hostilities between Iraq and the two dominant members of the Security Council: the United States and Britain. Moreover, U.S. and British bombing raids over Baghdad and other major Iraqi cities prevented the use of a bargaining model and unnecessarily prolonged the political crisis and the economic hardships of Iraqis.

This study considers the punitive model of sanctions as advocating extreme measures that could have effects, in some cases, equal to or more severe than those

of war. It disagrees with those who have perceived the bargaining model as a peaceful or “soft” tool of persuasion. It claims that those who view the bargaining model as a purely peaceful means of persuasion have used a different and somewhat inadequate measuring device for comparison. The bargaining model is not a fragile or a weak approach to dealing with international threats to global peace and security. Rather, it can be a devastating tool of economic coercion and forceful diplomacy whose primary goal is to gain full compliance from a targeted state by inducing it to change its behavior.<sup>3</sup> The question of when and how to lift sanctions has been a major concern for leaders of targeted states. If this desire were harnessed to a carrot-and-stick bargaining process, success would be more likely. As such, the initiators could use the offer to ease sanctions as incentives to extract concessions from a targeted state and thus prevent the use of military force. This has been, and continues to be, the rationale of most scholars from the bargaining sanctions school.

### UN-Imposed Sanctions on Iraq

Eleven hours after Iraq invaded Kuwait on August 2, 1990, the Security Council unanimously passed Resolution 660, which condemned the invasion and demanded the immediate and unconditional withdrawal of all Iraqi troops from Kuwait. Opposition to Iraq’s aggression was almost universal, coming not only from the UN but also from the League of Arab States, the Gulf Cooperation Council, the Organization of Islamic Conference, the European Union, and other regional organizations. Iraq’s aggression produced unanimity among the members of the international community. Rarely before, and not since 1990, had the international community been as united in condemning an act of aggression and cooperating to reverse it. This extraordinary measure of solidarity resulted in a high degree of Iraqi compliance with the UN demands and substantial participation by members of the U.S.-led force against Iraq.

Four days after the Iraqi regime refused to comply with UN Resolution 660, the Security Council adopted Resolution 661, the first of a series of resolutions, which imposed comprehensive, mandatory sanctions on Iraq, and created a sanctions regime to monitor implementation of the sanctions. They were the most severe multilateral economic sanctions ever devised by the UN. Nearly universal in scope, the sanctions lasted until the U.S. invasion of Iraq in March 2003, making them the second longest only to the unilateral sanctions imposed on Cuba by the United States in 1962.<sup>4</sup>

As listed in Table 2, the UN punitive sanctions included a ban on all trade, oil and arms embargo, a freezing of Iraqi government assets, and a prohibition of its financial transactions. Exempted were humanitarian shipments of strictly food and

<sup>3</sup> States pursue sanctions for the following goals: to force the target to comply and change its behavior, as in the case of the 1982 U.S. embargo of Libya, designed to end its support of terrorism; to remove the target’s leaders from power, as in the case of the 1993–1994 U.S. trade embargo on Haiti; to dissuade wrongdoers from repeating their actions in the future, as in the case of the U.S. grain embargo against the Soviet Union in 1979; to send messages to other countries, as in the case of British sanctions against Rhodesia after its unilateral declaration of independence in 1965; and to increase the initiator’s domestic support or thwart international criticism of its foreign policy by acting decisively, as in the case of U.S. sanctions against Iran following the hostage crisis in 1979.

<sup>4</sup> The United States imposed sanctions on the Castro regime shortly after it aligned with the Soviet Union and nationalized U.S. assets in 1962. The sanctions included a full ban on all U.S. trade with Cuba and U.S. pressure on other countries to follow suit. The goals of the U.S. were twofold: initially, to overthrow the Castro regime; failing that, to contain the revolution from spreading to Central and South America and to Africa. The sanctions were unsuccessful in securing Castro’s overthrow. Several factors helped Cuba withstand the pressure from the United States, the world’s foremost economic and military power for over 40 years. Especially potent were the Soviet Union’s subsidies of as much as \$2 to \$3 billion annually to Cuba (Elliot 1993:35); U.S. inability to persuade its Western allies to curtail trade with and investment in Cuba; and Castro’s charismatic leadership and popular support.

medical supplies. The sanctions were later extended to include a full naval and air blockade of Iraq, which halted all inward and outward marine shipment and all aviation links to and from the country. The UN objectives were threefold: to force the immediate and unconditional withdrawal of Iraqi troops from Kuwait; to end the breach of international peace and security by Iraq; and to restore the sovereignty, independence, and territorial integrity of Kuwait.

Iraq was especially vulnerable to the oil embargo because it imported nearly three-fourths of its food and depended almost totally on oil exports for the foreign exchange or hard currency needed to meet its domestic and international financial obligations. Its oil could pass through only two routes: ships through the Persian Gulf, which was easily blockaded, or overland pipelines to other countries that were subsequently cut off. All vessels that approached the *Shatt-al-Arab* waterway in the South of Iraq were intercepted, and those that entered Iraq's ports were boarded and inspected for prohibited goods, weapons, and other items banned by the UN.<sup>5</sup> The UN oil and trade embargoes benefited greatly from the cooperation of neighboring states, especially Iran, Turkey, and Saudi Arabia, all of which were either adversaries of Iraq or allies of the West.

Iraq was also vulnerable to the effects of a well-enforced arms embargo. At the time of the invasion, Iraq was in the midst of rebuilding its military, which suffered extensive losses during its war with Iran. The ban on weapons-related imports prevented Iraq from strengthening its principal power base: the armed forces. The fact that Saddam Hussein prioritized military purposes over the needs of Iraqis when spending the resources available to him to purchase weapons on the black market did not reverse the erosion of its military capability. Punitive sanctions diminished Iraq's ability to commit military aggression against its neighbors because it was unable to import spare parts and specialized equipment. According to Anthony Cordesman (1998:15, 17), Iraq's armed forces suffered from "decaying, obsolete, or obsolescent major weapons" and that the black market operations, which the regime pursued, provided only "an erratic and inefficient substitute for large-scale resources." Thus, from a purely economic and military perspective, Iraq was highly susceptible to pressures from the sanctions regime, but there was no indication that Saddam Hussein was concerned that international discontent was growing or that domestic problems were causing him to rethink his policy on Kuwait.

As various attempts to mediate the dispute and negotiate an Iraqi withdrawal from Kuwait failed, the Security Council progressively tightened the sanctions against Iraq. Meanwhile, some members of the U.S.-led international force began to deploy military personnel and equipment in the Persian Gulf region. Sensing that the U.S. was bent on using force, some governments argued that war was not necessary and sanctions, if given enough time, would be economically effective and thus would force Iraq to comply with UN Resolution 660. Others, particularly the United States and Britain, held out little hope for the prospects of sanctions success and pressed for prompt military action even though several reports confirmed that the sanctions had ruined Iraq's economy. In the months that followed, vigorous debates took place at the UN and in various national capitals, where several questions were raised over the effectiveness of sanctions against Iraq. Would sanctions force Iraq out of Kuwait? Would Iraq comply with UN Security Council Resolution

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<sup>5</sup> The *Shatt-al-Arab* waterway is 120 miles long. The last forty miles form the boundary between Iraq and Iran. An 1847 Treaty gave the Ottoman Empire the entire river, but Iran ignored the treaty and claimed part of the *Shatt*. The 1937 Treaty gave Iran part of the *Shatt* River but gave most of it to Iraq. In 1969 Iran rejected the 1937 Treaty and claimed the middle of the *Shatt* as its border. It pressured Iraq to accept its claim by threatening to help the rebellious Kurds in Northern Iraq. In 1975, Iraq caved in and agreed in a treaty to give Iran the deepest part of the *Shatt*. Five years later, Iraq claimed that the treaty was forced upon the country unfairly and broke it by invading Iran; thus began the Iran-Iraq war in 1980.

660 and withdraw its troops from Kuwait? How much longer should the international community wait before resorting to the use of military force? Could the crisis be resolved by the use of military force?

Historically, punitive sanctions applied over long periods of time have seldom produced success. Elliot (1998:58) claims that between 1970 and 1990, only 5 of the 39 unilateral sanctions imposed by the United States achieved a measure of success. The case of Africa, where after two decades of sanctions induced South Africa's racist government to overturn its apartheid policies and external pressure led to Rhodesia's (now Zimbabwe) transfer of power to the African majority and move to independence in 1980, is a conspicuous exception to the historic pattern of punitive sanctions.<sup>6</sup> Another exception of sanctions' success is the case of Libya, where in 1999, after a decade of international pressure on Libyan leader Muammar Qaddafi for his role in sponsoring terrorism was forced to turn over to Western powers for trial two Libyans alleged to have blown up Pan Am flight 103 over Lockerbie, Scotland in 1988, which killed all 280 passengers. However, the general conclusion is that:

Sanctions imposed slowly or incrementally may simply strengthen the target government at home as it marshals the forces of nationalism. Moreover, such measures are likely to be undercut over time either by the sender's own firms or by foreign competitors. Sanctions are generally regarded as a short-term policy, with the anticipation that normal relations will be reestablished after the resolution of the crisis. Thus, even though popular opinion in the sender country may welcome the introduction of sanctions, the longer the episode drags on, the public support for sanctions dissipates (Hufbauer et al., 1990:100-1).

Under pressure from U.S. and British governments over the growing concern about how long the international force would hold together, the UN abandoned the punitive sanctions regime in favor of the use of overwhelming military force against Iraq. On November 29, 1990, the Security Council adopted Resolution 678, authorizing the use "all necessary means" to liberate Kuwait. The Resolution gave Iraq until January 15, 1991 as a pause of goodwill to comply with UN demands (UN Security Council, November 1990). One day after the UN ultimatum expired, on January 16, 1991, the international force led by the U.S. launched a massive air campaign over Iraq. This was followed by an intensive 6-day ground war that drove Iraqi troops out of Kuwait and effectively achieved the UN's principal objective of reversing Iraq's aggression.<sup>7</sup> The war destroyed, or rendered tenuous, most of Iraq's infrastructure. In Baghdad and several other cities, virtually all of Iraq's power plants, water and sanitation facilities, bridges, oil refineries, ports, airports, and roads were destroyed or made inoperable by the war.<sup>8</sup>

<sup>6</sup> For many years, the white rulers of South Africa practiced a policy of apartheid. To end this immoral practice, the UN imposed a voluntary arms and oil embargo against the regime of Peter W. Botha, which became mandatory in 1977. In 1985, in an unusual domestic development, the U.S. Congress overrode a presidential veto and imposed harsh mandatory sanctions against South Africa. In 1992, President F. W. de Klerk, a reformer, released Nelson Mandela, leader of the African National Congress (ANC), from prison after 27 years as a political prisoner. Mandela was elected President of South Africa in 1993. For more on how sanctions impacted the apartheid regime in South Africa, see Neta C. Crawford and Audie Klotz (1999) and Jennifer Davis (1995).

<sup>7</sup> The bombing and the 6-day ground battle resulted in the death of thousands of Iraqi soldiers and civilians. The road leading from Kuwait to Basra became known as the "Highway of Death." As Iraqi soldiers fled Kuwait, allied tank units cut them off as U.S. warplanes bombed, strafed, and firebombed the stranded columns for hours without resistance. In a slaughter that one U.S. pilot described as like shooting fish in a barrel, thousands of Iraqi conscripts were killed on a 50-mile stretch of highway.

<sup>8</sup> In February 1991, the World Health Organization (WHO) found the available piped water supply in Baghdad at less than 5 percent of pre-war levels. Waste treatment plants ceased to function and raw sewage flowed directly into the Tigris River, the main source of Iraq's drinking water. For more on this situation, see *United Nations Security Council Report to the Secretary-General on Humanitarian Needs in Kuwait and Iraq*. New York, 1992.



TABLE 3. Scorecard of Iraq's Compliance with Resolution 687

<i>Conditions of Resolution 687</i>	<i>Compliance Status</i>	<i>Observations</i>
Recognition of Kuwait's sovereignty and newly demarcated border	Yes	In November 1994, Iraq recognized Kuwaiti sovereignty and borders.
Acceptance of demilitarized zone	Yes	Established at the end of the Gulf War.
Continuing monitoring and dismantling of ballistic missile, chemical, and biological weapons of mass destruction	Partial yes	In November 1993, Iraq accepted permanent monitoring of its ballistic and chemical weapons by UNSCOM, but unanswered questions remain on its biological capabilities.
Elimination of nuclear weapons capabilities	Yes	The IAEA certifies that Iraq does not have nuclear weapons capabilities.
Return of stolen property to Kuwait	Partial yes	Iraq returned some Kuwaiti state property, but not military equipment and private assets.
Acceptance of war damage liability	Yes	Iraq did not formally accept full responsibility, but its acceptance of UN Resolution 986 provided for a compensation fund, which has paid war damages.
Repatriation of missing Kuwaitis	Partial yes	Iraq returned many Kuwaiti prisoners, but several hundreds remain missing.
Renunciation of global terrorism	No	Iraq has not formally renounced global terrorism, but there is no evidence of its actual support for terrorism outside the Palestine-Israeli conflict in the Middle East.

Source: Eric Hoskins (1997).

### **Iraq Challenges the UN Sanction Regime**

On April 3, 1991, about a month after the war ended, the Security Council adopted Resolution 687, which established the terms of the cease-fire. Table 3 outlines the eight specific conditions that Iraq had to carry out in order for sanctions to be lifted. Referred to as the "mother" of all UN resolutions, Resolution 687 was the longest and most complicated resolution ever passed by the Security Council. It contained 26 preamble paragraphs and thirty-four operative sections and subsections. Although Saddam Hussein criticized the resolution as an unjust assault on Iraq's sovereignty and its people, he promised to cooperate with the UN. His reluctance, however, to implement the stated objectives of Resolution 687 led to a grueling contest of wills between the Iraqi dictator and Western leaders over the interpretation and implementation of the sanctions.

Most of the discord centered on the disarmament provisions of the resolution, which required Iraq to present a full declaration of all its weapons of mass destruction and the location of its development and production facilities within 15 days. Resolution 687 created the UN Special Commission (UNSCOM) to carry out on-site weapons inspections and to destroy all weapons of mass destruction found in Iraq. Although the Iraqi regime agreed to grant UNSCOM inspectors unrestricted freedom of entry and exit and freedom of movement throughout Iraq, it consistently denied full access to the inspectors, interfered with their operations, and provided false and misleading information about its weapons and production facilities. By 2000, a full accounting of Iraq's prohibited weapons of mass destruction had not been disclosed, but UNSCOM, nonetheless, succeeded in locating and destroying much of the weapons despite repeated attempts by the Iraqi regime to disrupt its mandate.

### Impact of UN Punitive Sanctions on Iraq

The crushing nature of the UN punitive sanctions, combined with the massive destruction of Iraq during the Gulf War, created one of the worst human crises in the country, resulting in hundreds of thousands of premature deaths of Iraqis due to malnutrition.<sup>9</sup> In the 1990s, per capita income and calorie intake of Iraqis plunged from the levels of relatively better-off Global South countries to those of the desperately poorer nations, such as Haiti, Rwanda, Liberia, Somalia, Ethiopia, and Bangladesh, to name a few. According to one report, punitive sanctions were responsible for the deaths of over 567,000 Iraqi children (Zaidi and Fawzi, 1995:1485). A study conducted shortly before the invasion of Iraq revealed that more than 600,000 Iraqi children died as a result of punitive UN sanctions—three times the number of Japanese killed in 1945 by the U.S. atomic bombs (*Harper's*, 2002:13). Another study by Richard Garfield (1999:1, 42–3) of Columbia University found that at least 100,000, and most likely 227,000, Iraqi children under the age of five died prematurely as a result of the sanctions. A more modest estimate from the United Nations Children Fund (UNICEF) in 1996 showed that 4,500 children under the age of five died every month in Iraq from hunger and diseases. In addition to these deaths, maternal mortality rates increased from 50 per 100,000 births in 1989 to 117 per 100,000 births in 1997. Also, general malnutrition rates in Iraq were alarmingly high: 14.7 percent among infants, 33 percent among children under five, and 25 percent among Iraqis under 26 years (UN Food and Agricultural Organization, 1998). These rates were far above the level that had existed in Iraq prior to its invasion of Kuwait in 1990, which triggered the sanctions and the Gulf War that followed.<sup>10</sup>

Punitive sanctions also destroyed Iraq's economy and damaged its social safety net. This caused severe hardships for many Iraqis, whose quality of life deteriorated from difficult to unbearable as both unemployment and inflation skyrocketed, economic production plummeted, and malnutrition steadily increased (Hoskins, 1997). Oil exports, which accounted for more than 95 percent of Iraq's foreign currency earnings and 60 percent of its gross domestic product (GDP), dropped by more than 80 percent. With 90 percent of its imports and 97 percent of its exports shut off, Iraq's real GDP fell by nearly two-thirds, from an estimated \$35.6 billion before the war to less than \$12 billion after (Webster, 1991). This was what Iraq's real GDP was prior to the oil boom and the modernization of the country in the 1950s. The oil embargo cost Iraq over \$15 billion per year in lost revenue, with a cumulative loss of over \$150 billion between 1990 and 2000 (*Harper's*, 2001:15). Although considerable uncertainty exists about the extent of the severity of the human crisis, there can be no doubt that the people of Iraq, mostly children, suffered severely from more than a decade of UN punitive sanctions. UN Secretary-General Kofi Annan (1997) summarizes the dismal picture of the social decay in Iraq:

United Nations observers regularly report an exceptionally serious deterioration in the health infrastructure: a high infant mortality rate and high rates of morbidity and mortality in general, poor and inadequate storage conditions for supplies, an unreliable supply of electricity and backup generators, faulty or non-

<sup>9</sup> In Iraq, UN punitive sanctions caused severe economic hardship, but other factors were also at work. The most important of these was the lingering impact of the massive bombing of Iraq by coalition forces during the short-lived Gulf War. The combination of war and punitive sanctions exacerbated the misery of Iraqis. For more on the humanitarian crisis in Iraq, see Lori Fisler Damrosch (1993), Richard Garfield (1999), Center for Economic and Social Rights, *UN Sanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq*, May 1996, and Thomas G. Weiss, David Cortright, George A. Lopez, and Larry Minear (1997).

<sup>10</sup> Several reports, including one by Martti Ahtisaari (March 1991), UN Under Secretary-General for Administration and Management, concluded that the destruction in Iraq was nearly apocalyptic and that war damage had relegated Iraq to a pre-industrial age in which the means of modern life had been destroyed or rendered tenuous.

functioning air conditioning, defective cold storage, interrupted water supplies, broken/leaking sewage systems and non-functioning hospital waste disposal systems (cited in UN Security Council Report, 1998, par. 29).

The extent to which the civilian population in Iraq suffered as a result of more than a decade of punitive sanctions posed a dilemma for the UN's dual mandate of preserving peace and protecting human needs. Again, Kofi Annan (1998:25) states that punitive sanctions are "too often a blunt instrument" that impose hardships on civilians. Similarly, his predecessor, Boutros Ghali (1995:17-8), questioned whether suffering inflicted on vulnerable groups in a targeted country is a legitimate means of exerting pressure on political leaders. Ghali called for a new UN system that would maximize the political impact of sanctions and minimize unintended negative consequences on civilians.

### **Oil for Food Program**

Concerned about the suffering of the civilian population in Iraq, the Security Council passed Resolution 986 in April 1995, which launched the "oil for food program" as a temporary measure to ease the pain of the Iraqi people. The oil for food program was the largest humanitarian relief operation ever mounted by the UN. It provided nearly \$25 billion of food and medicine to Iraqis, while another \$10 billion of humanitarian supplies and equipment were in the production and delivery pipeline.<sup>11</sup> However, the enormous efforts made by the UN to meet the basic needs of Iraqis did not ease the crisis or stem the suffering. The magnitude of the humanitarian needs in Iraq was such that they could not be met within the parameters of the relief operation program (UN Security Report, 1999). Nonetheless, the relief operation helped to prevent a much greater economic disaster and, by 1999, it succeeded in stabilizing the crisis by bringing about some slight improvements to the overall health and nutritional status of Iraqis. "The oil for food program played an important role in averting major food shortages and, to a considerable extent, has helped to alleviate the health situation, especially in the North of Iraq. Food availability improved, water contamination rates dropped, and the availability of life saving drugs . . . increased" (UN Security Council, April 1998 and March 1999).

Yet, for all this effort, the political results of UN punitive sanctions appeared to have little, if any, influence on the Iraqi regime. Resolution 661 did not achieve its original goal of forcing the unconditional withdrawal of Iraqi troops from Kuwait; instead, sanctions gave way to the Gulf War.<sup>12</sup> Neither did sanctions succeed in gaining Iraq's full compliance after the war, especially its disarmament mandate for the dismantling of its ballistic missiles with a range greater than 150 kilometers. For many observers, this was a dismal performance by the sanctions regime, suggesting that punitive sanctions do not work and, in themselves, created severe hardships for the most vulnerable sections of the civilian population in Iraq: children, women,

<sup>11</sup> The oil for food program was a serious attempt by the Security Council to address the needs of the Iraqi people, but the humanitarian operation was plagued from the outset by bureaucratic problems at the UN and unwillingness by the Iraqi regime to participate fully in implementing the program. Part of the difficulties stemmed from the sanctions committee's case-by-case review of applications for humanitarian imports and the frequent holds placed on items that could be considered dual use.

<sup>12</sup> In the wake of its war with Iran, Iraq faced huge reconstruction costs and an enormous foreign debt. Its hopes for economic recovery rested almost exclusively on its ability to obtain higher oil revenues. Kuwait's refusal to cut oil production in order to force an increase in the price of oil on the world market presented a serious obstacle to Iraq's goal. Also, Kuwait had refused to give up the two islands that control access to Iraq's port at *Qmm Qasr*, and to pay \$2.4 billion to Iraq for pumping more than its share of oil from the *Rumailah* oil field straddling the border between the two countries. Saddam Hussein also wanted Kuwait to write off the loans extended to Iraq during the war with Iran. For these reasons, Saddam Hussein invaded Kuwait.

and the elderly.<sup>13</sup> Others claimed that the United States and Britain used the Security Council to impose needless suffering on innocent Iraqis.<sup>14</sup>

### Punitive Model of Sanctions

Traditionally, sanctions have been imposed and maintained in a manner consistent with the framework of a punitive model, but the evidence of their use in changing aggressive behavior has thus seemed ambiguous. The long and generally unsuccessful history of punitive sanctions has led critics to conclude that they are weak tools in statecraft (Elliot, 1993; Forland, 1993; Haass, 1997). The conventional belief, seemingly supported by scholarly research from past episodes, is that punitive sanctions almost never succeed in achieving such major objectives as reversing an act of military aggression. In the words of *Washington Post* reporter Jim Hoagland (1993:A25), punitive sanctions are considered "an ineffective bromide intended to placate public demands for action but incapable of achieving real results."<sup>15</sup> Robert Pape (1997) notes that the actual success rate of punitive sanctions was less than 5 percent. Given these limitations of punitive sanctions, it was probably unrealistic to expect that sanctions alone would have been sufficient to force an Iraqi withdrawal from Kuwait in the initial stages of the invasion.

In the last two decades, eminent scholars, including Margaret Doxey, Richard Haass, and Richard Falk, from quite different positions on the political spectrum and nearly all academia studies have shared this assessment of the efficacy of punitive sanctions. Regarded as the dean of sanctions scholars, Margaret Doxey (1996:65) argues that punitive sanctions can achieve modest gains of the "slap on the wrist" variety but that a major change in a state policy is much harder to come by. Richard Falk (1992:1), who often shuns military action, particularly by the major powers, and advocates more nonviolent means of peacemaking, concedes that, "the difficulty with economic sanctions is that they cannot be effective, or that it is hard to make them effective." Richard Haass (1997) and James Nathan (1997) explain that the problem with economic sanctions is that they frequently contribute little to foreign policy goals while being costly and counterproductive. Similarly, Hufbauer et al. (1990) claim that economic sanctions are seldom effective in bringing about major changes in the policies of the target country.

In the punitive model, sanctions may serve as a means to coerce, isolate, and force a targeted regime into submission. Both the means of influencing the regime to change its behavior and the criteria for easing sanctions are set in terms of demand, full compliance, and ostracism. Within this framework, multiple state interactions with the targeted state are discouraged, and full compliance is considered the only legitimate behavior and diplomatic response from the regime. If immediate compliance does not occur, the usual response is to further tighten the sanctions or bring military force to bear upon the target, as demonstrated by the Gulf War (Clawson, 1993).<sup>16</sup> Under this rubric, punitive sanctions are considered a

<sup>13</sup> Numerous studies have concluded that punitive sanctions severely affected the poorest strata of the population in Iraq. Economic sanctions have paid only minimal political dividends at a very high price in human terms (Damrosch, 1993; United Nations, Center for Economic and Social Rights, 1996; United Nations Inter-Agency Standing Committee, 1996; Weiss et al., 1997; Garfield, 1999).

<sup>14</sup> See, for example, United Nations, Center for Economic and Social Rights, *UN Sanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq*, New York, May 1996.

<sup>15</sup> The most influential and widely cited study of sanctions' effectiveness came from the Institute for International Economics (IIE), which examined 116 cases spanning the years 1914 through 1990. The IIE study revealed an overall success rate of 35 percent, but declined to 26 percent for the years 1970 through 1980 (Hufbauer et al., 1990: 93). This means that sanctions had a one-third success rate in the former period and one-quarter in the latter. Dutch scholar Peter van Bergeijk (1997) disagreed with the IIE results, claiming that the effectiveness of sanctions, when measured against the multiple objectives they serve, is much higher than what the IIE 1990 study suggests.

<sup>16</sup> The preference for a stronger application of sanctions has solid backing in the early scholarly literature on persuasive coercion. Thomas Schelling (1966) provided the classic argument for this approach in calling for the

precursor to the use of military force, and they may have the greatest impact when it is clear to the target that the initiators will resort to war if sanctions fail to achieve their stated goals. The fact that punitive sanctions gave way to the Gulf War that drove Iraqi troops out of Kuwait has led to the easily derived conclusion that military force accomplished what sanctions could not. It has also suggested that punitive sanctions are a first step toward war, which, to many observers, is unethical because in most cases, civilian populations are the unintended targets of both sanctions and war.<sup>17</sup>

The punitive model of sanctions does not provide incentives or grant concessions for full or partial compliance because the initiators may have purposes in mind that differ from the official stated objectives of the UN (Martin, 1992). In fact, initiators tend to shift the goalposts regarding the criteria for the removal or lifting of sanctions once a UN Security Council resolution is in place (Cortright and Lopez, 1999). This was the case when Secretary of State Madeline Albright refused to accept the provision of Resolution 687, which explicitly stated that the ban on Iraq's exports would be lifted when it complies with the UN requests to provide unfettered access to weapons inspectors. For the United States and Britain, the purpose of the ongoing confrontation with Iraq was no longer, or perhaps was never, merely to enforce Resolution 687. The larger objective became the permanent political and military containment of Iraq and, ultimately, the removal of Saddam Hussein from power, or what President George H. W. Bush described as "regime change." This was echoed by President Bill Clinton, who, in November 1997 said that "sanctions against Iraq will be there until the end of time or as long as Saddam Hussein lasts" (Crossette, 1997:A4).

In Iraq, punitive sanctions were confined to indicators of economic and social deterioration and the subsequent political choices made by its leaders in the allocation of scarce resources. Sanctions were supposed to exact political change that is directly proportionate to the economic hardship experienced by Iraqis. But there was no assurance that economic hardships derived from punitive sanctions would have, in anyway, forced Saddam Hussein to change his policies or lead to internal unrest that would threaten the survival of his regime. Past experience suggests that punitive sanctions are most likely to be effective in societies where there is some degree of democracy and political openness. For example, in South Africa, the opposition African National Congress actively lobbied for international sanctions against the apartheid regime of Peter Botha and F. W. De Clerk and gained both moral and political legitimacy from the solidarity expressed by the world community during the 1970s and 1980s (Davis, 1995).

Sanctions were less effective against the dictatorial regime in Iraq because domestic opposition groups were unable to exert pressure for political change. Canadian scholar Kim Richard Nossal (1999) observes that punitive sanctions are most effective against countries with a functioning opposition, whereas they almost always fail when imposed on states with one-party dictatorships. Similarly, a pair of authors opine that sanctions can only have a favorable impact on policymaking in a target state if there exists within that state a reasonably well-organized opposition group whose political effectiveness could be potentially enhanced as a consequence of sanctions (Kaempfer and Lowenberg, 1999). If, on the other hand, the targeted state does not have a domestic opposition to the policies of the government in

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incremental application of force with the clear and imminent objective of inflicting additional pain on targets that refuse to comply. Faced with this prospect, the targeted authorities will be inclined to alter their behavior to avoid the threatened escalation of pressure. This strategy, however, may be suitable in preventive diplomacy and peaceful conflict resolution but not in situations where there is an immediate threat to peace or violations of human rights.

<sup>17</sup> Two of the best summaries of the ethical critique of sanctions can be found in Gordon (1999) and Lopez (1999).

power, the likelihood of a positive political response to sanctions would greatly diminish.

The suggestion that the economic pain inflicted on civilians by sanctions would result in political gain is based on the theory that states that when punitive sanctions impose sufficient economic hardship on the citizens of a country, they will exert political pressure on their government to force either a change in policy or a removal of the government from office. The logic of this theory is that sanctions would make unarmed citizens desperate enough to rise up and overthrow brutal regimes that the major powers are not willing to act against with their armies. This is dubbed the "naïve theory" by Johan Galtung (1983) because it fails to account for the efforts of the targeted state to adjust to or counteract the impact of sanctions.

The naïve theory assumes that there exists a system in society that will automatically transform economic pain into political gain and thus bring about regime change. To the contrary, says David Baldwin (1985:63), who posits that, "the economic effects of sanctions do not necessarily translate into political impact." Moreover, it is not likely that a sanctioned population will redirect the economic pain resulting from punitive sanctions onto political leaders and force a change in government or in policy in countries with dictatorial regimes that are the usual targets of coercive pressures. In most dictatorships, civilian populations lack basic rights and are, for the most part, terrorized by the regimes. They have very few means of influencing or changing government policy. In fact, they are more likely to be victimized by punitive sanctions, as the political leaders of a targeted state redirect the external pressure onto opposition groups while strengthening their grip on power.<sup>18</sup> This was the situation in Iraq, where the tyrannical nature of the regime limited the prospects for the successful application of sanctions.

Various analysts have concluded that punitive sanctions, rather than causing political disintegration, may instead rouse nationalist sentiments and, to some extent, generate autarky in the targeted state. In studying the impact of punitive sanctions on Haiti, Elizabeth Gibbons (1999) argues that they may redound to the benefit of dictatorial regimes because they are in the best position to control economic activity and the allocation of scarce resources. The use of punitive sanctions, or at least the threat of such measures, can be considered an element of the bargaining process to ensure full compliance from targeted states.<sup>19</sup> In the post-Gulf War period, the prospects for the bargaining model success were greater because the stakes were much lower.

### **Bargaining Model of Sanctions**

In contrast to punitive sanctions, the bargaining model has not been used either by the U.S, the UN, the EU, or any multilateral agencies since 1914, when states began to apply sanctions as instruments of coercion. The goal of the bargaining model is to pressure responsible leaders, minimize unintended human consequences, and limit collateral effects on third states.<sup>20</sup> This model considers sanctions as a form of persuasion, a tool for encouraging targeted states to reconsider their policy and change their behavior in the international community. In this model, sanctions increase the costs of defiance while offering benefits to the targeted state for full or partial compliance. It places sanctions within the broader context of economic

<sup>18</sup> Several analysts have concluded that sanctions generate an unintended nationalist support and sometimes strengthen the power base of the very political leaders who are responsible for the wrongdoing. For a good summary on this topic, see Peter van Bergeijk (1997), Hufbauer et al. (1990), and Gibbons (1999).

<sup>19</sup> For a detailed analysis and assessment of the punitive model of sanctions, see Patrick Clawson (1993), Alan Dowty (1994), and Peter Walker (1995).

<sup>20</sup> John Burgess and Stewart Auerbach (1990:21) state that Poland, for example, reportedly lost \$1 billion in arms sales and construction contracts with Iraq, its main economic partner in the Middle East, as a result of the sanctions imposed on Iraq in 1990.

statecraft and diplomacy with the assumption that they work best as tools for persuasion and influence (Pound and El-Tahri, 1994). It could be most effective when applied as part of a carrot-and-stick diplomacy, designed to bring about a negotiated solution to a crisis. This, however, can be achieved only if the leadership of the targeted state is willing to cooperate and negotiate.

The bargaining model considers sanctions not as a policy unto themselves but as part of a continuum of policy instruments from the negative to the positive, designed to encourage and promote political cooperation and spark a process of dialogue. Its effectiveness comes not from its ability to punish or coerce, or from the severity of the economic hardship and social dislocation it may cause, but from its ability to encourage bargaining with the expectation of reducing or ending conflicts. This could have a positive effect on aggressors and be part of an overall strategy for conflict prevention. In his 1998 report on Africa, Kofi Annan (1998:25) emphasized that sanctions have the potential to encourage political dialogue and to diminish the capacity of aggressors to sustain a prolonged fight.

The bargaining model allows sanctions to be combined with incentives linked to a give-and-take negotiating process. It does not require the imposition of Draconian economic pressure to have persuasive influence, only sufficient hardship and discomfort to induce the targeted state to change its behavior. As such, sanctions can be considered successful if they contribute to a bargaining process and become the basis around which a negotiated settlement is reached. While a bargaining process could persuade aggressive states to change their behavior, it is not always sufficient for the resolution of major conflicts. Like in the punitive model, compliance is also the ultimate goal of the bargaining model, and it often requires the continued exertion, or at least the threat, of coercive pressure. Coercion becomes dysfunctional, however, when it is unconditional, that is, when it demands total compliance from targeted states as the price for easing sanctions. In the case of Iraq, the bargaining model might have led to a more flexible diplomacy and thus encouraged a negotiated settlement, but it is unlikely that it would have produced the complete and unconditional withdrawal of Iraqi troops from Kuwait without the use of military force.

The offering of incentives in the bargaining model is often criticized as a form of appeasement to the target state, a payment for objectionable behavior that may encourage other would-be aggressors to engage in similar forms of conduct. At times, incentives may not be appropriate at all, especially if a regime has committed a major act of aggression and its leaders are not willing to negotiate in a rational manner. On the other hand, punitive sanctions can become counterproductive because they depend heavily on coercive pressures, with little or no prospect for incentives. Combining the two models, however, may encourage a change in the aggressor's behavior that could help to resolve major conflicts (Cortright, 1997).

Alexander George (1991:11) claims that coercive diplomacy requires a mix of incentives for compliance and punishments for noncompliance because what the carrot cannot accomplish by itself could be achieved by combining it with the stick. Noting the connection between carrot and stick diplomacy, Baldwin (1971:25) argues that the use of punitive sanctions can, to enhance the prospects for compliance, lay the groundwork for the subsequent application of the bargaining model. Gitti Amini (1997) agrees, suggesting that a mixture of both models is more effective than relying on punitive sanctions alone to change a target's behavior. The author's analysis of twenty-two cases of attempts to influence a targeted state to change its behavior through either punitive sanctions or a mixture of incentives and punishment found that a combination of both was three times more effective than the use of the punitive model. In the case of Iraq, the bargaining model or the carrot-and-stick strategy was rejected by the UN, largely at the insistence of the United States and Great Britain. If the primary goal of sanctions is to persuade a target to change its behavior, then, concessions for partial compliance should be part of future sanction regimes, as in the bargaining model. This will make the

bargaining model more effective without undermining its overall goal to achieve compliance through dialogue and negotiation.

### **UN Failure to Use the Bargaining Model of Sanctions**

Failure by the UN Security Council to use the bargaining model of sanctions to reward Iraq for its compliance with some of the provisions of Resolution 687 seriously undermined the prospects for future cooperation and negotiation. It also meant that sanctions were not effectively utilized to achieve the UN's cease-fire objectives in the post-Gulf War period. Based on the bargaining model, the concessions made by Iraq and the progress achieved in its disarmament merited at least an easing of sanctions and the unfreezing of some of its financial assets as a gesture of good faith. As evident in Table 3, Iraq complied fully or partially with seven of the eight conditions of the Security Council cease-fire demands, but excessive focus on the destruction of its weapons of mass destruction distracted attention from the progress achieved by weapon inspectors.

Iraq's concessions were substantial. In November 1993, the regime accepted the creation of UN weapons monitoring facilities throughout Iraq. It officially agreed to UNSCOM's demands to install cameras and chemical and nuclear weapons detection equipment at numerous sites and industries to locate and dismantle its weapons of mass destruction and monitor any resumption of prohibited activities (United Nations Reports, 1990, 1996). This allowed UNSCOM inspectors to gather data on Iraq's weapons capabilities and monitor future compliance within the guidelines of the UN mandate. The second concession occurred a year later when Iraq granted UNSCOM inspectors full permission to inspect its weapons facilities throughout the country. This resulted in a significant breakthrough in cooperation between Iraq and the UN, which led to the location of its weapons sites and the destruction of most, if not all, of its weapons of mass destruction. In the nuclear realm, Iraq's uranium enrichment and nuclear production facilities and equipment were identified and destroyed totally. Of the 819 SCUD missiles known to have existed in Iraq at the start of the Gulf War in 1991, only two were not accounted for in 1998, and no evidence existed that Iraq had since successfully developed and tested new ones (UN Security Council Report, 1998:10). In a speech to students at Georgetown University in March 1997, Secretary of State Madeleine Albright called the progress made by UNSCOM inspectors in Iraq "stunning."

The third concession took place in November 1994 when Iraq accepted the findings of the UN Boundary Demarcation Commission, which reaffirmed its irrevocable and unqualified recognition of the sovereignty of Kuwait and neighboring states, and the redrawn international borders. The Iraqi regime also pledged not to commit any acts of aggression against its neighbors or support international terrorism. This decision was hailed by the international community as an encouraging development on the part of Iraq, and was described by the UN as a significant step in the right direction toward implementation of Resolution 687 (United Nations Department of Public Information, 1990, 1996). The fourth concession occurred when Iraq gave permission to UNSCOM inspectors to conduct interviews with Iraqi scientists, government officials, or other persons deemed necessary by UNSCOM without the presence of observers from the Iraqi government. Iraq also accepted liability for the war and agreed to pay compensation and return all Kuwaiti prisoners of war.

Much less progress was made in locating and destroying Iraq's biological weapons threat. UNSCOM inspectors destroyed five of Iraq's biological weapons facilities, including its main development and production complex, *Al Hakim*. However, a panel of international weapons experts, convened in January 1998 at the request of the Iraqi government, claimed in April of that year that Iraq's disclosures on its



biological weapons program were “incomplete, inadequate, and technically flawed”(UN Security Council, 1998). The experts stated with some uncertainty that Iraq retained the capacity and knowledge to produce biological weapons quickly and in volume. They claimed that attempts to verify the destruction of all of Iraq’s biological weapons were hopeless and that absolute assurances against the threat of the use of biological weapons by Iraq were impossible because the dual-use character of its biological agents had made verifying their existence inherently more difficult than monitoring its nuclear weapons programs (UN Security Council Report, 1998).

Several other reports, however, revealed that most of Iraq’s chemical weapons were discovered and eliminated by UNSCOM inspectors. In 1998, the International Atomic Energy Association (IAEA) reported that Iraq had satisfactorily completed its final and full declaration of its clandestine nuclear program. Also, in 1998, UNSCOM stated that there are no indications that weapons of mass destruction or nuclear materials remain in Iraq and that no evidence exists of prohibited weapons, materials, or equipment (UN Security Council Report, 1998). In 1999, the Security Council confirmed that UN inspectors supervised or certified the destruction or removal of large quantities of chemical weapons and production facilities in Baghdad and other Iraqi cities. Another report issued by the British Foreign Office in 1998 claimed that UNSCOM destroyed 38,000 chemical weapons and 480,000 liters of live chemical agents in Iraq. These reports were substantiated by the UN Monitoring, Verification, and Inspection Commission (UNMOVIC),<sup>21</sup> established by Resolution 1284 on December 17, 1999, to replace UNSCOM.

Although it is difficult to assess whether sanctions alone influenced Iraq, it is safe to say that they had at least some impact in pressuring the regime to comply with some of the provisions of Resolution 687. According to former UNSCOM director Rolf Ekeus (1996), sanctions were very important in pressuring Iraq to destroy its weapons of mass destruction. In 2003, former weapons inspector David Kay credited sanctions for eliminating Iraq’s ability to produce weapons of mass destruction. Kay, who was appointed by President George W. Bush as the U.S. chief weapons inspector in Iraq shortly after the U.S. invasion in 2003, concluded that Iraq no longer possessed weapons of mass destruction. After a year of further investigation, a similar conclusion was reached by Kay’s successor, Charles Duelfer, on October 5, 2004. Duelfer claimed that Sadaam Hussein did not want his archenemy, Iran, to know that Iraq did not have weapons of mass destruction therefore, by misleading the Iranian government, Sadaam Hussein also misled the United States.<sup>22</sup>

Despite concerns about the gaps in the information Iraq provided to the UN and components that were unaccounted for in its weapons program, most observers agreed that its weapons of mass destruction had been destroyed and its nuclear threat effectively neutralized (Dolley, 1998). In recognition of the progress made in Iraq, Russia, France, and China favored a formal certification of its compliance and an end to its weapons inspection. They requested the gradual easing of sanctions as a means of encouraging further Iraqi cooperation, facilitating a diplomatic settlement, and thus averting the U.S. invasion. This is what the bargaining model of sanctions can expect to accomplish.

The exclusive use of the punitive model of sanctions contributed to the failure of the UN to reciprocate concessions and squandered opportunities for further Iraqi compliance. It also generated dynamics of deepening distrust and animosity that

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<sup>21</sup> UNMOVIC was created with the mandate to disarm Iraq of its weapons of mass destruction and to operate a system of ongoing monitoring and verification to check Iraq’s compliance with its obligations not to manufacture the same weapons prohibited to it by the UN Security Council. UNMOVIC’s chairman, Dr. Hans Blix of Sweden, appointed by the Secretary General, was required to report to the Security Council every three months.

<sup>22</sup> See the Duelfer Report issued to the U.S. Congress on October 5, 2004.

made a negotiated solution to the conflict more difficult. No reciprocation to Iraq's concessions was interpreted by the regime as no incentive to take further steps toward compliance or a change in behavior. The UN's contrasting experiences in implementing punitive sanctions against Iraq and Yugoslavia exemplify these dynamics. Intense pressures by the UN moderated Belgrade's war policies in Bosnia and helped to spark a bargaining process that led to the Dayton Peace Accord in 1993. A year later, Belgrade severed political and economic ties with the Bosnian Serbs and invited UN monitors to verify its action. In response to this gesture, the UN lifted some of the sanctions imposed on Serbia and Montenegro while intensifying those against Bosnia. The UN actions sent a clear message to the leader of Yugoslavia, Slobodan Milosevic, that further compliance would result in additional easing of punitive sanctions against Yugoslavia.<sup>23</sup>

By contrast, no concessions or sanctions relief were granted to the Iraqi government for its partial compliance with UN demands in the 1990s. If these concessions had been met with a partial easing of sanctions, Iraq might have responded with further measures toward compliance. According to Robert Axelrod (1984), cooperation theory explains that the reciprocation of conciliation is likely to generate additional steps toward compliance. The UN's failure to reward Iraq for its concessions and the policy of unyielding punitive sanctions spearheaded by the United States and Britain undermined the prospects for future Iraqi cooperation, and put those countries at odds with the other three permanent members of the UN Security Council—France, China, and Russia.

By not using the bargaining model, the UN lost the bargaining leverage crucial to a negotiated resolution of the impasse. If Iraq's conciliatory gestures had been recognized and reciprocated initially, perhaps a different political dynamic might have developed between the UN and Iraq. Instead, political hostility and distrust of the UN actions persisted, and deepened with the U.S. bombing of Baghdad in 1998, which led to the expulsion of the weapons inspectors from Iraq. The expulsion brought about an abrupt end to weapons inspections in Iraq and created a deadlock in the Security Council that further delayed a solution to the conflict. As the impasse dragged on, U.S. officials alleged that Iraq took advantage of the breach in monitoring to rebuild its weapons program. But Karen de Young of the *Washington Post* (15 July 1999) noted that U.S. intelligence reports found no credible evidence to support the allegation.

By late 1999, a number of states had grown weary of the seemingly endless confrontation between Iraq and the UN. Several proposals were brought forth by France, Russia, China, and Canada to end the impasse, but were rejected either by Iraq or by the U.S.<sup>24</sup> With no hope for an immediate solution to the crisis, Iraq turned to a strategy of obstruction with the intent to weaken the UN resolve and augment the growing political differences among the permanent members of the Security Council. It succeeded, because by 2000, China, Russia, and France had distanced themselves from U.S. and British opposition to the easing of sanctions against Iraq.

<sup>23</sup> For more on UN sanctions against Yugoslavia, see Holbrooke (1998), Delevic (1998), and Licht (1995).

<sup>24</sup> France, Russia, and China brought forward several proposals for the creation of a new weapons organization and the immediate resumption of UN operations in Iraq, but they were opposed by the United States and Britain. In January 1999, France distanced itself from the United States and Britain and proposed an end of the oil embargo against Iraq to ease the suffering of Iraqis in exchange for the development of a new weapons inspection program (Crossette, 1999). U.S. and British opposition to lifting the oil embargo against Iraq scuttled the French proposal and divided the members of the Security Council. In June 1999, Britain and the Netherlands presented a resolution that called for lifting the ban on Iraqi exports in exchange for the Iraqi government's acceptance of a new weapons inspection and monitoring agency. The U.S. rejected this and several other proposals submitted to the UN Security Council that called for the ending of all sanctions against Iraq and the creation of a lesser intrusive weapons monitoring system.

### **The End Game: U.S. Threatens Iraq**

The prospects for an end to the standoff between Iraq and the UN came to a head in late 2002 when President George W. Bush's policy of zero tolerance called for the use of U.S. military force against Iraq with or without America's allies or the UN approval. He was responding to Iraq's refusal to grant full and complete access to UN weapons inspectors. The U.S. threat was reinforced on November 8, 2002, when the Security Council voted unanimously (15–0) to adopt Resolution 1441, which gave Iraq until November 15 to accept the terms of the resolution.<sup>25</sup> The resolution mandated Iraq to grant immediate and unconditional access to UN inspectors to all its weapons sites and production facilities; surrender any weapons of mass destruction; and submit an accurate, full, and complete declaration of all its weapons programs and research laboratories. It requested Iraq to provide the location of the so-called dual-use facilities and commercial enterprises and the names of its scientists for the inspectors to interview without the presence of Iraqi observers. The resolution stated that any false statement or omissions in the declarations or failure by Iraq at anytime to comply or cooperate fully with the UN would mean that it was in material breach of its responsibilities and would face serious consequences, including the use of military force. If, on the other hand, Iraq had cooperated with the UN, and its arms declarations proved accurate, the Security Council would have considered lifting the sanctions against the regime. The resolution gave Iraq until December 8, 2002 to submit its declarations. Saddam Hussein agreed to the demands of the resolution, in his words, to spare the Iraqi people from war. However, the 12,000-page arms declaration submitted to the UN by Iraq on the day before the deadline claimed that Iraq no longer had weapons of mass destruction. President Bush immediately refuted the claim, stating that he was sick and tired of games and deceptions by Saddam Hussein and that time was running out on the Iraqi regime. His rhetoric escalated into the use of military force and the U.S. invasion of Iraq in March 2003.

### **Conclusion**

Since the end of the Cold War, punitive sanctions have been a frequent instrument of UN authority, imposed by the Security Council on more than a dozen countries. Multilateral in nature, these sanctions were supported by most of the members of the international community, including the United States, the world's reigning superpower, which, in that capacity, has the most responsibility for maintaining world order. The reason and rationale for using sanctions as instruments of influence stem from the fact that they avoid the dangers of using military force.<sup>26</sup> The widespread use of multilateral sanctions is a very recent development and has no parallel in the political economy of nations. They are but one among a varied set of policy instruments designed to serve an overall political strategy to force a targeted state to change its objectionable behavior. Sanctions cannot be expected to achieve major policy objectives by themselves because they are limited tools of influence. In fact, they are most effective when combined with other policy tools that are linked to incentives as part of a carrot-and-stick process. Such an approach can raise the costs of objectionable behavior and apply pressure on the target for a negotiated settlement because the most important incentive is the promise to lift sanctions.

<sup>25</sup> Resolution 1441 is deliberately vague and gives the UN Security Council wide latitude in deciding whether Iraq has complied or not. An outright Iraqi defiance or the discovery of weapons of mass destruction might have been enough to provoke a conflict. The resolution stated that Iraq would face serious consequences if found in breach of the Resolution.

<sup>26</sup> Military approaches to coercion have many risks. They can easily backfire, take soldiers' lives, bankrupt governments, and provoke widespread public criticism at home and abroad, especially since it is difficult to mount a short-term war with few casualties (Kegley and Wittkopf, 2004: 521).

When the offer to ease or lift sanctions is tied to partial compliance, as in the bargaining model, the prospects for cooperation and success are greater.

Perhaps the most important finding from this study is that sanctions appeared to be more effective in gaining some Iraqi compliance than is widely acknowledged. Although sanctions did not achieve full and immediate compliance from the Iraqi regime, they had a moderate to high rate of success. On balance, it is probably safe to say that sanctions were effective in applying pressure on the Iraqi regime and were key factors in the bargaining process that eventually led to the elimination of Iraq's weapons of mass destruction. This assessment is consistent with the evidence, even if it appears contrary to conventional wisdom and to the Bush administration claims in 2003 that Iraq still has weapons of mass destruction.

Sanctions are considered a success if they have had a positive, enduring impact on bargaining dynamics or if they helped to isolate or weaken the power of the aggressor, as they did in Iraq. Whether the bargaining model of sanctions would have been more or less satisfactory in preventing the U.S. invasion of Iraq can never be known. What is known is that upon taking office, the Bush administration showed an early preference for the use of military force against Iraq, rather than attempting to use the bargaining model of sanctions to gain more leverage from the regime. However, the bargaining model should not be a substitute for a broader policy, but should be seen as part of a larger strategy of both carrots and sticks. It represents an opportunity to create more effective and more humane multilateral policies for upholding international norms. Its potential as a reliable and effective means of international statecraft remains largely untested and unrealized in the 21st century.

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