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IN PEACE, CONFLICT AND DEVELOPMENT STUDIES



DOCTORAL THESIS

SANCTIONS AND HUMAN RIGHTS: THE ROLE OF SANCTIONS IN INTERNATIONAL SECURITY, PEACE BUILDING AND THE PROTECTION OF CIVILIAN'S RIGHTS AND WELL-BEING. CASE STUDIES OF IRAN AND ZIMBABWE.

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Educational, Scientific and
Cultural Organization

UNESCO Chair of Philosophy for Peace

Dedication

To my parents: Nze, George and Lolo, Veronica Ogbonna

And to my two brothers:

Chukwunyere and Iheanyichukwu

And my Love:

Chigozie, R. Okeke

Epigraph

i will not sit head bent
in silence while children are fed sour bread and dull water
i will not sit head bent
in silence while people rant for the justice of death
i will not sit head bent
in silence while gossip destroys the souls of human beings
i will not sit head bent
in silence at any stage of my life and i will depart this world with words spitting from my lips
like bullets
...too many pass this way
heads bent in silence

(Alan Corkish, 2003)

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TABLE OF CONTENTS

| | |
|--|-----------|
| Dedication..... | i |
| Epigraph..... | ii |
| Acknowledgements..... | iii |
| List of Figures and Tables..... | viii |
| List of Abbreviations..... | ix |
| Resumen de la Tesis Doctoral..... | 1 |
| GENERAL INTRODUCTION..... | 23 |
| Research problem..... | 27 |
| Objectives of study..... | 28 |
| Research questions..... | 29 |
| Methodology..... | 29 |
| Structure..... | 30 |
| Framework of analysis..... | 33 |
| CHAPTER ONE: AN INTRODUCTION TO SANCTIONS | |
| 1.1. Introduction..... | 39 |
| 1.1.1. History of sanctions..... | 44 |
| 1.1.2. Definitions of sanctions..... | 46 |
| 1.1.3. Types of sanctions..... | 48 |
| 1.1.3.1. Comprehensive sanctions..... | 49 |
| 1.1.3.2. Targeted sanctions..... | 51 |
| 1.1.3.3. Major challenges of UN targeted Economic Sanctions..... | 53 |
| 1.1.3.4. Arms embargoes..... | 57 |
| 1.1.3.5. Restrictions on admission (Visa or travel ban)..... | 59 |
| 1.1.3.6. Unilateral sanctions..... | 60 |
| 1.1.3.7. Economic sanctions..... | 64 |
| 1.2. The basis for economic sanctions in the UN Charter..... | 66 |
| 1.2.1. The purposes of economic sanctions..... | 68 |
| 1.2.1.1. Coercion..... | 68 |
| 1.2.1.2. Punishment..... | 70 |
| 1.2.1.3. Symbolism..... | 72 |
| 1.2.1.4. Signalling..... | 75 |
| 1.2.2. Characteristics of UNSC economic sanctions..... | 76 |
| 1.2.2.1. Binding and supreme..... | 76 |
| 1.2.2.2. Politics and self-interest..... | 81 |
| 1.2.2.3. Media driven..... | 85 |
| 1.3. Ambiguity in UNSC economic sanctions..... | 87 |
| 1.3.1. Counting successes and failures; argument of the sanctions advocates..... | 89 |
| 1.3.2. Employing sanctions as a tool of regime change..... | 93 |
| 1.3.3. Economic Sanctions as neo-colonialism..... | 96 |
| 1.3.4. Major criticisms of UNSC Sanctions..... | 97 |

| | |
|--|-----|
| 1.3.4.1. Ethical dilemma..... | 98 |
| 1.3.4.2. Double standards..... | 100 |
| 1.3.4.3. Missing legal and constitutional concept..... | 100 |
| 1.3.4.4. Lack of effectiveness..... | 101 |
| 1.4. Economic Sanctions: changing perceptions and euphemisms..... | 102 |
| 1.4.1. Brief history of the debate on economic sanctions..... | 102 |
| 1.4.2. Economic sanctions debate in the 1930's..... | 104 |
| 1.4.3. Economic sanctions debate in the 1960's to 80's..... | 105 |
| 1.4.4. Economic sanctions debate after 1990..... | 106 |
| 1.4.5. How economic sanctions goals are achieved..... | 109 |
| 1.4.6. The mechanisms of economic sanctions..... | 109 |
| 1.4.7. Understanding the real targets of economic sanctions..... | 110 |
| 1.4.8. A review of the euphemisms of sanctions..... | 112 |
| 1.4.8.1. Target State..... | 113 |
| 1.4.8.2. Coalescing a population with its leader..... | 114 |
| 1.4.8.3. The concept of "Collateral" effects..... | 114 |
| 1.4.8.4. Humanitarian exemptions..... | 117 |
| 1.4.9. Economic sanctions: theoretical considerations..... | 118 |
| 1.4.10. Comments and opinions on the determination and use of sanctions..... | 120 |
| Conclusions..... | 122 |

CHAPTER TWO: THE POSITION OF INTERNATIONAL HUMAN RIGHTS LAW AND THE ROLE OF THEORIES

| | |
|--|-----|
| 2.1 Introduction..... | 125 |
| 2.1.1. Overview of human rights..... | 127 |
| 2.1.1.1. Economic and social rights..... | 129 |
| 2.1.1.2. Civil and political rights..... | 130 |
| 2.1.1.3. Right to life..... | 131 |
| 2.1.1.4. Right to freedom from torture..... | 132 |
| 2.1.1.5. Right to an effective remedy..... | 133 |
| 2.1.2. The right to development..... | 134 |
| 2.1.2.1. The US objection to the right to development..... | 139 |
| 2.2. Economic sanctions and human rights protection..... | 141 |
| 2.2.1. Limits of economic sanctions under the UN Charter..... | 146 |
| 2.2.2. Limits of economic sanctions under international law..... | 149 |
| 2.2.3. Unilateral sanctions in international law..... | 152 |
| 2.2.4. Human rights and State(s) responsibility..... | 154 |
| 2.3. Theories of international relations and States interaction..... | 157 |
| 2.3.1. Realism theory..... | 158 |
| 2.3.2. Liberalism theory..... | 164 |
| 2.3.3. Institutionalism theory..... | 167 |
| 2.3.4. Hegemonic stability theory..... | 170 |
| 2.3.5. Balance of power theory..... | 173 |
| 2.3.6. Constructivism theory..... | 175 |

| | |
|--|-----|
| 2.3.7. Democratic peace theory..... | 177 |
| 2.3.7. 1. A critique of democratic peace theory..... | 180 |
| 2.3.8. Cosmopolitanism theory..... | 182 |
| 2.3.9. New war theory..... | 185 |
| 2.3.10. Imperialism theory..... | 188 |
| 2.3.11. Dependency theory..... | 191 |
| Conclusions..... | 195 |

CHAPTER THREE: SANCTIONS FROM RHODESIA TO ZIMBABWE

| | |
|--|-----|
| 3.1. Introduction..... | 197 |
| 3.1.1. Southern Rhodesia: An “ideal” target of UN economic sanctions?..... | 201 |
| 3.1.2. A brief historical overview of Rhodesia..... | 204 |
| 3.1.3. The use of suppressive racist policies..... | 206 |
| 3.1.4. Unilateral declaration of independence (UDI); followed by sanctions..... | 208 |
| 3.1.5. The UN economic sanctions..... | 209 |
| 3.1.6. Self-determination in context | 212 |
| 3.1.7. Initial difficulties faced by sanctions..... | 213 |
| 3.1.7.1. Sanctions breaches by Portugal and South Africa..... | 214 |
| 3.1.7.2. Sanctions breaches by the United States and the United Kingdom..... | 215 |
| 3.1.7.3. Sanctions breaches by Zambia..... | 217 |
| 3.1.8. Adaptation of the economy..... | 218 |
| 3.2. Towards democracy and independence..... | 221 |
| 3.2.1. The Matabeleland crisis that lasted within 1982 to 1987..... | 223 |
| 3.2.2. The Unity Accord..... | 227 |
| 3.2.3. Shortfall of the 1987 Unity Accord..... | 229 |
| 3.2.4. Crisis and challenges of the 1990’s..... | 231 |
| 3.2.5. Developments since 2000..... | 232 |
| 3.2.6. Foreign intervention..... | 236 |
| 3.3. Misconceptions and ambiguities: Overview of the US and the EU sanctions..... | 237 |
| 3.3.1. Determination of US sanctions on Zimbabwe: Economic or Targeted sanctions?..... | 243 |
| 3.3.2. The EU sanctions on Zimbabwe: Restrictive Measures or Economic sanctions?..... | 247 |
| 3.4. General Impact of economic sanctions on Zimbabwe and Zimbabweans..... | 252 |
| 3.4.1. Effects of sanctions on Zimbabwe’s economy and rights of civilian..... | 254 |
| 3.4.1.1. Right to healthcare..... | 256 |
| 3.4.1.2. Right to education..... | 260 |
| 3.4.1.3. Right to life and quality of life..... | 263 |
| 3.4.1.3.1. Inflation..... | 267 |
| 3.4.2. Multilateral financial institutions funding and their impact on well-being..... | 268 |
| 3.4.2.1. African Development Bank (AfDB) | 271 |
| 3.4.2.2. The International Monetary Fund (IMF)..... | 274 |
| 3.4.2.3. World Bank..... | 277 |
| 3.5. A Paradigm shift, Zimbabwe’s “looks East Policy” | 279 |

| | |
|------------------|-----|
| Conclusions..... | 285 |
|------------------|-----|

CHAPTER FOUR: THE CHALLENGES OF DECADES OF ECONOMIC SANCTIONS AGAINST IRAN AND A REVIEW OF SELECTED CASES OF NUCLEAR DETERRENCE THROUGH SANCTIONS

| | |
|---|------------|
| 4.1. Introduction..... | 289 |
| 4.1.1. Historical overview of Iran..... | 292 |
| 4.1.2. The Islamic revolution..... | 298 |
| 4.1.3. The nuclear non-proliferation treaty..... | 300 |
| 4.1.4. The US sanctions against Iran..... | 304 |
| 4.1.4.1. Sanctions imposed between 1979 and 1991..... | 304 |
| 4.1.4.2. Sanctions imposed between 1992 and 1995..... | 306 |
| 4.1.4.3. Sanctions imposed between 1996 and 2000..... | 307 |
| 4.1.4.4. Sanctions imposed between 2001 and 2005..... | 309 |
| 4.1.4.5. Sanctions imposed between 2006 and 2010..... | 310 |
| 4.1.4.6. Sanctions imposed between 2011 and 2015..... | 311 |
| 4.1.5. Sanctions against Iran’s nuclear program by International Organizations..... | 315 |
| 4.1.5.1. Sanctions imposed by the UN..... | 315 |
| 4.1.5.2. Sanctions imposed by the EU..... | 320 |
| 4.2. Sanction and other cases of nuclear proliferation..... | 323 |
| 4.2.1. Taiwan..... | 324 |
| 4.2.2. Libya..... | 326 |
| 4.2.3. India..... | 328 |
| 4.2.4. Pakistan..... | 331 |
| 4.3. The Impact of economic sanctions on Iran and Iranians..... | 332 |
| 4.3.1. A snapshot of the economy and economic figures..... | 335 |
| 4.3.2. Impact of sanctions on the human rights of Iranians..... | 339 |
| 4.3.2.1. Right to health care..... | 340 |
| 4.3.2.2. Right to education..... | 343 |
| 4.3.2.3. Right to life and the quality of life..... | 346 |
| 4.3.2.3.1. Inflation..... | 346 |
| 4.3.2.4. Right to work and free choice of employment..... | 350 |
| 4.4. Minimizing sanctions impact: sourcing alternative economic relations..... | 353 |
| 4.4.1. Exploring diplomacy through negotiation EU-3..... | 357 |
| 4.4.2. New approach: EU-3+3 or P5+1..... | 357 |
| CONCLUSIONS AND REFLEXIONS..... | 361 |
| BIBLIOGRAPHY..... | 371 |
| APPENDICES..... | 421 |

List of Figures and Tables

Figures:

| | |
|---|-----|
| Figure 1: Number of sanctions imposed by the US between 1993 and 1996 | 62 |
| Figure 2: Reasons for imposing unilateral sanctions..... | 64 |
| Figure 3: The structure of imperialism..... | 190 |
| Figure 4: Dependency Theory..... | 193 |
| Figure 5: Average Annual AfDB Disbursements..... | 274 |
| Figure 6: Average Annual IMF Disbursements (US\$M) | 276 |
| Figure 7: Average Annual World Bank Disbursements (US\$M)..... | 279 |
| Figure 9: Dual-use equipment seized by Spanish police on April 1, 2014..... | 332 |
| Figure 9: Iran oil production and condensate from 2011 to 2014..... | 337 |
| Figure 10: OPEC share of world crude oil reserves, 2013..... | 338 |
| Figure 11: Iranian Rial - Dollar exchange rate..... | 349 |

Tables:

| | |
|---|-----|
| Table 1: Land classification according to the Land Apportionment Act, 1930..... | 208 |
| Table 2: Cash flow from multilateral institutions into Zimbabwe..... | 269 |

List of Abbreviations

| | |
|-----------------|--|
| AALCO: | Asian-African Legal Consultative Organization |
| ACP: | African, Caribbean and Pacific Group of States |
| AfDB: | African Development Bank |
| AfriMAP: | Africa Governance Monitoring and Advocacy Project |
| AIDS: | Acquired Immune Deficiency Syndrome |
| BCE: | Before Common Era |
| BOP: | Balance of Payment |
| BSAC: | British South Africa Company |
| BTWC: | Biological and Toxin Weapons Convention |
| CCJP: | Catholic Commission for Justice and Peace |
| CE: | Common Era |
| CEDAW: | Committee on the Elimination of Discrimination against Women |
| CISADA: | Comprehensive Iran Sanctions, Accountability, and Divestment Act |
| CRC: | Convention on the Rights of the Child |
| CSIS: | Centre for Strategic and International Studies |
| DANIDA: | Danish International Development Agency |
| DKK: | Danish kroner |
| DRC: | Democratic Republic of Congo |
| ECOWAS: | Economic Community of West African States |
| EU: | European Union |
| FAO: | Food and Agricultural Organization |
| FDI: | Foreign Direct Investment |
| GCC: | Gulf Cooperation Council |
| GDP: | Gross Domestic Product |
| HIV: | Human Immune Virus |
| IAEA: | International Atomic Energy Agency |
| IBRD: | International Bank of Reconstruction and Development |
| ICC: | International Criminal Court |
| ICCPR: | International Covenant on Civil and Political Rights |
| ICESCR: | International Covenant on Economic, Social and Cultural Rights |
| ICJ: | International Court of Justice |
| IDA: | International Development Association |
| IEA: | International Energy Agency |
| IGMP: | Integrated Guided Missile Program |
| IGO: | Inter-governmental Organizations |
| IIANA: | Iran-Iraq Arms Non-proliferation Act |
| IIPJHR: | International Institute for Peace, Justice and Human Rights |
| ILSA: | Iran and Libya Sanctions Act |
| IMF: | International Monetary Fund |
| IRGC: | Iranian Revolutionary Guard Corps |
| IRISL: | Islamic Republic of Iran Shipping Lines |
| ISA: | Iran Sanctions Act |

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| ITR: | Iranian Transactions Regulations |
| ITRSHRA: | Iran Threat Reduction and Syria Human Rights Act |
| ITSR: | Iranian Transactions and Sanctions Regulations |
| IWGIA: | International Work Group for Indigenous Affairs |
| JCPOA: | Joint Comprehensive Plan of Action |
| JPOA: | Joint Plan of Action |
| LDC: | Least-developed Countries |
| LRA: | Lord's Resistance Army |
| MDC: | Movement for Democratic Change |
| MDTF: | Multi Donor Trust Fund |
| MFI: | Multilateral Financial Institutions |
| MOHCW: | Ministry of Health and Child Welfare |
| MTCR: | Missile Technology Control Regime |
| NATO: | North Atlantic Treaty Organization |
| NDAA: | National Defence Authorization Act |
| NGO: | Non-governmental organization |
| NIEO: | New International Economic Order |
| NIOC: | National Iranian Oil Company |
| NPT: | Non-Proliferation Treaty |
| OAS: | Organization of American States |
| OAU: | Organization of African Unity |
| OCHA: | Office for the Coordination of Humanitarian Affairs |
| OEWG: | Open-ended Working Group |
| OFAC: | Office of Foreign Assets Control |
| OHCHR: | Office of the High Commissioner for Human Rights |
| PLWHA: | People Living with HIV/AIDS |
| PRC: | People's Republic of China |
| RBZ: | Reserve Bank of Zimbabwe |
| RMC: | Regional Member Countries |
| ROC: | Republic of China |
| RUF: | Revolutionary United Front |
| SAP: | Structural Adjustment Programme |
| SDN: | Specially Designated Nationals |
| SEK: | Swedish krona |
| STERP: | The Short Term Emergency Recovery Programme |
| SWIFT: | Society for Worldwide Interbank Financial Telecommunication |
| UAE: | United Arab Emirates |
| UANC: | United African National Council |
| UDHR: | Universal Declaration of Human Rights |
| UDI: | Unilateral Declaration of Independence |
| UN: | United Nations |
| UNAIDS: | Joint United Nations Programme on HIV/AIDS |
| UNGA: | United Nations General Assembly |
| UNICEF: | United Nations International Children's Emergency Fund |

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|-----------------|---|
| UNITA: | The National Union for the Total Independence of Angola |
| UNSC: | United Nations Security Council |
| US: | United States |
| USSR: | Union of Soviet Socialist Republics |
| WB: | World Bank |
| WFP: | World Food Programme |
| WHO: | World Health Organization |
| WMD: | Weapon of Mass Destruction |
| ZANLA: | Zimbabwe African National Liberation Army |
| ZANU-PF: | Zimbabwe African National Union – Patriotic Front |
| ZAPU: | Zimbabwe African People’s Union |
| ZEDAP: | Zimbabwe Essential Drugs Action Program |
| ZIDERA: | Zimbabwe Democracy and Recovery Act |
| ZIPRA: | Zimbabwe People’s Revolutionary Army |

Resumen de la Tesis Doctoral

Introducción General

La racionalidad que suele legitimar y justificar la imposición de sanciones es la esperanza para resolver un conflicto sin sufrimiento masivo u otras consecuencias negativas asociadas a la guerra. El presente estudio sitúa esta hipótesis en contexto y evalúa si el uso de sanciones es un modo plausible de alcanzar paz y seguridad internacionales o es en realidad un problema a la hora de resolver los motivos que llevan a las sanciones. Esta tesis propone analizar el impacto de las sanciones sobre los regímenes de Irán y Zimbabue en los derechos y bienestar de la población civil. La elección de esta área específica de estudio corresponde tanto a mi interés personal como académico. Mi relación personal con iraníes y zimbabuenses, quienes son mis amigos, compañeros de escuela y a los que considero mis hermanos y hermanas ha influenciado mi interés en estudiar cómo las sanciones de EEUU y UE supuestamente sobre a dirigentes individuales en Zimbabue y las sanciones de NU que apuntan al programa nuclear de Irán han afectado a la población entera.

Visión general del caso de Zimbabue

Su historia colonial y postcolonial, su economía divergente, sus perspectivas políticas y otros factores casuales han influenciado la perspectiva del gobierno de Zimbabue y los gobiernos occidentales de afirmar un entendimiento plausible de los hecho(s) reales que llevan a la imposición de sanciones en Zimbabue por Occidente. Siguiendo una serie de condenas y críticas de varios temas cruciales, EEUU y la UE han mantenido sanciones en contra de Zimbabue por más de una década. Zimbabue tiene una larga historia de sanciones, ambas amplias y unilaterales. El país es un caso significativo como ejemplo de sanciones. Las Naciones Unidas impusieron sus primeras sanciones en Rodesia, hoy Zimbabue, en 1966. Desde ese periodo hasta la actualidad, Zimbabue ha estado bajo sanciones de Naciones Unidas, EEUU, la Unión Europea o ambas. Zimbabue ha sido sancionado en 6 episodios de sanciones: 1966, 2002, 2003, 2005, 2008 y 2009, lo que lo convierten en uno los países más sancionados en el mundo. En un simple análisis, Zimbabue se ha convertido en un candidato regular de la “industria de las sanciones”. Por lo tanto, este estudio estima relevante analizar

el impacto de las sanciones en este país con respecto a los derechos humanos y bienestar de la población civil. El presente episodio de sanciones comenzó en diciembre del 2001, cuando los Estados Unidos aprobó la Ley de Recuperación Económica de la Democracia Zimbabuense (DEZIAR). Esta se oponía a la extensión de préstamos o cancelaciones de deudas de Instituciones de Financiación Bilateral (FMI, Banco Mundial y BDA) a Zimbabue. Luego de esto, el Reino Unido y los Estados Unidos unieron fuerzas en 2002 y persuadieron a sus aliados para imponer sanciones a Zimbabue. El 18 de febrero de 2002, siguiendo la expulsión del jefe de la misión de monitoreo de elecciones de la UE, Pierre Schori, quien fue acusado por el gobierno de Zimbabue de interferir en su elección, la UE introdujo sanciones referidas como “medidas restrictivas” en contra del presidente Robert Mugabe y otros oficiales mayores. Estas medidas punitivas también prohibieron viajar a estos funcionarios principales del Estado dentro y alrededor de Europa y congelaron sus bienes y cuentas bancarias personales. Adicionalmente, en septiembre de 2002, el gobierno de Howard en Australia impuso sanciones dirigidas a miembros del gobierno de Zimbabue en protesta por el deterioro de la situación política en Zimbabue. Esto incluía restricciones de viajes, embargos de armas y sanciones financieras dirigidas.

En principio, el presente régimen de sanciones contra Zimbabue dice estar restringido a ciertos ámbitos. De acuerdo a los EEUU y la UE las sanciones fueron impuestas para establecer democracia, promover los derechos humanos y el estado de derecho en Zimbabue. Entonces, las sanciones tendrían como fin desarrollar un cambio en el comportamiento del régimen. Contrariamente, el gobierno de Zimbabue ha argumentado continuamente que las sanciones son económicas. El gobierno de Zimbabue apoya esta denuncia al resaltar el hecho que desde la promulgación de DEZIAR, el Banco Monetario Internacional (BMI), el Banco Mundial y el Banco de Desarrollo Africano (BDA) han denegado al estado la extensión de préstamos, créditos o garantías, facilidades de mercado externo y ayuda financiera, por tanto se indicaría que las sanciones fueron una estrategia premeditada utilizada para colapsar la economía. Como respuesta a estas denuncias por el régimen de Zimbabue en el 2008 la UE dio un decreto en el cual se argumentó que las sanciones no

fueron dirigidas contra el gobierno de Zimbabue como país, sino a individuos específicos y por lo tanto no podría verse como perjudicial a la economía zimbabuense.

Visión general del caso de Irán

La República Islámica de Irán es un actor clave en el Medio Oriente dado su vasto territorio y tamaño geográfico, influencia en las políticas de Medio Oriente y sus enormes reservas de petróleo, entre otros. Como el único estado teocrático de la región y se rige por la Sharia, las intenciones de Irán son difíciles de evaluar debido a la falta de transparencia y comportamiento contrario a las normas internacionales en relación a su programa nuclear, apoyo a organizaciones designadas como terroristas por Estados Unidos y otros países de Occidente y su dedicación a expandir la revolución Islámica. Históricamente, la desconfianza árabe de los persas y la desconfianza suni de la sharía aumenta la discordia regional. Temiéndole a los problemas internos que la Sharía puede causar a su propia población, las naciones del Golfo Árabe como Arabia Saudita y Bahreín mantienen vigilancia constante a Irán y a sus políticas externas/domésticas, aborreciendo la posibilidad del crecimiento militar iraní. Para los Estados Unidos y otros países occidentales, Irán es de particular interés tanto regional como internacional por el soporte iraní a organizaciones regionales terroristas, falta de transparencia sobre su programa nuclear y el que Irán esté involucrado en Estados vecinos, especialmente Irak y Afganistán, donde los conflictos continúan. De hecho, el interés de EEUU en Irán es multifacético, éste mantiene sanciones en contra de Irán desde la revolución islámica de 1979 y ha asumido el rol de jefe de seguridad en monitorear las relaciones de Irán, lo que ha incrementado las tensiones y la desconfianza entre EEUU e Irán y, por extensión, a otros países de Occidente.

Las razones para imponer sanciones a Irán pueden resumirse en las siguientes: hacer que Irán abandone o renuncie a su programa nuclear y se olvide de toda la riqueza del uranio; para fortalecer la democracia y derechos humanos y el estado de derecho (Sadeghi-Boroujerdi, 2012). En una situación como esta, una pregunta importante sería: ¿Cuáles son las posibilidades de éxito de usar sanciones económicas para prevenir o transformar conflictos? En mi opinión, mientras las sanciones tienen la

habilidad de inducir el reajuste de Teherán en un análisis de costos/beneficios sobre su programa nuclear, las sanciones por sí solas no podrían proveer una solución al *impasse* nuclear.

El régimen en Teherán ha bajo presiones considerables, de igual forma el pueblo fue el que sufrió la peor parte de la presión que llevó a una economía inestable como resultado de las sanciones. De todas formas, el dilema central es que correcta u incorrectamente, el líder supremo y gran parte de la elite del gobierno dio su legitimidad en el program nuclear. En relación con esta visión, la tesis busca presentar el caso de que las sanciones y el desafío no son sustitutos para la seriedad diplomática, lo que eventualmente significa que ambos partidos deben mostrarse preparados para cambiar sus posiciones abiertas y pedir su lealtad y compromiso al Plan de Acción Comprensivo Conjunto (PACC), también conocido como el acuerdo nuclear Irán -P5+1.

Mi argumento principal es que al contrario de la creencia común de que las sanciones pueden lograr las metas deseadas de resistencia al gobierno de un Estado particular para promover democracia y derechos humanos o que lo fuerza al abandono de políticas tales como el programa nuclear, muchas veces se olvida el principal foco. Por el contrario, perjudican a los pobres, a grupos de la sociedad civil sin fuerza e irónicamente amenazan el proceso democrático. De acuerdo al Dr. Alex, T. Magaisa (The independent, 2015), un abogado de derechos humanos de Zimbabwe:

The problem is that, it is the weak members of the society that are hard hit by the effects of the sanctions. Democracy cannot flourish in poverty. It needs stable economic foundations (The Independent, 2015).

La privación económica inducida por sanciones económicas tanto en Zimbabwe como Irán es trágica puesto que sus economías se destrozaron. En consecuencia, la situación amenazó la seguridad humana mientras que se negaba a la población civil sus principales derechos humanos en contra a como se prescribió en la Declaración Universal de Derechos Humanos y otros tratados de derechos humanos internacionales. En mi opinión, sería injusto declarar a los derechos humanos universales, inalienables e indivisibles, mientras que al mismo tiempo la comunidad internacional (la ONU) y países como EEUU emplean medidas que obviamente impiden o/y restringen la capacidad de la persona individual de disfrutar de sus derechos. El sistema mundial está interrelacionado y los Estados se encuentran

imbuidos en el sistema. Por lo tanto, es inapropiado argumentar que las sanciones no tienen efectos en la población del Estado sancionado o que las excepciones humanitarias son capaces de mitigar las consecuencias arrepentidas humanitarias de sanciones económicas en la sociedad civil.

Problema a Investigar

Las sanciones económicas antes los 90s han sido aplaudidas tanto por partidarios de la guerra como por pacifistas como alternativas a la guerra. El aclamado éxito de las sanciones contra Rodesia y Sudáfrica lo hicieron aceptable para muchas personas, quienes percibieron las sanciones como una alternativa adecuada al uso de la fuerza militar. Sin contar el pobre récord posterior de Sudáfrica, políticos y hacedores de política aún discuten que las sanciones son efectivas y llenan un vacío en las relaciones internacionales. De acuerdo a Richard Holbrooke, embajador de EEUU bajo el mandato de Bill Clinton, “the concept of sanctions is not just still valid, it’s necessary. What else fills the gap between pounding your breast and indulging in empty rhetoric and going to war besides economic sanctions?” (*The New York Times*, 2003). El debate sobre las sanciones económicas se ha convertido en un dilema humanitario. Sin contar el hecho que muchos analistas, escolares y observadores políticos han denunciado su apoyo a las sanciones económicas, su aplicación ha sido en el incremento desde 1990. La falta de suficiente entendimiento en el grave sufrimiento humano que viene de sanciones económicas y los cambios políticos que vienen al juego de determinar a quién sancionar así como los tipos de sanciones adecuadas hacen este estudio muy oportuno e importante, puesto que intenta llenar este vacío informativo. Esta tesis cree que el público general no está provisto de suficiente información para entender el impacto de las sanciones en las víctimas. Por lo tanto, las sanciones económicas no están valoradas por el público respecto a su desastroso y predecible resultado humanitario.

Objetivos del estudio

El principal objetivo de este estudio es examinar cómo las sanciones económicas afectan los derechos y el bienestar de la población civil del Estado sancionado. Adicionalmente, revisa la bibliografía disponible en sanciones y su impacto humanitario, mientras se enfoca en el caso

específico de Zimbabwe e Irán. Del objetivo principal se talla la realización de otros objetivos claves de este estudio, que son los siguientes:

- Examinar la plausibilidad de usar sanciones para mantener la paz y la seguridad internacionales.
- Dar voz a los civiles que han experimentado sanciones económicas.
- Realizar una aportación a la literatura sobre sanciones económicas, desde la perspectiva de sus víctimas civiles.

Pregunta de Investigación

Habiendo explicado el objetivo del estudio, este trata las siguientes preguntas:

- ¿Son las sanciones capaces de resolver conflictos internacionales y restaurar la paz y la seguridad?
- ¿Cuáles son los impactos del régimen de sanciones en la población civil?
- En una situación donde las sanciones económicas son empleadas para resolver un conflicto, ¿son estas capaces de evitar sufrimiento masivo y otras consecuencias negativas asociadas a la guerra?
- ¿Son las sanciones económicas compatibles con la Declaración Universal de Derechos Humanos?

Metodología

El estudio utiliza dos casos de estudio que se enfocan en la posibilidad de usar sanciones para promocionar la paz y seguridad internacionales y cómo estas sanciones afectan los derechos y el bienestar de la población civil en Irán y Zimbabwe. Ya que esta es una investigación empírica que investiga el fenómeno contemporáneo dentro del contexto de la vida real, es importante ser holístico

en la aproximación así como también estar capacitado para resolver los objetivos de investigación satisfactoriamente. El estudio utiliza metodologías de investigación cualitativas tanto como cuantitativas. La metodología clave empleada, la cualitativa, me brinda la oportunidad de llevar a cabo un estudio profundo, a través del trabajo de campo, para aprender sobre las experiencias de la población iraní y zimbabuense y cómo las sanciones afectan su bienestar. Se realizaron además entrevistas para recabar información de los participantes. El estudio emplea una entrevista abierta, donde propongo una serie de preguntas que luego permiten al entrevistado explicar y discutir las respuestas. Adicionalmente, los cuestionarios fueron dados a los entrevistados de antemano. El cuestionario contiene el perfil demográfico de los entrevistados que participaron en el estudio. Asimismo, el estudio utiliza fuentes secundarias como revistas académicas, libros y artículos nuevos que tratan sobre sanciones y el impacto en los derechos y bienestar de la población civil de los Estados a los que fueron dirigidas.

Estructura

La tesis está dividida entre 4 capítulos principales y una conclusión final. Cada capítulo comienza con su propia introducción y termina con una conclusión del tema a que se dedica. El capítulo 1 “Una Introducción a las Sanciones” provee una visión de conjunto de las sanciones, remontándose a sus orígenes e historia. También analiza diferentes tipos de sanciones y las razones dadas por partidos sancionadores para imponer sanciones económicas contra un Estado o territorio. También explora otras razones por las cuáles el uso de sanciones ha aumentado desde 1990. Adicionalmente, el capítulo examina debates sobre sanciones económicas antes de los 90’s así como también el debate actual, que se ha establecido desde 1990 hasta hoy. El capítulo evalúa la elección y uso del lenguaje en episodios de sanciones económicas. Da luz sobre porqué fraseologías como Estado dirigido, nación ofendida, excepción humanitaria y efecto colateral son usados durante las sanciones.

El capítulo dos “La Posición de la Ley Internacional de Derechos Humanos y el Rol de las Teorías” provee una perspectiva legal de las sanciones. Revisa la compatibilidad y/o permisibilidad de

sanciones bajo las leyes humanitarias internacionales y las convenciones como la Declaración Universal de Derechos Humanos (DUDH). Asimismo, el capítulo examina el rol de los Estados y la comunidad internacional de proteger y salvaguardar los derechos humanos. Adicionalmente, revisa las teorías principales de relaciones internacionales para dar un entendimiento más claro de los patrones de interacción y relación entre Estados. Para entender las relaciones de Estado y porqué los Estados actúan y reaccionan de la forma en que lo hacen, este estudio considera necesario analizar teorías particulares del Estado y las relaciones internacionales. De todas formas, es difícil y casi imposible visionar una teoría de sanciones simple y general. En contra de este fondo, el capítulo examina diferentes teorías de relaciones internacionales, particularmente las que estudian a la motivación para el continuo uso de sanciones económicas en contra de su pobre récord y otros que racionalizan y justifican el continuo uso de sanciones como una herramienta necesaria de la diplomática internacional. Revisa extensivamente teorías como el Realismo, Liberalismo, Institucionalismo, Teoría de la Estabilidad Hegemónica, Teoría del Poder del Balance, Teoría Cosmopolita, Teoría del Imperialismo, Teoría de la Dependencia y Teoría de la Paz Democrática.

El capítulo tres “Sanciones de Rodesia a Zimbabue” provee una visión general de la historia de Zimbabue desde la pre y post independencia. Más importante aún, el capítulo toma en cuenta la ambigüedad en el entendimiento de la naturaleza de las sanciones en contra de Zimbabue desde la década pasada. Por ejemplo, la UE ha argumentado continuamente que las sanciones contra Zimbabue no son económicas sino “medidas restrictivas”. Asimismo, los Estados Unidos argumentan que las sanciones a Zimbabue son sanciones dirigidas/inteligentes, apuntando al Presidente Robert Mugabe y ciertos miembros de su régimen. Sin embargo, el gobierno de Zimbabue insiste en que las sanciones contra el país son económicas e ilegales. Debido a estas ambigüedades, este capítulo da luz sobre las estrategias y la implementación de las sanciones de EEUU y UE contra Zimbabue en un esfuerzo por establecer si son económicas, dirigidas/inteligentes o medidas restrictivas. El capítulo también explora los impactos de las sanciones en la economía de Zimbabue y la población civil. El análisis en el impacto de sanciones cubre dos áreas principales: el impacto de las sanciones en los derechos humanos y el bienestar de los zimbabuenses y su impacto en el ambiente económico y social. Sobre

los derechos humanos y bienestar, el estudio toma en cuenta los efectos de las sanciones en el ámbito de los derechos humanos, como el derecho a la salud, a la educación y a una calidad de vida estándar. Así, examina el impacto de las sanciones en factores económicos claves como inflación, acceso a las finanzas foráneas y cambios. Finalmente, revisa la “Política de Mirada al Este” de Zimbabue.

El capítulo cuatro “Los Retos de Décadas de Sanciones Económicas contra Irán y una revisión de Casos Selectos de Disuasión Nuclear a través de Sanciones”, provee una revisión histórica sobre Irán, rastreando la historia política y religiosa del país. También, resalta episodios de sanciones contra Irán, comenzando con la crisis de los rehenes en 1979 hasta las presentes sanciones contra el programa nuclear. Provee una cronología y perfil de sanciones tanto de Occidente como de la ONU contra Irán. Además, el capítulo examina el acuerdo del Tratado de la No-Proliferación Nuclear, revisando las implicaciones de cierta “cláusula” contenida en el ensayo del acuerdo. Adicionalmente, revisa los casos donde las sanciones han sido previamente empleadas como disuasión a la proliferación nuclear. La razón para analizar estos casos previos es dar pista a sanciones capaces de alcanzar disuasión nuclear en el pasado y también explorar y/o anticipar la posibilidad de alcanzar la misma (disuasión) en el presente caso de Irán y en el futuro. El capítulo provee una visión general del impacto de sanciones en la economía y derechos humanos de la población iraní. En la economía, revisa cómo las sanciones afectan al PBI - ingresos Teherán, particularmente por petróleo y otros productos relacionados. En el impacto sobre la población civil, el capítulo examina cómo las sanciones afectan los principales derechos humanos de los iraníes, como el derecho a la salud, educación, empleo, buenas condiciones laborales y a la calidad de vida. También revisa cómo variables económicas como la inflación, influenciada por las sanciones, afecta la calidad de vida de la población, en especial la de los grupos vulnerables. Finalmente, el capítulo provee información de la negociación reciente entre Irán y el P5+1 (China, Francia, Rusia, Reino Unido, y los Estados Unidos, + Alemania).

Marco de Análisis

Para poder engranar el discurso sobre las sanciones, me referiré al trabajo de John Paul Lederach (2005), *The Moral Imagination: The Art and Soul of Building Peace*. De acuerdo con Lederach, para que los seres humanos alcancemos la paz dentro de nosotros y en las sociedades en las que vivimos, debemos cambiar la forma en que respondemos y reaccionamos a los retos y conflictos. Entonces, la sociedad puede convertirse en una mejor y más pacífica si podemos emplear una imaginación moral de paz en resolver conflictos en vez de usar medidas violentas:

If we are to survive as a global community, we must understand the imperative nature of giving birth and space to the moral imagination in human affairs. We must face the fact that much of our current system for responding to deadly local and international conflict is incapable of overcoming cycles of violent patterns precisely because our imagination has been corralled and shackled by the very parameters and sources that create and perpetuate violence (Lederach, 2005: 46).

De acuerdo con Lederach, estamos estancados en el presente sistema (Sistemas globales), el cual es caracterizado por el uso de violencia para resolver un conflicto. Él apunta a la imaginación humana y habilidad para crear morales como la respuesta a romper este ciclo. De acuerdo a él, “la moralidad es la motivación, innovación y el mecanismo” y debemos emplearlo para permitirnos salir del círculo de violencia en el sistema del mundo. El enfatiza la necesidad de moverse desde “violencia destructiva hacia un compromiso social constructivo.” Para Lederach, la paz puede ser alcanzada a través de nuestra imaginación moral, por lo tanto afirmando lo siguiente:

The moral imagination requires the capacity to imagine ourselves in a web of relationships that includes our enemies; the ability to sustain a paradoxical curiosity that embraces complexity without reliance on dualistic polarity; the fundamental belief in and pursuit of the creative act; and the acceptance of the inherent risk of stepping into the mystery of the unknown that lies beyond the far too familiar landscape of violence (Lederach, 2005: 5).

la “imaginación moral” es la capacidad de reconocer puntos de cambio y posibilidades para poder emprender caminos desconocidos y crear lo que aún no existe. Significa imaginar y generar procesos constructivos que están atrincherados en desafío de la violencia del día a día y que ahora supera los patrones negativos. La imaginación moral explora la naturaleza de estos puntos cambiantes

y la complejidad, diferentes formas de conocer (intuición particular), entender la esencia, la importancia de la humildad, cómo las situaciones más serias y peligrosas pueden ser transformadas, la dinámica de la naturaleza de las conexiones, la importancia de la creatividad espontánea, y la quietud (Lederach and Maiese, 2009: 7).

En la visión de Lederach (2005), una comunidad más pacífica (mundial) es alcanzable al conectar pasado, presente y futuro. Él concluye que la paz necesita ser imaginada, mientras aún permanece enraizada en las realidades del conflicto. Entonces, “La Imaginación Moral” desafía el modelo del estatus quo de resolución de conflictos promulgado hoy, el cual emplea medidas coercitivas (sanciones económicas en nuestro caso), pues en vez de defender la inclusividad moral, defiende el direccionamiento de conflictos y desacuerdos. Lo que el sistema mundial necesita es buscar la creación de un importante red de relaciones que yace escondida detrás del conflicto. Estas redes contienen espacios que pueden ser la base para la reconciliación. Esto puede ser alcanzado al explorar los 4 elementos principales de la imaginación moral: “relaciones”, alcanzando a aquellos a los que temes; “curiosidad paradójica”, tocando el corazón de la complejidad; “creatividad”, imaginando más allá de lo visible; y el “riesgo”, arriesgando la propia vulnerabilidad.

Lederach and Maiese (2009: 7-8) indica que la transformación de conflictos desafía al grupo específico de técnicas; por el contrario es una forma de ver y observar que requiere lentes (multi-lentes) a través de los cuales hace sentido el conflicto social. En este caso, cada lente concentra un aspecto en particular del conflicto y ayuda a enfocar con más claridad el significado general del conflicto. Esto implica que emplear unos simples lentes cuando se trata un conflicto produciría una visión opaca del conflicto entero. Son necesarias muchas lentes para visionar múltiples aspectos de las realidades complejas de los conflictos multidimensionalidades. Entendiendo el multidimensionalismo de un conflicto complejo a través de diferentes lentes podemos desarrollar un marco único que nos ayudará a ver el conflicto como un todo. La lente inicial revela la situación inmediata y/o el problema mientras el lente subsecuente mira más allá de los problemas inmediatos y captura los patrones de la relación escondida o subyacente que crean el contexto del conflicto. Precisamente, la transformación

de conflictos no significa una solución de base rápida al problema, pero principalmente conlleva un entendimiento de las relaciones humanas a un nivel más profundo. Las terceras lentes ayudan a visualizar un marco que va a incorporar firmemente los ya mencionados puntos de vista y comprenden el contenido, el contexto y la estructura de la relación (Lederach and Maiese, 2009: 7-9). Es desde esta plataforma que los partidos en un conflicto pueden comenzar a encontrar respuestas creativas y soluciones. Juzgando desde nuestro caso de estudio, es obvio que los mecanismos de transformación de conflictos que están siendo usados en nuestro mundo contemporáneo (sanciones económicas) necesitan ser sustituidos con lo que Lederach se refiere a “Procesos de Cambio Constructivo”. De acuerdo a Lederach (2005), “La transformación de conflictos empieza con una meta central, la cual es construir cambios constructivos fuera de la energía creada por el conflicto. Al enfocar esta energía en las relaciones subyacentes y estructuras sociales, los cambios constructivos pueden salir a flote. La clave aquí es llevar los conflictos desde los procesos destructivos hacia los constructivos. La tarea principal de la transformación de conflictos no es encontrar soluciones rápidas para problemas inmediatos, sino generar mecanismos creativos que puedan direccionar simultáneamente temas de la superficie y cambiar las estructuras subyacentes sociales y patrones de relaciones” (Mischnick, 2007: 60). En la línea del punto de vista de Lederach, Mischnick añade, “rather than viewing conflict as a threat, the transformative view sees conflict as a valuable opportunity to grow and increase our understanding of ourselves and others. Conflict can be understood as a motor of change that keeps relationships and social structures dynamically responsive to human needs” (Mischnick, 2007: 60).

Tomando en consideración la acertada evaluación de Lederach sobre el sistema internacional con respecto a los mecanismos de transformación de conflictos, busco ampliar y profundizar su análisis al examinar de cerca el poder y los discursos dominantes y las narraciones de sanciones. Para concretar, este estudio busca explorar cómo las sanciones afectan y/o violan los derechos y bienestar de los civiles en Irán y Zimbabue. Dentro de esta conceptualización analítica, es esencial examinar la posición del derecho internacional y el derecho internacional humanitario en el uso de sanciones económicas coercitivas con respecto al previsible impacto en los derechos civiles y el bienestar.

Tomando en consideración que las sanciones se han convertido en una norma en las relaciones internacionales, uno podría preguntarse qué tipo(s) de visión o/y solución podría ofrecer un análisis profundo del impacto de las medidas ofrecidas en términos de la teoría, estrategia y práctica de transformación de conflicto. Para direccionar esta pregunta, tomo una famosa cita del Papa Juan XXIII, que dice: “disagreements must be settled, not by force, not by deceit or trickery, but rather in the only manner which is worthy of the dignity of man” (Merryfield and Remy 1995: 186). Por tanto, las sanciones son particularmente adecuadas para estudiar los estándares del sistema internacional para la resolución de conflictos y las normas que se dirigen hacia las estrategias de transformación de los mismos.

La comunidad internacional (CSNU) y los países occidentales han sostenido políticas de sanciones con despreocupación a pesar haber confrontado casos muy polémicos. Si estamos de acuerdo en el hecho que las sanciones económicas sí manifiestan consecuencias humanitarias atroces en la población civil y que violan derechos humanos e impactan negativamente en el bienestar de las personas, entonces uno se pregunta por qué aún se mantienen como una herramienta de diplomacia internacional dentro de la ONU y son hasta comúnmente usadas por Estados Unidos y la Unión Europea. Adicionalmente, preocupa que el derecho internacional humanitario veta el uso de medidas coercitivas que puedan dañar civiles, pero aún así se mantienen. ¿Qué quiero decir con esto? La DUDH, por ejemplo, prevé que cuando el derecho de una persona es violado o abusado a través de sanciones, estas no pueden ser sujeto de remedio y/o compensación. La implicación de tal ambigüedad es que, mientras sancionamos violaciones de derechos, se proveen significados políticos y justificaciones por el continuo uso de medidas coercitivas en la población civil, mientras falta la disposición legal para contener estos principios y darle fuerza a reglas perentorias establecidas por consenso internacional.

Dentro de esta evaluación crítica, compromiso de sanciones *vis-a-vis* y su impacto hay mucho por mejorar, hasta en las herramientas analíticas con las que abordo el tema. Empleo el derecho internacional con respeto a los derechos humanos fundamentales que son universales, inalienables e indivisibles, mientras se reconocen sus ambigüedades inherentes. Busco dentro de la “autoridad

constitucional” de las Naciones Unidas, mientras soy crítico con las contradicciones entre los principios de Naciones Unidas y violaciones a derechos humanos perpetrados por sanciones de CSNU. Suscribo la soberanía del Estado, pero soy consciente de la necesidad de la intervención humanitaria cuando los crímenes chocan con la conciencia. Estas son solo algunas de las paradojas que uno puede encontrar a través de este estudio. Son indicadores de las tensiones creadas por la coalición de lucha para la justicia social, política y económica; llevando al *status quo* (sanciones) establecidas y aceptadas como norma en las relaciones internacionales y como pancea para la seguridad internacional y construcción de paz.

Conclusiones y Reflexiones

En la introducción de este estudio, propuse explorar cómo el régimen de sanciones afecta los derechos humanos y el bienestar de toda la población civil de un Estado. Haciendo eso, avancé las siguientes preguntas de investigación: ¿Son las sanciones capaces de resolver conflictos internacionales y restaurar la paz y la seguridad? ¿Cuáles son los impactos de las sanciones en la población civil? En una situación donde las sanciones económicas son empleadas para resolver un conflicto, ¿son capaces de evitar sufrimiento masivo y otras consecuencias negativas asociadas a la guerra? ¿El uso de las sanciones económicas viola la Declaración Universal de Derechos Humanos?

El estudio revela que las sanciones económicas están muy lejos de ser una forma suave de diplomacia. En realidad sirven como una nueva forma de salario de guerra. Las sanciones contra Irán y Zimbabue son en realidad problemáticas. Han violado los derechos básicos de las personas en contra de las recomendaciones y provisiones del derecho internacional humanitario y otros tratados de derechos humanos. Obviamente, las sanciones son efectivas para proteger los intereses de los sancionadores, pero perjudican gravemente los intereses humanitarios. En 1993, la Conferencia Mundial de Derechos Humanos llevada a cabo en Viena estableció que los derechos humanos civiles, políticos, sociales, económicos y culturales son universales, indivisibles e inalienables. Bajo ese pronunciamiento, todos los seres humanos sin distinción de raza, religión y sexo son acreedores de derechos que deben ser protegidos todo el tiempo. Entonces, cuando me refiero al impacto de las

sanciones económicas en los derechos y bienestar de iraníes y zimbabuenses, las siguientes preguntas vienen a mi mente: ¿Es esencial modificar nuestra moral, estándares éticos y nuestros valores de derechos humanos para avanzar hacia la democracia y mantener la seguridad internacional? Más específicamente, ¿es aceptable dejar de lado los derechos humanos de la mayoría (población civil) para beneficiar a una minoría? ¿Considera la ONU que su posición como líder moral en el mundo es mutable bajo su propia ética como defensor de los derechos humanos? ¿Cómo se sienten la ONU y otras organizaciones, EEUU y otros Estados en torno a la violación del derecho internacional y la Convención de Ginebra al imponer sanciones económicas?

El mecanismo de las sanciones económicas impone una culpa colectiva y un castigo a la población entera de un Estado. Esa culpa es orquestada en contra de toda la población de una forma que desemboca en la violación de sus derechos básicos y fundamentales, como el derecho a la salud, a la educación, al trabajo y buenas condiciones laborales y a la calidad del estándar de vida. La Convención Internacional de Derechos Económicos, Sociales y Culturales (CIDEESC) de 1966 incorpora el seguro de salud como parte de los derechos humanos. A parte del CIDEESC, la Convención de los Derechos de los Niños (CDN) reconoce el derecho a la salud para todos los niños y provee guías para su realización. De forma similar, CETFDCM estableció la obligación de adoptar medidas que garanticen el acceso de la mujer a la salud y al cuidado médico, sin distinción de raza, religión, condición económica o social y creencia política. De acuerdo a la OACDH, toda persona individual debe tener derecho a un sistema de protección de salud que provea equidad de oportunidades para las personas para poder gozar de la “mayor calidad de salud posible”. Por lo tanto, el derecho a la salud implica que todo ser humano tiene el derecho de atender al mayor estándar posible de salud mental y física, el cual incluye la prevención, tratamiento y control de enfermedades, acceso a servicios médicos, sanidad, comida adecuada, casa decente, condiciones de vida saludables y un ambiente limpio. En todo caso, el derecho individual a la salud connota que hospitales y clínicas, medicinas, medicaciones y servicios médicos deben ser disponibles, accesibles y de buena calidad para todos, en una base equitativa dónde y cuándo se requieran. De todas formas, las sanciones impuestas contra Irán y Zimbabue han afectado severamente el sector de la salud en estos países.

Como consecuencia, la calidad de los servicios dados al público y especialmente a pacientes se ha depreciado grandemente. Por ejemplo, las sanciones han causado un perjuicio en la medicina disponible para el tratamiento del VIH, hipertensión y genéricos similares, así como perjuicios en los trabajadores del sector, resultando en sufrimiento, dolores y finalmente en muerte de pacientes. Por tanto, las sanciones impuestas contra ambos países han violado los derechos de la población a la calidad y a la disponibilidad de servicios médicos.

De forma similar, la educación es reconocida entre lo más importante de los derechos humanos. En la Sección (1) de la DUDH, bajo el artículo 26 se dice: “todos tenemos el derecho a la educación. La educación debe ser gratuita, al menos en los niveles elementales y fundamentales. La educación elemental debe ser obligatoria. La educación técnica y profesional debe estar al alcance general y la educación superior debe ser igualmente accesible a todos en base a méritos”. Fuera de ello, la Organización de las Naciones Unidas para la Educación, Ciencia y Cultura (UNESCO) proclamó la educación como derecho humano fundamental que es “esencial para el ejercicio de los otros derechos humanos” porque “promueve la libertad individual y empoderamiento y conlleva a importantes beneficios de desarrollo”. Así, la educación ocupa un rol central cuando se trata de derechos humanos; por lo tanto, la violación del derecho a la educación va afectar significativamente el disfrute de otros derechos, como el derecho al trabajo y buenas condiciones laborales. De todas formas, este estudio revela que las sanciones contra Irán y Zimbabue han violado este “todo importante” sobre derechos humanos, y, por tanto, amenaza la capacidad de la población a disfrutar sus otros derechos y también pone la movilidad social en peligro.

También, el artículo 25 de DUDH reconoce el derecho a un “estándar de vida adecuado para la salud y bienestar de la persona humana, incluyendo comida, ropa, casa, cuidado médico y servicios sociales necesarios, así como el derecho a la seguridad si hay un eventual desempleo, enfermedad, discapacidad, viudez, edad avanzada o falta de estándares de vida en circunstancias fuera de su control”. En la cuenta de ese derecho, bajo ninguna circunstancia la persona humana debe ser sujeto intencional de una situación que afecte negativamente su estándar de vida. De todas formas, como se describió antes, las sanciones económicas son impuestas con el fin de perjudicar las condiciones de

vida de la población del Estado a que van dirigidas. Por ello, las medidas afectan intencional, indiscriminada y negativamente los estándares de vida de la población civil de Irán y Zimbabue y entonces, violan el derecho a la equidad en la calidad de vida. En Irán y Zimbabue, las sanciones propician la inflación, niveles altos de desempleo y el capital, lo que causa pobreza y baja calidad de vida de la población. En mi opinión, imponer sanciones económicas contra la población fuera de sus ya vistas consecuencias negativas en civiles es una clara infracción en sus derechos humanos fundamentales y una aberración del derecho internacional humanitario. Desafortunadamente, las sanciones no han resuelto los temas que llevaron a su implementación, como restaurar la “democracia real” en Zimbabue, o evitar que Irán enriqueciese uranio. Por el contrario, han sumado problemas y retos a la población civil. Por tanto, el talón de Aquiles de las sanciones económicas no es solo evidente en su inhabilidad de cumplir con las normas internacionales en sus pasos y acciones, sino que perjudica la protección de derechos inalienables de la población de un Estado o región sancionados.

En el caso de Zimbabue, la tesis concluye que las sanciones se han movido de dirigirse individuos de las elites que gobiernan en Zimbabue a afectar a toda la población. También han fallado tanto en alcanzar sus metas para las que se han aplicado por más de una década. A parte de ello, es difícil para cualquiera reclamar plausiblemente que van a ser exitosos en alcanzar sus objetivos retos en Zimbabue, incluyendo la caída de Robert Mugabe y su gobierno FP-UNAZ. Desafortunadamente, las sanciones llamadas dirigidas están afectando con más fuerza a la población civil que supuestamente debían proteger que en lo individuos seleccionados que dicen dirigirse. Por ejemplo, el Presidente Robert Mugabe ha estado en Singapur para chequeos médicos más de 15 veces entre el 2010 y 2015, mientras que los zimbabuenses corrientes no pueden acceder a buenos servicios de salud en casa por falta de dinero, falta de médicos en el hospital o por ambos casos. Adicionalmente, las violaciones a los derechos de los zimbabuenses van más allá del colapso de la salud, sistemas educativos y alto nivel de desempleo e inflación cubiertos en esta tesis. Las sanciones tienen un efecto nocivo en todos los sectores de la economía zimbabuense y por lo tanto contribuyen a los altos niveles de corrupción en el país. También han impulsado las oportunidades del mercado negro inherentes a toda economía de sanciones sujeta a corrupción y crimen organizado, mientras al mismo tiempo,

agrandan las brechas económicas entre la población. El impacto de la corrupción es muy evidente en el bajo servicio dado a la población, mientras las élites mantienen un cómodo estilo de vida.

Deseo aclarar que no sugiero que las sanciones dirigidas sean inútiles. Por el contrario, si son implementadas efectivamente, son razonables y tienen sentido. Para ello, las consecuencias de esas medidas deben enfocarse solo en los individuos o entidades a quienes van dirigidos y pueden emplear presión para cambiar sus comportamientos. Como tales, pueden ser un componente válido en una estrategia más grande para promover reformas políticas y económicas en un Estado. De todas formas, las sanciones contra Zimbabwe no son selectivas, como dicen los EEUU y la UE. Por el contrario, son un paquete de sanciones económicas. Como se indicó anteriormente, un hecho importante es que EEUU y la UE deben considerar si las sanciones han provisto algún medio para derrocar el Presidente Robert Mugabe y su cohorte del poder después de una década. Definitivamente, Mugabe debe irse considerando todas sus atrocidades; de todas formas, esto se quedará sólo como un deseo mientras los EEUU y la UE continúen con su filosofía de apoyar la destrucción de la economía del país así como la violación a los derechos humanos de las personas.

Hablando francamente, es crucial armonizar las relaciones entre Zimbabwe y Occidente al menos por el beneficio de las generaciones presentes y futuras. Los EEUU, la UE y otros países de Occidente deben encontrar una vía para comprometer al gobierno de Zimbabwe a través del diálogo. Adicionalmente, el acceso a las finanzas externas deberían ser accesibles y deberían abrirse líneas de crédito para Zimbabwe para poder mejorar la situación económica de la población civil. En mi opinión, las personas económicamente estables son las más propensas para derrocar un gobierno brutal. Por tanto, al revisar la economía de Zimbabwe nos proveemos de la oportunidad de una revuelta política por el pueblo a través de las urnas de votación. También, el hecho de la recolocación de tierras es un tema central para el impasse diplomático entre Occidente y Zimbabwe, aunque éste no sea citado entre las razones oficiales para las sanciones. El ejercicio de la recolocación de tierras de Mugabe debe ser revisado y resuelto por todos los actores en cuestión de una forma transparente, más allá de líneas políticas y tomando en consideración las minorías atadas a éste. Los partidos políticos deben ser reformados y su calidad democrática debe ser la prioridad del gobierno.

También es pertinente notar que a pesar de que las sanciones juegan un gran rol en el colapso de la economía de Zimbabue, otros factores contribuyen al ahogo de la economía del país. Primero, está la introducción del Programa de Ajustes Estructural (PAE) del FMI y el Banco Mundial. Segundo, está la intromisión en el conflicto de la república Democrática del Congo y tercero, están las políticas viejas de gobierno, junto con la corrupción y una pobre gestión. En conclusión, quisiera decir que a pesar de que las sanciones contra Zimbabue no han alcanzado su meta luego de una década, son válidas para los EEUU y la UE como medios de propaganda contra el régimen del Presidente Mugabe. Finalmente, el gobierno de Zimbabue tiene una obligación moral y constitucional de respetar los derechos humanos y los principios democráticos para el beneficio de los ciudadanos. El gobierno debe ser transparente con el electorado sin coerción ni influencias externas.

En el caso de Irán, casi dos décadas de sanciones económicas no podrían detener el programa nuclear del país. Por el contrario, las sanciones han afectado la economía causando altos niveles de pobreza y una gran cantidad de inequidad económica entre la población. La inhabilidad del gobierno iraní para el acceso a finanzas externas, sumado a las dificultades de las empresas iraníes para entrar al mercado externo afectan tanto el ingreso per cápita de los iraníes como el nivel general de vida. Entonces, las sanciones han resultado causando sufrimiento masivo en la población civil, en contraste con la previsión de la DUDH. El resultado de las sanciones afecta y/o viola los derechos inalienables de los civiles, como el acceso a la salud, educación, trabajo y calidad de vida puesto que el grueso de la población no puede escapar a las sanciones.

De todas formas, las sanciones contra Irán tienen mucho sentido cuando uno las mira desde un punto convencional o desde una perspectiva “periférica”, la cual no da consideración a las actuales víctimas de sus resultados. Indiscutiblemente, todo intento de que el mundo esté libre de un peligro potencial nuclear debe ser bienvenido al menos bajo el interés de la humanidad. Sin embargo, la pregunta es: ¿quién está sufriendo realmente por las sanciones? Obviamente, el entonces presidente de Irán, Mahmoud Ahmadinejad, el presidente actual Hassan Rouhani, el Líder supremo Ali Khamenei y otros altos gobernantes oficiales no sienten las consecuencias de las sanciones como sí lo hacen los civiles corrientes, quienes desafortunadamente no pueden opinar ni sobre las sanciones ni sobre las

políticas nucleares adoptadas por los líderes. Por tanto, es irracional así como injusto inducir una privación fuerte de civiles ordinarios de un crimen que no han cometido. Empáticamente hablando, Irán no debería desarrollar armas nucleares ya que se ha adherido al TNP. Sería una violación del TNP si Irán en cualquier momento (sea ahora o en el futuro) produce ADM. También sería una clara forma de insubordinación de Teherán. Sin embargo, las sanciones no son un arma de transformación de conflicto plausible y en este caso particular de Irán, las sanciones solo han servido para dañar a la población civil y a miembros vulnerables de la sociedad iraní. Incluso si las sanciones fueran exitosas en frenar las ambiciones nucleares de Irán, el mundo y particularmente los estudiosos y facilitadores de paz y trabajadores por los derechos humanos deberían matizar este éxito. Mi razón es que ese éxito no debe edificarse sobre el dolor, sufrimiento y muertes de civiles. Las sanciones exacerbaban los problemas económicos de Irán y causan ineficiencias económicas amplias. Desafortunadamente, los más perjudicados están entre los más pobres entre la población civil.

Sin embargo, el trato nuclear alcanzado por Irán y el P5+1 el 14 de julio de 2015, aunque con reservas, ofrece un poco de esperanza y posibilidad de compromiso para una paz sostenible y duradera. Dentro de otros hechos contenidos en el tratado nuclear, destaca que los partidos van a encontrarse cada dos años para revisar y asesorar el progreso del acuerdo y para adoptar decisiones apropiadas. Aparte de suscribir una revisión periódica y/o asesoramiento del acuerdo, sugeriría que la revisión pueda incluir un análisis factible del impacto humanitario de las sanciones. Mi motivo es que un entendimiento claro del atroz impacto de las sanciones en la población iraní por el régimen en Teherán y un reconocimiento de los países occidentales y de la ONU sobre el impacto de su acción en los ordinarios e inocentes civiles, jugaría un gran rol en determinar la mejor forma de sobrellevar estos y futuros conflictos. A pesar de que se ha llegado a un acuerdo, hacen falta hechos válidos y/o evidencia empírica sobre las víctimas reales y la magnitud de las consecuencias humanitarias de las sanciones.

Este estudio ha demostrado suficientemente que las sanciones económicas contra Irán, Zimbabue y otros países son una forma de hacer la guerra sobre un Estado soberano, el cual pone la economía bajo el punto de mira, con efectos colaterales negativos en la población civil. En general, el

uso incesante de sanciones como antídoto de “talla única” para todas las formas de conflicto está enraizado en la mentalidad occidental de escribir las reglas de juego, mientras se espera una estricta adherencia y/o conformidad del resto del mundo. La situación actual prueba que este enfoque ya no es sostenible. En vez de doblegar a los afectados, las sanciones están creando provocaciones y sumando tensión en los asuntos mundiales. Los que proponen sanciones económicas arguyen que las medidas llenan un vacío en un situación donde no llega la diplomacia. Siguiendo esta hipótesis, las sanciones económicas son de algunas formas percibidas y justificadas como conducentes a un final positivo, en contra de la evidencia empírica que ofrecen las violaciones de derechos humanos y otras consecuencias negativas. Como propuso el gran sociólogo Emile Durkheim, la definición de una situación real está en sus consecuencias. Lo que esto significa es simplemente que uno no debe nunca permitir que una falsedad se convierta en realidad y, por extensión, los individuos actúen como si la situación estuviera justificada y la aplican en ellos mismos dentro de esta estrecha perspectiva.

Mi conclusión es que los que proponen sanciones y particularmente los políticos están poco dispuestos a reconciliar especulaciones políticas y realidad. Los políticos especulan que el brutal impacto de las sanciones en la población civil va a impulsar la revolución contra el régimen, cuando la realidad (violaciones de derechos humanos a gran escala) permanece por la ya mencionada falacia de la hipótesis política. Esta hipótesis, en mi opinión defectuosa equivocada y errónea, define la imposición de sanciones como panacea para la paz mundial la seguridad. La solución a los desacuerdos y conflictos es la diplomacia a través del diálogo continuo y la negociación. El mayor reto de la diplomacia en nuestro mundo contemporáneo tiene que ver con el interés establecido de negociación de los partidos. Entonces, la diplomacia en nuestro caso debe significar un diálogo inclusivo, comprometido y continuo, carente de falsedad. Los negociadores deben entender la necesidad de ser justos y transparentes, mientras debe darse un plazo razonable para que la negociación sea exitosa.

Esta tesis ha probado más allá de dudas razonables que las sanciones contra Zimbabue e Irán violan los derechos básicos de la población. Por tanto, puede ser útil para despertar a los ciudadanos

globales para que defiendan a las víctimas civiles de sanciones económicas, cuyos derechos básicos como la educación, salud, trabajo y buena calidad de vida son violados o puestos en peligro.

GENERAL INTRODUCTION

The rationale often cited for imposing sanctions is the hope to resolve a conflict without mass suffering and other negative consequences associated with war. This study puts this assumption into context and evaluates whether the use of sanctions is a plausible way to achieve international peace and security or is actually problematic to resolving the issues that lead to sanctions. Therefore, this thesis proposes to analyse the impact of regime related economic sanctions on the rights and well-being of the civilian population of Iran and Zimbabwe. The choice of this specific area of study corresponds to both my personal and academic interest. My personal relationship with Iranians and Zimbabweans who are my friends, schools mates and those that I consider my brothers and sisters have influenced my interest in studying how US and EU sanctions purportedly imposed on select individuals in Zimbabwe and UN economic sanctions targeting Iran's nuclear program have affected the entire population.

Overview of the case of Zimbabwe

Zimbabwe's colonial and postcolonial history, divergent economic and political perspectives and other casual factors have influenced the perspectives of the government of Zimbabwe and Western governments respectively in establishing a plausible understanding of the real issue(s) that led to the imposition of sanctions against Zimbabwe by the West. Following a barrage of condemnations and critical deprecation on a number of salient issues, the US and the EU has maintained sanctions against Zimbabwe for more than a decade. Zimbabwe has a long history when it comes to sanctions, both comprehensive and unilateral. The country is a significant case in sanctions episodes starting from 1966, when the United Nations imposed its first comprehensive sanctions against Rhodesia, now Zimbabwe. From that period until the present, Zimbabwe at one time or another has been under sanctions either

by the United Nations, the United States, the European Union or all the aforementioned. In total, Zimbabwe has been sanctioned in six sanctions episodes: 1966, 2002, 2003, 2005, 2008 and 2009, making it one of the most sanctioned countries in the world. In a simple analysis, Zimbabwe has become a regular candidate of the “sanctions industry.” Hence, this study deems it relevant to analyse the impact of sanctions on this country with respect to their impact on human rights and well-being of the civilian population. The present sanctions episode against Zimbabwe started in December 2001, when the United States passed the Zimbabwe Democracy and Economic Recovery Act (ZIDERA). The Act opposed extension of loans or debt cancellations from Multilateral Financial Institutions (MFI’s) such as the International Monetary Fund (IMF), World Bank and the African development Bank (AfDB) to Zimbabwe. Subsequently, the United Kingdom and the United States joined forces in 2002 and persuaded their allies to impose similar sanctions against Zimbabwe. Then on February 18, 2002, following the expulsion of the EU head of election monitoring mission Pierre Schori, who was accused by the Zimbabwe government of interfering with its elections, the EU introduced sanctions it referred to as “restrictive measures” against President Robert Mugabe and some senior government officials. These punitive measures also barred the targeted State functionaries from travelling in and around Europe just as their personal assets and bank accounts were frozen. In addition, on September 2002, the Howard government in Australia imposed another set of targeted sanctions on members of the Zimbabwe government in protests against what it termed deteriorating political situation in Zimbabwe. The sanctions included travel restrictions, arms embargos and targeted financial sanctions.

In principle, the present sanctions against Zimbabwe is said to be a targeted sanctions. According to the US and the EU, the sanctions were imposed in order to improve democracy, promote human rights and enhance the rule of law in Zimbabwe. Thus, the sanctions aim to compel a change in the behaviour of the regime. Contrarily, the government of Zimbabwe

argue that the so called targeted sanctions are in fact economic sanctions. Robert Mugabe's regime supports this claim by highlighting the fact that since the enactment of ZIDERA by the US Congress, the IMF, the World Bank and the AfDB have denied Zimbabwe loan extensions, credits or guarantees, external market facilities and financial aid, thus indicating that the sanctions were a premeditated strategy utilized to collapse the economy. As a response to the claims by the Zimbabwe regime, in 2008 the EU issued a statement in which it argued that the sanctions were not targeted against Zimbabwe as a country, but rather specific individuals and therefore could not be seen as detrimental to the Zimbabwean economy. In view of the discrepancies in understanding the actual nature of the sanctions, this thesis will explore the strategies used by the US and the EU to implement their targeted sanctions against Zimbabwean officials.

Overview of the case of Iran

The Islamic Republic of Iran is a key actor in the Middle East due to its vast territorial and demographic size, influence in the Middle East politics and its huge petroleum reserves among others. As the only Shi'a-ruled and only theocratic State in the region, Iran's intentions are difficult to assess due to lack of transparency and behaviour deemed contrary to international norms in regard to its nuclear program, support for organizations designated as terrorist in nature by the United States and other Western countries, and its dedication to spreading Islamic revolution. Historically, Arab mistrust of Persian and Sunni mistrust of the Shi'a add to regional discord as Iran's Shi'a population majority puts it at odds with the rest of the Muslim world, including its nearest neighbours. Fearing internal discord from their own Shi'ite populations, Arabian Gulf nations like Saudi Arabia and Bahrain keep constant surveillance on Iran and its foreign/domestic politics, abhorring growing Iranian military might. For the United States and other Western countries, Iran is of particular interest both

regionally and internationally given Iran's support for regional terrorist organisations, lack of transparency about its nuclear program, and Iran's involvement in neighbouring States especially Iraq and Afghanistan during the continuing conflicts. In fact, the US interest in Iran is multi-faceted and in light of the multiple levels of interest, the US maintained economic sanctions against Iran since the 1979 Islamic Revolution and has assumed the role of chief security officer in monitoring Iran's affairs, which has in turn led to increased tensions and mistrust between the US and Iran and by extension other Western countries.

The reasons for imposing sanctions on Iran can be summed up in the following: To cause Iran to abandon or forswear its nuclear programme and forgo all uranium enrichment: To strengthen democracy and improve human rights and the rule of law (Sadeghi-Boroujerdi, 2012). In a situation as this one, an important question to ask is: what are the prospects of using economic sanctions to prevent or transform conflicts? In my opinion while sanctions have the ability to induce Tehran's recalibration of its cost-benefit analysis in the pursuit of its nuclear programme, sanctions by themselves could not provide a solution to the nuclear impasse.

The regime in Tehran is undeniably under considerable pressure, likewise the general populace suffering the brunt of pressure brought about by Iran's flagging economy resulting from sanctions. However, the key dilemma is that rightly or wrongly, the Supreme Leader and much of the governing elite staked their legitimacy on the nuclear programme. In view of the above, this study sought to make the case that sanctions and defiance are no replacement for serious diplomacy, which eventually means that both parties must express their readiness to shift from their opening positions and pledge their loyalty and commitment to the Joint Comprehensive Plan of Action (JCPOA), also known as the Iran - P5+1 nuclear agreement.

My principal argument is that contrary to the common belief that sanctions can bring about the desired goals of compelling a government of a particular State to promote democracy and human rights or force it to abandon its policies such as nuclear program; they often miss the intended targets. Instead, they target the poor, disempower civil society groups and ironically threaten the democratic process. According to Dr. Alex T. Magaisa, a Zimbabwean human rights lawyer:

The problem is that, it is the weak members of the society that are hard hit by the effects of the sanctions. Democracy cannot flourish in poverty. It needs stable economic foundations (The Independent, 2005).

The hardship induced by economic sanctions in both Zimbabwe and Iran is tragic as their economies are shattered. Consequently, the situation threatens human security whilst they substantially contribute to denying the civilian population of their core human rights as prescribed under the Universal Declaration of Human Rights and other international human rights treaties. In my opinion, it will be unfair to declare human rights to be universal, indivisible and inalienable (Dennis and Stewart, 2004: 462), while at the same time the international community (the UN) and States such as the US knowingly employ economic measures that obviously impede and/or restrain the capability of the individual person to enjoy rights. The world system is interrelated and States are embedded in the system. Therefore, it is inappropriate to argue that economic sanctions have no effects on the population of a sanctioned State or that humanitarian exemptions are capable of mitigating the regretful humanitarian consequences on the civilian population.

Research Problem

Economic sanctions before the 1990's have been applauded by both war protagonists and pacifists as durable alternatives to war. The acclaimed success of economic sanctions against Rhodesia and South Africa made it acceptable to many people, who perceived

sanctions as a suitable alternative to the use of military force. Despite its poor record after South Africa, politicians and policy makers still argue that sanctions are effective and fill a gap in international relations. According to Richard Holbrooke, a UN ambassador under President Bill Clinton, *“the concept of sanctions is not just still valid, it’s necessary. What else fills the gap between pounding your breast and indulging in empty rhetoric and going to war besides economic sanctions?”* (The New York Times, 2003). The debate about economic sanctions has become a humanitarian dilemma. Despite the fact that many analysts, scholars and political observers have denounced their support for economic sanctions, its application has been on the increase since 1990. The lack of sufficient understanding of the grave human suffering that arises from economic sanctions and the political twists that comes into play in determining who to sanction as well as the types of suitable sanctions makes this study very timely and important, as it intends to fill this information gap. This thesis believes that the general public is not provided with enough information that will help them understand the regretful impact of economic sanctions on victims. Hence, it offers to provide an in-depth analysis of the impact of economic sanctions on the human rights and well-being of the civilian population in Zimbabwe and Iran.

Objectives of the study

The principal objective of this study is to provide an in-depth analysis of how economic sanctions affect the rights and well-being of the civilian population of a sanctioned State. Furthermore, it reviews the available literature on sanctions and their humanitarian impact, while focussing on Zimbabwe and Iran. Since the study is covering only Zimbabwe and Iran, it will base its analysis and conclusions on these specific cases. From the main objective stems the realization of other key objectives of this study, which are as follows:

- To examine the plausibility of using economic sanctions to maintain international peace and security.
- Give voice to civilians that have experienced economic sanctions.
- Add to the growing literature on economic sanctions, from the perspective of civilian victims of them.

Research Questions

In view of the objectives of the study explained above, this study addresses the following questions:

- Are sanctions capable of resolving international conflicts and restore peace and security?
- What are the impacts of regime related sanctions on the civilian population?
- In a situation where economic sanctions are employed to resolve a conflict, are they capable of avoiding mass suffering and other negative consequences associated with war?
- Does the use of economic sanctions conform to the Universal Declaration of Human Rights?

Methodology

The study utilises two case studies that focus solely on the possibility of using sanctions and particularly economic sanctions in promoting international peace and security and how sanctions measures affect the rights and well-being of the civilian population in Iran and Zimbabwe. Since it is an empirical enquiry that investigates a contemporary phenomenon within its real-life context, it is important to be holistic in approach so as to be able to address the research objectives satisfactorily. The study utilizes both qualitative and quantitative

research methods. Qualitative research, the key methodology employed, provides me with the opportunity to carry an in-depth study, through fieldwork, to gain insight and vision into the experiences of the Iranian and Zimbabwean population and how sanctions affects their well-being. Interviews were conducted to elicit information from participants. The study employs an open ended interview, where I will pose series of questions to the respondents, who then explain and discuss their answers. Additionally, questionnaires were given out to respondents. The questionnaire provides only the demographic profile of the respondents who participated in the study. Furthermore, the study utilizes secondary sources of data such as academic journals, books and news articles that deal on sanctions and their impact on the rights and well-being of the civilian population of targeted States.

Structure

The thesis is divided into four principal chapters and a final conclusion. Each chapter starts with its own introduction and ends with a conclusion of the theme to which it is dedicated. Chapter one “An Introduction to Sanctions,” provides a comprehensive overview of sanctions, tracing back their origins and history. It also analyses different types of sanctions and the reasons given by sanctioning parties for imposing economic sanctions against a State or territory. It further explores other reasons why the use of sanctions has increased since 1990. In addition, the chapter examines debates on economic sanctions before the 1990’s as well as the current debate, which has taken place from the 1990’s until the present. Very importantly, the chapter evaluates the choice and use of language in economic sanctions episodes. It shed light on why phraseologies such as target State, offending nation, humanitarian exemption and collateral effect are used during sanctions episodes.

Chapter two “The Position of International Human Rights Law and the Role of Theories,” provides legal perspective of sanctions. It reviews the compatibility and/or

permissibility of sanctions under international humanitarian laws and conventions such the Universal Declaration of Human Rights (UDHR). Also the chapter examines the role of States and the international community in protecting and safeguarding human rights. In addition it reviews mainstream theories of international relations in order to give a clearer understanding of the interaction patterns and relationship between States. To understand State relations and why States act and react the way they do, this study deems it necessary to analyse selected theories of State and international relations. However, it is difficult and almost impossible to envision a single, overarching theory of sanctions. Against this backdrop, the chapter examines different theories of international relations, particularly those that give insight to the motivation for the continuous use of economic sanctions against its poor record and others that rationalizes and justifies the continuous use of sanctions as a necessary tool of international diplomacy. Thus, it extensively reviews theories such as, Realism, Liberalism, Institutionalism, Hegemony Stability Theory, Balance of Power Theory, Cosmopolitanism Theory, Imperialism Theory, Dependency Theory and Democratic Peace Theory.

Chapter three “Sanctions from Rhodesia to Zimbabwe,” provides a brief overview of the history of Zimbabwe from pre to post independence. Most importantly, the chapter addresses the ambiguities in understanding the nature of the US and the EU sanctions against Zimbabwe since the last decade. For instance, the EU has continually argued that its sanctions against Zimbabwe are not economic sanctions, but rather they are “restrictive measures.” Also, the United States argues that its sanctions against Zimbabwe are targeted/smart sanctions, targeting President Robert Mugabe and select members of his regime. However, the government of Zimbabwe insists that sanctions against the country are economic and illegal. Owing to these ambiguities, this chapter sheds light on the strategies and implementation of US and EU sanctions against Zimbabwe in an effort to establish

whether they are economic, targeted/smart or restrictive measures. Furthermore, the chapter explores the impacts of sanctions on Zimbabwe's economy and the civilian population. The analysis on the impact of sanctions covers two main areas: sanctions impact on human rights and well-being of Zimbabweans and its impact on the economy and social environment. Regarding human rights and well-being, the study addresses the effects of sanctions on core human rights, such as right to healthcare, right to education and right to quality standard of living. Then it examines sanctions impact on key economic factors such as inflation, access to foreign finance and exchanges. Finally, it reviews the "Look East Policy" of Zimbabwe.

Chapter four "The Challenges of Decades of Economic Sanctions against Iran and a Review of Selected Cases of Nuclear Deterrence through Sanctions," provides a historical overview of Iran, tracing the country's political and religious history. Also, it outlines sanctions episodes against Iran, starting with the 1979 US embassy hostage crisis until the present sanctions against its nuclear program. It provides a chronology and profile of both Western and UN sanctions against Iran. Furthermore, the chapter examines the Nuclear Non-Proliferation Treaty agreement, reviewing the implications of certain "clause" contained in the draft agreement. In addition, it reviews previous cases in which sanctions were employed to deter nuclear proliferation. The reason for analysing these previous cases is to track sanctions capability of achieving nuclear deterrence in the past and also to explore and/or anticipate the possibility of achieving same (deterrence) in the present case of Iran and in the future. The chapter provides a general overview of the impact of economic sanctions on the economy and human rights of the Iranian populace. On the economy, it reviews how sanctions affect the GDP - income and revenue accruable to Tehran, particularly revenue from oil and other oil related products. On the impact on the civilian population, the chapter examines how sanctions affect core human rights of Iranians, such as right to healthcare, education, employment and good working condition and right to quality standard of living.

Also it reviews how economic variable such as inflation, triggered by economic sanctions affect the well-being of the population especially the vulnerable groups. Finally, the chapter provides information about Iran and the P5+1 (China, France, Russia, the United Kingdom, and the United States, plus Germany) negotiations and agreement.

Framework of analysis

In order to engage economic sanctions discourse, I will refer to the work of John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace*. According to Lederach, for human beings to achieve peace within ourselves and in the societies in which we live, we must change the way in which we respond and react to challenges and conflicts. Thus, the society can become better and more peaceful if we can employ our moral imagination of peace in resolving conflicts instead of using violent measures:

If we are to survive as a global community, we must understand the imperative nature of giving birth and space to the moral imagination in human affairs. We must face the fact that much of our current system for responding to deadly local and international conflict is incapable of overcoming cycles of violent patterns precisely because our imagination has been corralled and shackled by the very parameters and sources that create and perpetuate violence (Lederach, 2005: 46).

According to Lederach, we are stuck in our current system (global systems), which are characterized by the use of violence to resolve conflict. He points to the human imagination and ability to create morals as the answer to breaking out of this cycle. According to him, “morality is the motivation, innovation and the mechanism” we should employ in order to enable us to step out of the current circle of violence in the world system. He emphasizes the need to move from “destructive” violence to a “constructive” social engagement. To Lederach, peace could be achieved through our moral imagination, thus asserting the following:

The moral imagination requires the capacity to imagine ourselves in a web of relationships that includes our enemies; the ability to sustain a paradoxical curiosity that embraces complexity without reliance on dualistic polarity; the fundamental belief in and pursuit of the creative act; and the acceptance of the inherent risk of stepping into the mystery of the unknown that lies beyond the far too familiar landscape of violence (Lederach, 2005: 5).

The moral imagination is the capacity to recognize turning points and possibilities in order to venture down unknown paths and create what does not yet exist. It means to imagine and generate constructive processes that are entrenched in the day-to-day challenges of violence and yet surpass these negative patterns. The moral imagination explores the nature of turning points and complexity, different ways of knowing (particularly intuition), understanding the essence, the importance of humility, how even the most serious and dangerous situations can be transformed, the dynamic nature of connections, the importance of spontaneous creativity, and stillness (Lederach and Maiese, 2009: 7)

In the Lederach (2005) view, a more peaceful community (world) is achievable by connecting the past, present and the future. He concludes that peace needs to be imagined, while still remaining grounded in the realities of the conflict. Thus, the moral imagination challenges the status quo model of conflict resolution promulgated today, which employs coercive measure (economic sanctions in our case), and advocates instead for a moral inclusiveness in addressing conflicts and disagreements. What the world system needs is to look for the important web of relationships that lies hidden behind the violence of a conflict. Such webs contain spaces that may become foundation for reconciliation. This could be achieved by exploring the four key elements of the moral imagination: “relationships,” reaching out to those you fear; “paradoxical curiosity,” touching the heart of complexity; “creativity,” imagining beyond what is seen; and “risk,” risking vulnerability one step at a time.

Also Lederach and Maiese (2009: 7) contends that conflict transformation defies a specific set of techniques; instead it is a way of looking and seeing that requires a set of lenses (multi-lenses) through which to make sense of social conflict. In this case, each lens concentrates on a particular aspect of the conflict and helps focus more clearly on the overall meaning of the conflict at hand. This implies that employing a single lens when addressing a conflict will produce an opaque view of the entire conflict. As such, multiple lenses are needed to envision multiple aspects of complex conflict realities and multidimensionalities. Understanding the multidimensionality of a complex conflict through different lenses helps us to develop a unique framework that will allow us to approach the conflict as a whole. The initial lens reveals the immediate situation and/or problem while the subsequent lens look beyond the immediate problems and capture the underlying and/or hidden relationship patterns that create the context of conflict. Precisely, conflict transformation does not mean a quick surface solution to the problem, but rather it entails an understanding of human relationships at a deeper level. The third lens helps visualise a framework that will firmly incorporate the aforementioned viewpoints and address the content, the context and the structure of the relationship (Lederach and Maiese, 2009: 7-9). It is from this platform that the parties in a conflict can begin to find creative responses and solutions. Judging from our case study, it is obvious that the conflict transformation mechanisms being used in our contemporary world (economic sanctions) need to be substituted with what Lederach referred to as “Constructive Change Processes.” According to Lederach:

Conflict transformation begins with a central goal, which is to build constructive change out of the energy created by conflict. By focusing this energy on the underlying relationships and social structures, constructive changes can be brought about. The key here is to move conflict away from destructive processes and toward constructive ones. The primary task of conflict transformation is not to find quick solutions to immediate problems, but rather to generate creative mechanism that can simultaneously address

surface issues and change underlying social structures and relationship patterns (Mischnick, 2007: 60).

In line with Lederach's view, Mischnick added that, "*rather than viewing conflict as a threat, the transformative view sees conflict as a valuable opportunity to grow and increase our understanding of ourselves and others. Conflict can be understood as a motor of change that keeps relationships and social structures dynamically responsive to human needs*" (Mischnick, 2007: 60).

Taking into full consideration of Lederach's accurate assessment of the international system with respect to conflict transformation mechanisms, I seek to broaden and deepen his analysis by closely examining the power and the dominant discourses and narratives of sanctions. Within this analytical conceptualization, it is essential to examine the position of the international law and the international humanitarian law on the use of coercive economic sanctions with respect to their foreseeable impact on civilians' rights and well-being. Taking into consideration that sanctions have become a norm in international relations, one may ask what kind(s) of insight and/or solution can an in-depth analysis of the impact of the measure offer in terms of conflict transformation theory, strategy and practice. To address this question, I borrow a famous quote credited to Pope John XXIII which says: "*disagreements must be settled, not by force, not by deceit or trickery, but rather in the only manner which is worthy of the dignity of man*" (Merryfield and Remy 1995: 186). Thus, sanctions are particularly suited for studying the practicality of the standards of the international system for conflict resolution and the norms that steer conflict transformation strategies.

The international community (UNSC) and mostly Western States have maintained sanctions policy with insouciance, despite daunting records. If we agree on the fact that economic sanctions do manifest heinous humanitarian consequences on the civilian population of targeted societies and also that it contributes to rights violation and impact

negatively on civilians well-being, one will only but query why they are still maintained as tool of international diplomacy within the UN and most often used by the United States and the European Union. In addition, it is worrisome that international humanitarian law challenges the use of coercive measures that may harm civilians, yet it maintains them. What do I mean by this? The UDHR for example provided for remedy when a person's right is violated or abused, however, rights violation perpetuated through "legal" sanctions are not subject to remedy and/or redress. The implication of such ambiguity is that, while International laws challenges human rights violation, it at the same time provide the political means and justifications for the continued use of economic coercive measures on the civilian population, while lacking the very legal disposition to uphold its principles and enforce peremptory rules established by international consensus.

Within the critical evaluation and engagement of sanctions *vis-a-vis* its impact on civilian victims, I do not shy away from paradoxes. There are plenty to be found, even in the analytical tools with which I approach the subject. I employ international law with respect to the fundamental human rights which are universal, inalienable and indivisible, while recognizing its inherent ambiguities. I look to the constitutional authority of the United Nations, while being critical of the contradictions between United Nations principles and human rights violation perpetuated by Security Council economic sanctions. These are but a few of the many paradoxes that one will encounter throughout this study. They are indicative of the tensions created by the collision of struggle for social, political and economic justice; leading to the *status quo* (sanctions) established and accepted as a norm in international relations and a panacea for international security and peace building.

CHAPTER ONE: AN INTRODUCTION TO SANCTIONS

1.1. Introduction

Sanctions have been referred to by the United Nations as a “tool for all seasons.” They are often seen as alternative to military action (De-Goede, 2012: 177), aimed to control the excesses of an offender, which is usually a State government, an individual or group. There are different forms of sanctions, including economic, social and political forms. A broad and continuously growing range of situations have been determined by the United Nations Security Council as threatening or breaching international peace and security, thereby favouring the use of sanctions. The Security Council, while occasionally authorizing the use of military force has changed its strategy to employ non-military measures in order to enforce compliance with its decisions. This development facilitated the imposition of sanctions as deterrence. Sanctions have been imposed on different countries for different reasons. Examples include the invasion of Kuwait by Iraq and the purported discovery of the latter’s arsenal of weapons of mass destruction. Also, the United Nations, the EU and the United States imposed sanctions on the former Federal Republic of Yugoslavia because of its role in escalating the war in Bosnia and Herzegovina during the 1990’s (Hejsek, 2012: 1-2). Furthermore, sanctions have been imposed on countries for their support of international terrorism. Examples are UN sanctions imposed on Libya in 1992 for supporting terrorism and terrorist groups such as the Irish Republican Army; the Basque separatist group ETA; Sierra Leone’s Revolutionary United Front (U.S. Department of State, 2007); similar sanctions were also imposed on Sudan by the United States in 1997 and the UN in 2005 for supporting Janjaweed; and Afghanistan in 1999 for supporting the Taliban. In other cases, sanctions have been imposed due to violence and civil wars in countries such as Somalia, Liberia and Sierra Leone (U.S. Department of State, 2007). Furthermore, the breakdown of democratic

governance in Haiti, coupled with massive human rights violations has led to the imposition of sanctions on the country.

Article 39 of the UN Charter states: “*The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security*” (UN General Assembly Resolution 3314, 1976). A more complicated and controversial issue is the increased willingness of the Security Council to determine the very internal situations that meet the requirements of Article 39, particularly those that do not materially threaten international peace in the sense of potentially provoking an international armed conflict or breach of international peace. Massive violations of human rights and humanitarian law as well as massive displacement and suffering of civilian populations deriving from or increased by internal armed conflicts with or without external support have prompted the Security Council to take action under Chapter VII. Chapter VII of the UN Charter titled “*action with respect to threats to the peace, breaches of the peace, and acts of aggression*” gives the Security Council the power to determine an action deemed to be a threat to international peace and security. Under Articles 39 through 43, it further empowers the Security Council to take either military or non-military action, in order to restore international peace and security (Charter of the United Nations and Statute of the International Court of Justice, 1985). The above provision of the Charter implies that the Security Council may employ non-military measures such as sanctions. This raises the question of whether sanctions have the capacity to improve the well-being of the citizens of sanctioned regimes. Sanctions adopted under Article 41 have the following reach:

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 (Charter of the United Nations and Statute of the International Court of Justice, 1985).

In essence, sanctions are formulated as general prohibitions to carry out certain transactions or activities with target States particularly those that will provide them with economic benefit. The institutional role of the United Nations in the implementation and enforcement of sanctions is mainly discharged by the sanctions committee. The committees are composed of all the members of the Security Council at any given time, which thus may perpetuate the advantages deriving from permanent membership. Sanctions committee are political/administrative bodies whose practice and procedures can be quite complex, prone to politicization and at times bewildering to the public. For example, the committee meetings are convened in private sessions, which make it impossible for the public to scrutinise their activities. In my view, this lack of transparency explains to a certain extent why the activities of the sanctions committee are viewed as highly politicised.

The rationale often cited for imposing sanctions is the hope to resolve a conflict without mass suffering and other negative consequences associated with war. However, reality shows that sanctions particularly economic sanctions are not alternative to war judging by their humanitarian impact. Instead their impacts on civilians are similar to those produced by warfare. As such, it is ill to misinform the public by presenting economic sanctions as a soft approach that can be used to compel or pressure an offender, specifically the government of a State, to behave in line with the doctrine of the international community or the body imposing sanctions. This tool of international relations, despite its increased use, has produced limited success. According to Peter Wallensteen (2000: 5-6), studies show that sanctions in general have recorded very low success in terms of achieving desired goal. While Hufbauer, Schott, and Elliott in their book *Economic Sanctions Reconsidered* conclude

that 34 percent of the sanctions undertaken between 1914 and 1990 were effective. They further conclude that the success rate is declining. While 44 percent of the sanctions efforts undertaken before 1973 were classified as successes, only 24 percent of post-1973 sanctions efforts were successful (Hufbauer, Schott, and Elliott, 1990). The contrast in the recorded success of sanctions and its continuous use as a moderate tool of international diplomacy shows that there are other reasons for the increased use of sanctions measures other than to restore international peace and security as permitted by the UN Charter. Thus, I will examine the history and use of sanctions, review some of the challenges associated with sanctions and most importantly how sanctions have affected the well-being of the people of Zimbabwe and Iran. Obviously, the case of Zimbabwe has become a dilemma to the international community owing to the fact that economic situation in the country has worsened since 2001, when the US imposed sanctions against the country. However, for humanitarian reasons and because of security considerations, I believe that to remain passive and/or complicit is not an option. Although reality is in fact more complex, nevertheless, the discussion in academic and policy-making circles should focus the debate on whether continued sanctions is the proper way to coerce leaders of Zimbabwe and Iran to behave in the desired way, rather than assisting the suffering masses.

This thesis therefore, provides an understanding of international relations by going beyond the description of the subject matter (sanctions) and explains how the system and the units of the system might be transformed. The thesis believes that our present world system requires an overhaul, one that will foster durable peace by substituting violence with selfless diplomacy and moral imagination of peace. Foucault (1980) shows how discipline and punishment in the world changed over time as the people informed the governments of what types of punishment and discipline were acceptable. The role of the people was determined by the society in which they lived. The people in turn redefined acceptable practices in the

society. The same can be applied to States in the international system with respect to coercive economic sanctions. The system provides meaning to being a State. The States then redefine acceptable practices in the system. In this manner the system and the States may be transformed. Thus the responsibility of transforming the international system; substituting violent conflict transformation mechanisms such as the use of military force and economic sanctions lies on the people (you and I) to push for a change in the global system. One way of achieving this however, is by reviewing the methods and mechanisms presently in use, analysing these methods and/or mechanisms against cause and effect.

I do not intend to hide my values nor pretend to be value free, rather the priority of this thesis is underpinned in a desire for positive and durable peace. This I believe could be achieved through protection of the fundamental human rights, which are “inalienable” so to say. At the heart of my argument is that substituting violent measures and/or mechanisms with real diplomacy will not only guarantee durable peace, it will also avoid grave humanitarian consequences associated with our present conflict transformation tools. Therefore, this thesis is not in anyway disparaging or proscribing sanctions rather it reviews them in such a manner that glaringly show that even when the political goals of imposing such coercive measures are achieved their impact on human development remain a concern whilst their continued usage is condemnable. For this reason, this thesis analyses sanctions in general but particularly economic sanctions from the perspective of human rights and well-being of civilian victims of sanctions measures. By doing this, I review international humanitarian law and certain sections of the United Nations Charter and their predisposition on the use of sanctions for the purpose of maintaining international peace and security and/or protection of human rights.

1.1.1. History of sanctions

Sanctions have been a tool of economic statecraft for many centuries dating back to the 5th century. In the 5th century B.C., when the Megra Empire supported Sparta, a City-State that was considered an enemy of the Athenian Empire, Pericles, a statesman in Athens, ordered a trade ban between the Athenian Empire and the Megra. Short of going to war, the message transmitted was that Athens would punish anyone who challenged its authority (Thucydides, 1972: 118). The use of sanctions as a tool of international policy started after World War I with a proclamation by the then US president Woodrow Wilson. He suggested to the League of Nations that the adoption of sanctions would help keep the world free of war. He described sanctions as a “peaceful, silent, deadly remedy” (Gordon, 1999:124).

For the most part sanctions were rarely used in the 20th century. During the Cold War, the quest by both the USSR and the United States to gain a competitive edge over each other led them to support and co-operate with corrupt and brutal leaders (Shane, 2004). This policy made sanctions unpopular and ineffective during the period. Before the fall of the Berlin wall in 1989, the United Nations sanctioned only two countries, Rhodesia and South Africa. The end of the Cold War ushered in a new era and a new set of countries were sanctioned. As reported by Hughes (2007) they include Iraq (1990), the former Yugoslavia (1991, 1992, and 1998), Libya (1992), Liberia (1992), Somalia (1992), parts of Cambodia (1992), Haiti (1993), parts of Angola (1993, 1997, and 1998), Rwanda (1994), Sudan (1996), Sierra Leone (1997), and Afghanistan (1999) and others. They were sanctioned for reasons ranging from external and internal aggression, suppression of democracy and support of terrorism (Chan and Drury, 2000: 3). Within this period, the United States rose to world superpower status, giving greater authority to its unilateral sanctions. Scholars such as Haass (1998) and Delevic (1998) argue that the economic interests of the United States, combined

with reluctance to deploy its military force to address economic, moral, and political issues gave rise to increased use of unilateral sanctions by the United States. In 1998, one commentator estimated that “two-thirds of the world’s population was subject to some sort of US sanctions” (Dunne, 1998: 2). However, the United States is not the only country imposing economic sanctions; the European Union has also been sponsoring its own brand of sanctions.

Many scholars and organizations have argued against the use of economic sanctions because of its horrific humanitarian consequences. Hufbauer, Schott, and Elliott (1990) did a comprehensive and extensive study on sanctions, having researched 116 case studies since World War I. The most important conclusion from their findings is that sanctions have a historical poor track record, with respects to performance, cause and effect (Hufbauer, Schott, and Elliott, 1990). The first and second UN sanctions imposed against South Africa and Rhodesia were perceived to be successful. The euphoria of using sanctions partially or wholly in achieving compliance in the behaviours of these regimes earned sanctions a monumental position in international relations. If I may say, it was overwhelming to use “ordinary” sanctions to remove the apartheid regime from power. However, the success accredited to sanctions against the apartheid regime, has been challenged by scholars on notable grounds. One of them, Philip Levy, argues that the situation in South Africa was unique and certainly not possible to replicate (Levy, 1999: 10-12). The fact is that the apartheid regime in South Africa was unique to other situations in which sanctions are imposed and expected to produce the same outcome as in South Africa. Apart from Levy, legal positivists also argue that sanctions do not conform to international humanitarian laws or the United Nations declaration of rights. They conclude that both are inconsistent and incoherent. Also, Joy Gordon argues in support of this motion when she describes economic sanctions as siege and refers to them as a form of warfare (Gordon, 1999: 149). Furthermore, the conservative

Heritage Foundation, an American “Think Tank” organization, does not support sanctions. Instead, it cautions against the excessive utilization of sanctions as a foreign policy tool and points to the adverse effects they can have on all involved parties. The United Nations in her report tagged, “Bossuyt Report,” gave an in-depth analysis of sanctions, adjudging it from the perspective of human rights and incorporating legal aspects of international law. The report criticizes the fact that there is “hardly any mention of human rights and humanitarian law norms” in the usual debate about sanctions within the United Nations assembly and the Security Council (Bossuyt, 2000: 4).

1.1.2. Definitions of sanctions

According to the Swedish Ministry for Foreign Affairs (2007), sanctions are valuable instruments in international efforts to safeguard peace and security and to promote democracy and human rights. They represent coercive measures that supplement supportive measures in the areas of diplomacy and development assistance with the same objectives. Sanctions mean ‘restrictions,’ limiting the freedom of a State, a group or its leaders to act. They are imposed through a collective decision by other States. This is done because the international community wants to use peaceful means to influence the behaviour of the State, group or individual through various economic and political measures. They may be employed to change the policies of a State that threatens international peace and security; to defuse a conflict in a country; to induce a State to cease systematic violations of human rights; or to compel a State to adopt certain democratic principles. Sanctions differ from other foreign policy instruments in that they are regulated through legal provisions. They are precisely formulated and violating them may result in penalties. Sanctions are intended to be of a temporary nature and regularly reviewed in light of developments. When their objectives have been achieved, they are to be removed (Swedish Ministry for Foreign Affairs, 2007).

I chose the above definition by the Swedish Ministry for Foreign Affairs because it offers broad and detailed information about sanctions; providing limit and duration for applying them. Nonetheless, I personally do not agree completely with the above definition; however, I find it important to represent the two sides of the coin. I take issue with part of the definition due to its claim that sanctions are used to promote peace and security. Contrary to this view, this thesis explains that sanctions distort peace and have proved to be incapable of achieving international peace and security. Also, the understanding that sanctions are a legal instrument is “tricky.” I agree that they are instruments permitted by the UN Charter; however, the use of economic sanctions contradicts the UN declaration of human rights, which emphasizes the “right to live in dignity.” I argue that economic sanctions deny civilians of a target State the opportunity to live in dignity due to the negative consequences and aspects often associated with such measures. In chapter three and four, I provide more facts to buttress the argument raised here in my analysis of the impact of sanctions on the rights and well-being of the civilian population of Iran and Zimbabwe.

According to Margaret P. Doxey, sanctions are penalties threatened or imposed as a declared consequence of the target’s failure to observe international standards or international obligations (Doxey, 1996: 9). By this definition, it means that all those who happen to reside in sanctions target area are culpable of the crime or offence for which sanctions are imposed. The use of such generalizations criminalizes civilians and at the same time provides justification for those who employ such coercive measures on civilians.

Also, sanctions have been defined as a broad range of reactions adopted unilaterally or collectively by States against the perpetrator of an internationally unlawful act in order to ensure respect for and performance of a right or obligation (Decaux, 2008: 249).

Laura Forlati Picchio asserts: “sanctions would be any conduct that is contrary to the interests of the State at fault, that serves the purpose of reparation, punishment or perhaps prevention, and that is set out in or simply not prohibited by international law” (Cited in Decaux, 2008: 249).

Furthermore, sanctions are defined as a calculated attempt by one party to control, compel and induce change in the behaviour of another party without the use of weapon and military offensives. Sanctions often have uncertain and irreversible consequences and can cause great human suffering. However, they have also been successful in changing the behaviour of the opponents. Sanctions and threats of sanctions have been credited to have the capabilities of curbing human rights violations, ousting belligerent leaders and limiting the proliferation of weapons of mass destruction (Shane, 2004).

In analysing the definitions provided above and the good intentions of sanctions as given by the bodies that impose them, I argue that it is problematic to employ any measure or action that has grave humanitarian consequences on the civilian population. Previous experiences have shown that in many cases economic sanctions failed to achieve their goals (Wallenstein, 2000: 5-6). Instead, they create suffering and hardship on civilians to whom they are rhetorically intended to help.

1.1.3. Types of sanctions

From the viewpoint of President Woodrow Wilson and the United Nations, sanctions are instruments of a diplomatic or economic nature that seek to bring about change in activities or policies, such as violations of international law or human rights or policies that do not respect the rule of law or democratic principles. They come in different forms, such as comprehensive and targeted sanctions, unilateral and multilateral sanctions. Also, there are

other types of sanctions that are comprised of arms embargoes, restrictions on admission (visa or travel bans) or other measures as appropriate (European Commission, 2008).

In 1999, the Strategic Planning Unit in the Executive Office of the UN Secretary General notes:

There is a widespread consensus that, when confronting major transgressions of international law, the international community needs some instrument of persuasion that lies between diplomatic censure, on the one hand, and war, on the other. For this purpose, there is no real alternative to sanctions (Mack and Khan, 1999: 104).

In any case, the international community considers sanctions as a middle ground between traditional diplomacy and the use of military force. Therefore, if diplomacy fails, in the absence of going to war sanctions fulfils a gap.

1.1.3.1. Comprehensive sanctions

Comprehensive economic sanctions are measures that seek to deny a target State access to all international financial, trade and service interactions (Doxey, 1996: 139). The mechanism of comprehensive economic sanctions is to deny a target State access to international markets and other sources of finance and funding, with the exception of those exempted on humanitarian grounds (Doxey, 1996: 139-40). Since the establishment of the UN, it has imposed four prominent comprehensive economic sanctions against Rhodesia, South Africa, Yugoslavia and Iraq (House of Lords, 2006-07: 14). Apart from the UN, the United States and the European Union have also been imposing comprehensive sanctions and using international institutions, such as the World Bank and the IMF, as allies to enforce such sanctions. The case of Zimbabwe is one example of comprehensive economic sanctions by the US and the EU, which is being enforced in alliance with international financial agencies (IMF, World Bank and AfDB), thereby making the effect severe on the target State and mostly on its citizens.

In two of the four cases, Rhodesia and South Africa, comprehensive economic sanctions contributed only in a secondary way to achieving the objective of the sanctions (Watson Institute for International Studies, 2004). In the case of Iraq, most of the concessions were achieved not singularly by the use of sanctions, but combined by the use of force. Overall, comprehensive economic sanctions have not achieved major goals without being combined with or preceded by the threat or use of force (Watson institute for international studies, 2004). In the latter half of the 1990's, comprehensive sanctions became the object of criticism and debate from various quarters, including politicians and scholars such as Baldwin (1985), Tostenson and Bull (2002) and Andreas (2005). The primary focus of critics was the negative humanitarian impact they had upon civilian populations. In this regard, Carne Ross, First Secretary at the UK Permanent Mission to the UN from 1999 to 2003 states, *"I do not think that comprehensive economic sanctions should ever be imposed, on any country, ever again, because of what they did to the Iraqi people"* (House of Lords, 2006-07: 16).

Contrary to the views of Carne Ross, Hans Von Sponeck, the UN Humanitarian Coordinator for Iraq between 1998 and 2000, argues that humanitarian exemptions were sufficient to *"limit the severity of the human costs of comprehensive economic sanctions sufficiently to make its use legitimate"* (House of Lords, 2006-07: 16). The statement by Von Sponeck suggests that economic sanctions are inherently brutal and that the application of humanitarian exemptions will make them appear humane and considerate. Also, Dr. Kim Howells, a British parliamentarian, argues in support of economic sanctions when stated thus:

I do not think we can abandon the weapon of comprehensive sanctions because there will be situations in the future, as I suspect there may even be at the moment, where comprehensive sanctions probably could do more good than damage (House of Lords, 2006-07: 16).

A study by Watson Institute on humanitarian costs of comprehensive economic sanctions concluded that civilian suffering caused by such measures often overshadows their potential political gains. Moreover, comprehensive economic sanctions complicate the work of humanitarian agencies, cause long-term damage to the productive capacity of target nations and unfairly penalize their neighbours, who are often their major trading partners (Weiss; Cortright; Lopez and Minear, 1997: 17). In response to these criticisms against comprehensive sanctions as well as an increase in calls to reform sanctions instruments, the international community shifted grounds and adopted targeted sanctions directed against policymakers responsible for reprehensible policies and the elites who benefit from and support them.

1.1.3.2 Targeted sanctions

Targeted sanctions are designed to target specific persons, groups and entities responsible for the objectionable policies or behaviour. Mostly, such sanctions comprise both an obligation to freeze all funds and economic resources of the targeted persons and entities and a prohibition on making funds or economic resources available directly or indirectly to or for the benefit of these persons and entities (Watson Institute for International Studies, 2004: 3). Additionally, it can be a sort of travel ban on a specific entity, person or group of persons. Targeted sanctions make intuitive sense and seem to respond directly to the criticisms against comprehensive sanctions. Why not direct sanctions against the architects of the policies opposed by the international community, rather than against civilians? In this way, targeted sanctions theoretically address the adverse humanitarian effects of comprehensive sanctions. If designed and implemented effectively, only dictators, demagogues, rebel leaders and their supporters would need to fear the effects of targeted sanctions (Watson Institute for International Studies, 2004: 3).

This type of sanctions has been in existence for long though they are new in the “toolbox” of the United Nations. Evidence could be seen from the Nürnberg and Tokyo tribunal. At the tribunal which was set up following World War II, individuals found culpable of international crimes were sanctioned (Greppi, 1990: 4-7). Despite its long time in history, the focus on multilateral sanctions in the sense of Article 41 on targeted individuals has only remained an academic exercise. The end of Cold War however, ushered in a new era in the functioning of the Security Council (Hanhimäki, 2008: 11). The Council experienced improvement in its decision making process, paving way for more sanctions episodes. However, the success accredited to sanctions faced serious setback; their impacts on the civilian population were lethal. The impact of these sanctions became apparent with the case of Iraq; thus the utility of economic sanctions were put to question. UN agencies, such as UNICEF and the World Health Organization, as well as nongovernmental organizations like the International Committee of the Red Cross, documented the continuing nature of the crisis, including starvation and malnutrition, the deterioration of the national health care system, widespread of epidemics, shortages of electricity, and many other humanitarian issues (Watson Institute for International Studies, 2004).

In the wake of these concerns, the call for more targeted sanctions grew loudly. As a result of massive outcry from different quarters, the Security Council deemed it pertinent to review its sanctions instrument in a way that it would not have broad humanitarian impact. This gave way for the adoption of targeted sanctions by the council. Sanctions against individuals and other non-State actors that were identified as a more direct threat to international peace and security than entire populations of a State were the logical consequence (Gordon, 1999: 315-320). By imposing targeted sanctions, it sends a clear message to those who have been subject to it that their behaviour specifically, rather than the broader issue, of for example, hostilities within a State, is considered worthy of being

subjected to economic sanctions. It is also a strongly symbolic gesture, which may serve to discourage other States from supporting the rogue regime.

This brand of sanctions were first imposed on the government of Libya in 1992 and later used against the regime of Raoul Cedras in Haiti in 1994 (Watson Institute for International Studies, 2004: 13). However, targeted sanctions have been characterized with inconsistent implementation, and there are issues of ambiguity in identifying the specific targeted individuals. Again, a key example is the case of Haiti in 1994.

1.1.3.3. Major challenges of UN targeted economic sanctions

Scholarly works on the UN economic sanctions against Iraq revealed that the sanctions caused terrible humanitarian suffering on the civilian population (Irwin and Gungwu, 2003: 93-94). This raised question about who the actual or intended target of the sanctions are. Firstly, unlike earlier economic sanctions episodes, as sanctions against Iraq progressed it became clear that the ordinary citizens of Iraq were suffering significant humanitarian problems as a consequence of the sanctions. Secondly, those ordinary Iraqi citizens, despite their suffering, had no control over the actions of the State that had prompted the imposition of sanctions on the country (Irwin and Gungwu, 2003: 90-96). The question that comes to mind in a situation such as Iraq is: why are economic sanctions imposed on a country since they are missing their intended target? As Sponeck (1984: 483) notes, “*the assumption that economic pressure on the population would lead to political change at government level [...] turned out to be a fallacy with significant human costs. As such, subjecting them to sanctions could not be justified because they would not prompt regime change.*” The use of targeted economic sanctions would, in light of these difficulties, have been a more proportionate measure as they would have been applied only on the individuals

who could force change in Iraq and would therefore have reduced, if not eliminated, the humanitarian suffering experienced by the general population.

While targeted sanctions are less injurious to civilians than comprehensive economic sanctions, they are not without negative effects. First, it may not be possible to limit the economic effects of targeted sanctions to the intended targets alone. Most targets, be they individuals, groups, or economic sectors are embedded in a larger network of suppliers, service sector providers, and/or consumers, such that the effects of a targeted sanctions cannot be entirely isolated to the targets. There will be an inevitable effect on untargeted, unintended, and otherwise innocent actors.

Second, sanctions of any type, including targeted sanctions, create strong incentives for evasion. A political economy of sanctions evasion (illegal financial transfers, arms smuggling, commodity smuggling) can leave a legacy of corruption that may prove difficult to root out after sanctions have been lifted (Watson Institute for International Studies, 2004: 14). The tradition and practices established, the lessons learned, and the lucrative benefits that derive from a regime of sanctions evasion may linger on in the form of unabated smuggling, tax evasion, and general corruption.

Third, targeting a person because of his or her membership of a certain group may be problematic. This is because there tend to be a hierarchy in every organization or group where top leaders make decisions that is carried out by each member of the group. Considering this fact, targeted sanctions should focus on the leader of a group, who makes decisions with regard to the functioning of the group and takes full benefit of the financial position of the group, instead of ordinary members of a group, who has no power over the movement of the group and who may have joined out of undue pressure and/or coercion. For example, the Revolutionary United Front (RUF) in Sierra Leone and Joseph Kony's Lord's

Resistance Army (LRA) in Uganda forcefully recruited children, drugging them and teaching them how to kill (Meredith, 2006: 563). Therefore, it is beyond logic to allege that such a child soldier is culpable and targeted sanctions will have any impact on his or her behaviour, which is controlled by the top hierarchy of the group. This creates a similar difficulty to sanctions taken against States, in that the sanctions may impact on persons who have little to do with the behaviour that prompted the use of sanctions. Thus targeted sanctions should be directed specifically at the leadership of the group or State in question.

Fourth, there are the unintended effects on neighbouring States in the way of “spill over.” Implementing targeted sanctions relies heavily on certain States, particularly neighbouring States who act as a watchdog over the targeted State (Watson Institute for International Studies, 2004: 14). These neighbouring States bear partly the impact of targeted sanctions and should be provided with technical assistance and means of special financial support by the international community, as specified in Article 50 of the UN Charter.

Another problematic about targeted sanctions that requires consideration is the fact that, targeted or smart sanctions assume that the leaders can be separated from their populations in a simple way. However, this is not always the case. In some cases, the rulers built on a legitimacy which separated them from the rest of the population. In other cases, however, regime leaders even though they are brutal and authoritarian may be appreciated by their people and they are perceived as representatives of the entire population or groups. Ian Smith of Rhodesia and Milosevic of Serbia are examples. As Barbara Geddes, puts it:

Different kinds of authoritarianism differ from each other as much as they differ from democracy. Their leaders emerge from different groups and via different selection processes. They rely on different segments of society for support. They have different procedures for making decisions, and different interest groups influence policies. Intra-elite factionalism and competition take different forms in different kinds of dictatorship, and consequently succession

occurs in different ways. They deal with ordinary citizens, opposition and members of the elite group in different ways (Geddes, 2004: 5).

Based on this fact, targeted sanctions should not be used as an instrument just to punish and/or remove a particular leader; rather its focus should be on changing the thinking of an entire political elite group (Wallensteen, 2000: 12). The reason for suggesting the above is because, if a particular leader or regime is undermined by smart or targeted sanctions, the implication might be that the leader will be replaced by others, even more brutal, representatives of the same elite group in question. This implies that for targeted or smart sanctions to be effective, a proper analysis needs to be carried out on the target regime with respect to the strength of the representatives and associates of the incumbent regime.

Furthermore Wallensteen (2000) added that the “smart or targeted sanctions can only produce desired result if the leaders of a target State are dependent on international relations. On the contrary, smart sanctions can only serve a symbolic purpose. Evidence from history shows that financial operators are those that are most immediately hit by international sanctions, that to say that if traders, investors, and other commercial interests control the powers of a society, they are likely to be vulnerable to targeted sanctions.

Finally, a new twist to the challenges faced by smart or targeted sanctions is that it becomes a way of singling out individuals for punishment of their actions. Thus, settlements of sanctions situations might include a factor of personal fear that has not been the case before. Whether such fears help to bring out a readiness to agree or rather results in increased defiance needs to be considered. Whatever the case maybe, smart or targeted sanctions do open up new possibilities and would be interesting to explore further.

1.1.3.4. Arms embargoes

According to the European Union, an arms embargo is a type of sanctions imposed to stop the flow of arms and military equipment to conflict areas or to regimes that are likely to use them for internal repression or aggression against a foreign State (Austin, 2005: 4; European Commission, 2008:4). The use of arms embargoes has been on the rise since the 1990's, and many institutions such as the European Union, the United Nations, the Arab League and others have implemented them at one point or another. Also individual countries such as the United States have used arms embargoes in a form of unilateral embargoes against States, organizations or groups of people.

In the case of the United Nation, arms embargoes are imposed by resolutions adopted under the authority of Chapter VII, Article 41, by at least nine of the fifteen members of the United Nations Security Council (UNSC), including all five permanent members. The Security Council has two types of arms embargo: voluntary and mandatory (Fruchart; Holtom and Wezeman, 2007: 1). Voluntary arms embargoes are invoked through the Security Council resolutions and call for member States to end the supply of arms, ammunition, military material and related services to a target. The symbolic part of this type of arms embargo is the "request to cease supply" to target States or groups (Baldwin, 1997: 81). Mandatory arms embargoes are also invoked through the Security Council resolutions; it is an order that prohibits the sale or supply of arms, ammunitions, military equipment and related services by member States to a target. Mandatory UN arms embargoes legally oblige UN members to enforce them, having pledged in Chapter I, Article 2(5), of the UN Charter to refrain from giving assistance to any State against which the UN is taking preventive or enforcement action (Fruchart; Holtom and Wezeman, 2007: 1-3).

In order to engage in the argument of arms embargoes, it is important to point out that arms embargoes in the Middle East or the arms embargoes against South Africa were violated in many ways, and studies on the Tripartite Agreement concluded that the arms embargoes had not been properly implemented (Harkavy, 1975, Wulf, 1986, Brzoska, 1991). Also, recent studies on the United Nations arms embargoes by scholars such as Cortright and Lopez (2000); Bondi, (2001); Fruchart et al. (2007), show that arms embargoes have a reputation for being ineffective, poorly designed and implemented. In all, the United Nations has imposed 27 mandatory arms embargoes administered by the UN sanctions committee (Hufbauer, Schott, and Elliott, 1990; Fruchart et al., 2007: 51). The essence of these embargoes is to compel targets to seek peaceful resolution to conflict, restore or strengthen legitimate governments, cease support for international terrorist organizations and also to abandon nuclear proliferation and programmes to acquire weapons of mass destruction (Ki-moon, 2007). According to Bondi (2001: 125), these objectives often cited for imposing arms embargos are rarely achievable.

Two major reasons have been identified for the frequent use of UN arms embargoes in the post-Cold War era. The first reason given involves efforts by the UN to play a global role in maintaining world peace and security, thereby using arms embargoes as a tool (Tierny, 2005: 643). Another reason is the perception that arms embargoes are “smarter” than comprehensive economic and trade sanctions, by targeting elites of States and thereby limiting humanitarian impacts (Brzoska, 2002: 3-4).

Against all the claims of good intentions rooted in arms embargos, there have been criticisms regarding its application and implementation. Assessment of UN arms embargoes imposed in the 1990's have shown clearly the failures and inability of arms embargoes to stop the flow of arms and/or to influence significant changes in the behaviour of target

regions and entities (Cortright and Lopez, 2000; Fruchart et al., 2007: 51). Furthermore, Bondi (2001) and Baldwin (1997) argue that arms embargoes fail because they are primarily of symbolic rather than practical value. They are imposed very late, with unclear definition of coverage scope, lack of unity and commitment of the five permanent members of the Security Council to enforce the embargoes and, most importantly, there is a clear lack of political will to punish those who violate the embargoes, particularly within the Security Council permanent member States (Fruchart et al., 2007: 1-3; Brzoska, 2008; Ohlson, 1988). Thus, arms embargoes can only achieve their goals if the supplier governments support the goals of the embargo; however, supplier governments generally are not willing to enforce the implementation to a significant degree (Bondi, 2001: 142).

1.1.3.5. Restrictions on admission (Visa or Travel Ban)

Restrictions on admission are a type of targeted sanctions, where an individual or group of individuals are banned from entry into, or transit through, the territories of the State or group of States that is/are imposing the ban (European Commission, 2008: 5). This type of sanction has been used unilaterally by the United States mostly to fight terrorism. Additionally, the European Union has adopted this measure against people whose behaviours contradict international norms or are deemed to be a threat to public peace and security (European Commission, 2008: 5-6). For example, in February of 2011, the EU imposed a travel ban on former Libyan leader Muammar Gaddafi and 25 members of his family and inner circle (The Telegraph, 2011). The ban was a restriction to territories that belong to the European Union. Also on 12 March 2014, the EU imposed travel ban on 21 Russian and Ukrainian officials for their role in what the EU consider an inversion of the territorial integrity and sovereignty of independent Ukraine (BBC News, 2014). In the wording of the EU document outlining the measures: “*Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the natural persons responsible*

for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine” (BBC News, 2014; Santa and Baker, 2014). Although the sanctions are imposed by the EU, their implementation is in alliance with the United States, Switzerland, Turkey, Japan and Canada; an effort to ensure the sanctions net is as tight and effective as possible. However, the enforcement of travel ban may be difficult in certain situations.

I use the EU as an example of how challenging the enforcement of a travel ban may be. The EU is made up of 27 member States. When a travel ban is imposed on an individual or entity by the EU, it is expected that the 27 member States will enforce the ban. However, within the EU is the Vatican City, which is an observer State to the United Nations but not a member State of the EU. The implication of this is that a person(s) banned from entry or transit from the EU can visit the Vatican City. An example to buttress this assertion is the case of Robert Mugabe who is sanctioned by the EU and prohibited from visiting or transiting from EU territory. Despite EU travel ban being in place, Mugabe attended Pope John Paul’s funeral in 2005 and for his beatification in 2011. Also, he attended the inauguration ceremony of Pope Francis held in St. Peter’s Square in the Vatican on March 19, 2013 (Reilly; Malm and Roberts, 2013). This kind of situation makes the enforcement of a travel ban within the EU challenging. Finally as a general rule, the legal instrument imposing such restrictions allows for exemptions from the visa or travel ban on humanitarian and other grounds or in order to comply with obligations of a Member State under international law (European Commission, 2008: 5).

1.1.3.6. Unilateral sanctions

Unilateral sanctions usually are trade and other economic embargoes which are imposed independently by one country on another. Research shows that the major purpose of

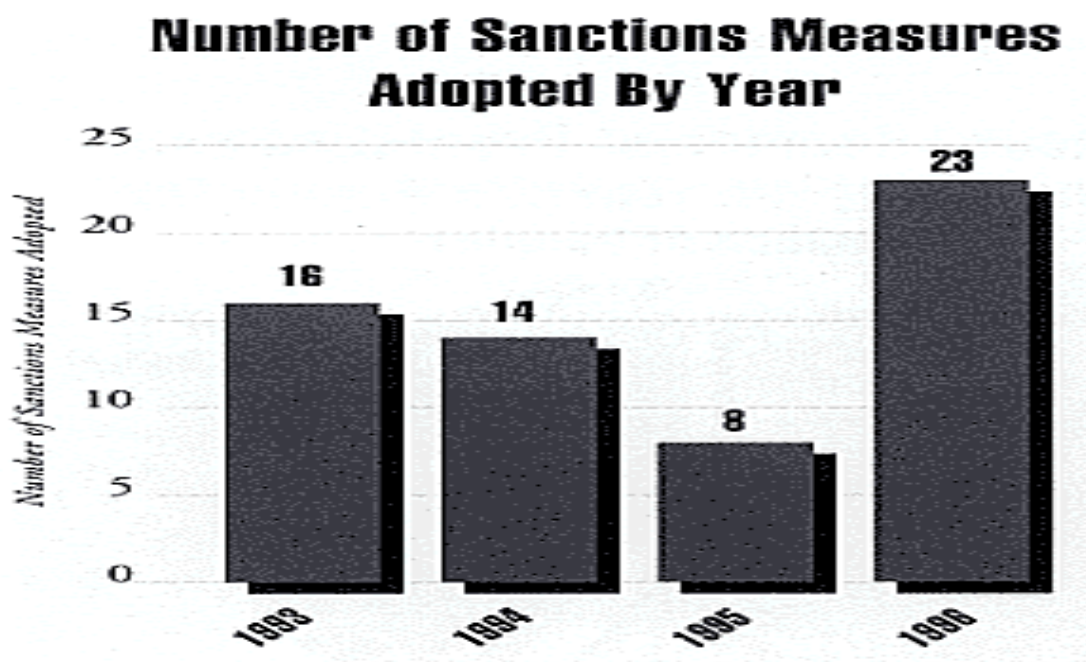
unilateral sanctions is the advancement of sender's foreign policy on the target (Dowling and Popiel, 2002: 8). While international or comprehensive sanctions are imposed by international bodies like the United Nations Security Council (in political cases) or the World Trade Organization (in economic ones), unilateral sanctions are imposed by a single State mostly on reasons that has to do with national interest (Dowling and Popiel, 2002: 8). Increasingly, it is observed in our contemporary world that certain States impose unilateral sanctions against third party through application of national legislation. Thus, an increased use of unilateral sanctions by States particularly the United States raises concern that requires consideration. Although the use of sanctions arguably is permitted under the UN Charter, the use of unilateral sanctions are however questionable under the law. Therefore, a rational question to ask is whether unilateral sanctions are permissible under the international law or the UN Charter. An answer to this question will be provided in chapter two where I will review unilateral sanctions in the light of international humanitarian law. Since one of our cases study, Zimbabwe is under the US unilateral sanctions; this part of the thesis examines US unilateral sanctions episodes. It also examines some of the reasons for imposing such measure on other countries and evaluates the efficacy of unilateral sanctions with respect to goal attainment.

More than any country in the world, the United States is increasingly employing unilateral economic sanctions against other countries (Haass, 1997: 74). Most of the countries targeted by US unilateral sanctions are developing countries and the reason being mainly due to contrasting political issues. It is widely believed that an increase witnessed in the use of unilateral sanctions by the US is underpinned by its quest to influence political behaviour in the target States (Nyun, 2008: 468). For example, the US sanctions against Cuba, which started on October 19, 1960 is believed to aim at influencing change in Cuba's political system (from communism to democracy). Unfortunately, such measures often has drastic

outcome as they hamper economic development in the target State and also the political well-being of their citizens.

The 1990's, witnessed increased desire by the US to push its foreign policies abroad. This development paved the way for enactment of new laws and executive actions. As Jim Lobe reports, from 1993 to 1996, the US enacted 61 laws and executive actions authorizing the use of unilateral economic sanctions for foreign-policy purposes (Lobe, 1997). Consequently, a total of sixty-one countries were specifically targeted by US unilateral sanctions within this period (See figure 1).

Figure 1: Number of sanctions imposed by the US between 1993 and 1996.

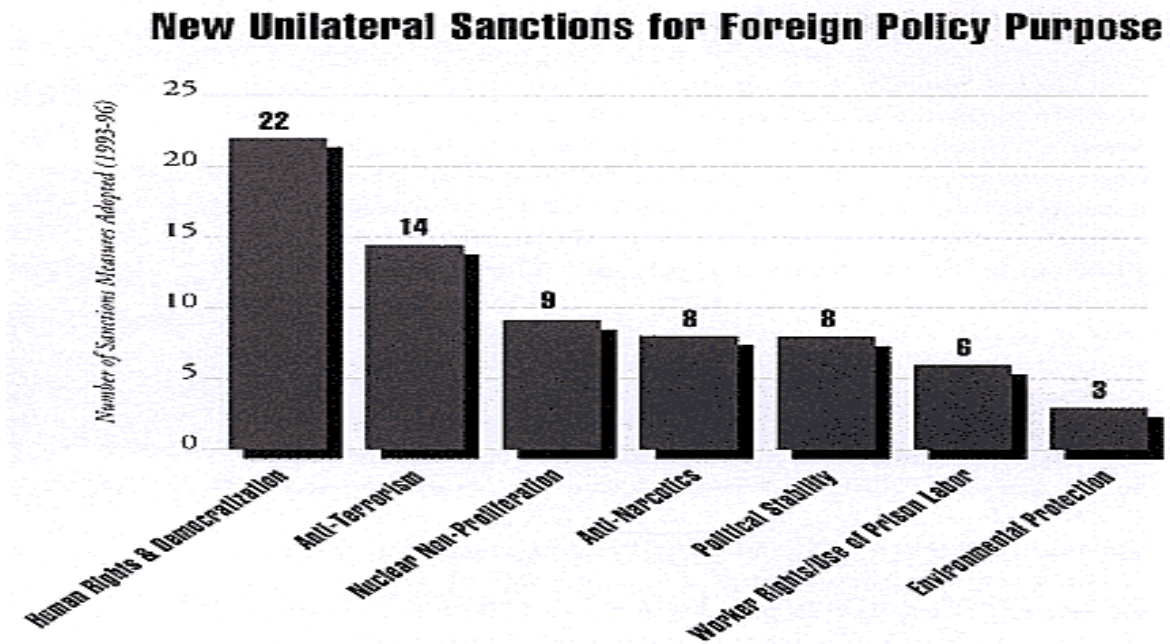


Source: <http://archives.usaengage.org/archives/studies/nam2.html> | National Association of Manufacturers, March 1997.

Analysts argue that the use of unilateral sanctions by the US is ineffective (Askari; Forrer; Teegen and Yang, 2003; Shane, 2004; National Foreign Trade Council, 2007; US Chamber of Commerce, 2014), pointed that none of the sanctions were able to significantly

change the policy of targets to meet US demands rather they create a “backlog” on US foreign relations (the US sanctions episodes in Cuba and the Soviet Union are cited as examples). Also the National Association of Manufacturers, in March 1997 reported that unilateral sanctions often reduce US export, resulting in lower revenues and lost jobs. In addition, the Commerce Department estimate that the oil embargo against the Soviet Union in the 1980’s caused a total loss of about \$2 billion to US direct export sales and argues that the indirect impact may even be higher. Furthermore, (Kaempfer and Lowenberg, 2000: 13) allege that unilateral sanctions place US companies at a disadvantage relative to their foreign competitors. While Hufbauer and Kimberly (1997), reports that from 1995 sanctions may have cost the US a loss of almost \$19 billion per year in export and about 200,000 to 260,000 jobs in export related business. In addition Enerst Preeg of the Centre for Strategic and International Studies (CSIS) writes that the actual figure is far beyond what commentators have to provide (Collins and Bowdoin, 1999). Against all the negative perception of unilateral sanctions, Washington has continued to believe in the efficacy of this measure in the pursuit of its foreign policy and agenda. In the words of a former Secretary of State George Schultz, unilateral sanctions are a form of “light-switch diplomacy” (The New York Times, 1982). Schultz perceives foreign trade (trade between one country and another) as a tool of foreign policy which can be turned on and off like a light. Despite arguments for and against unilateral sanctions, some reasons have been identified for adopting the measure (See figure 2):

Figure 2: Reasons for imposing unilateral sanctions



Source: <http://archives.usaengage.org/archives/studies/nam2.html> | National Association of Manufacturers, March 1997.

1.1.3.7. Economic sanctions

Economic sanctions are “coordinated restrictions on trade and financial transactions intended to impair economic life within a given territory” (Davidsson, 2002: 4). It consists of export and/or import bans, trade sanctions which may apply to specific products such as oil, timber or diamonds, also bans on the provision of specific services brokering, financial services, technical assistance, flight bans, prohibitions on investment, payments and capital movements or the withdrawal of tariff preferences.

An attempt by scholars to provide comprehensive analysis of economic sanctions has produced a broad range of different classifications. For example, Hufbauer, Schott and Elliot (1990) put economic sanctions into three categories (1) limiting export to target (2) restriction of targets export (3) impeding finance available to target through suspension and/or

withdrawal of aid. Daoudi and Dajani (1983) basing their analysis on international affairs perspective, classified them into five (1) impediment to technology (2) restriction on supply of arm and other war munitions (3) restriction of raw materials available to target (4) restriction on targets import (5) international boycott. Perhaps the reason for classifying economic sanctions by scholars is to elaborate on areas and/or sectors where their impact are felt most or where they intend to affect, however this classifications seen not too relevant as a widely held opinion is that the measures are “anti-civilian well-being.” Further research reveals that not only do economic sanctions have adverse economic impact on their target; they also affect the economy of the sender State(s). Askari et al. (2003: 90) writes that economic sanctions affect the following economic variables in the sanctioning/sender State(s) and also target State: (a) Profits and revenues of State owned enterprises; (b) Profits and revenues of private owned enterprises; (c) Sales and export; (d) Employment; (e) Economic growth; (f) Development; (g) Revenues and taxes to government; (h) Standard of living; (i) Wages. However, the impact is felt differently as that of the target is often massive compared to the sender.

Since the main goal of economic sanctions is to limit resources available to a regime on which sanctions are imposed, the expected result is to force the regime to accept the policies for which sanctions are imposed. In order to achieve this goal, the party that imposes sanctions intentionally harm the civilian population of a sanctioned State or region by reducing their access to basic needs. The assumption of those who advocate for economic sanctions is that the locus of political power resides within the people of such countries, and that pressure on the people will induce them to vote out or overthrow their corrupt leaders. Contrary to this assumption, the locus of political power in most impoverished nations, such as Iran and Zimbabwe, lies within the entrenched tribal, religious and political class, who are willing to use whatever force necessary to protect their interests. Therefore, it is inapposite

for proponents of economic sanctions to impoverish civilians with the hope that economic hardship will instigate civil resistance against regimes or leaders of a target State.

1.2. The basis for economic sanctions in the UN Charter

The UN was founded against the background of World War II and following the failure of the League of Nations. Whilst the objective of the UN is to maintain international peace and security, there was a need to have a means in place to address conflict when it did arise. The means of dealing with such conflict was provided for in Chapter VII of the UN Charter. Chapter VII of the UN Charter provides the United Nations Security Council (UNSC) with powers to decide measures to be taken should there be a threat to the peace, breach of the peace, or an act of aggression' in order to prevent that threat or breach from escalating (Article 39, UN Charter). Aside from the option of calling upon a transgressor to comply with provisional measures, the UN can take military actions under Article 42 or non-military action under Article 41 (ibid). In my opinion, the provisions of Article 41 embodies David Kennedy's assertion that reads "*rather than operating as a stasis against violence, institutional energy must be harnessed to do the work of war without violence, or to deploy violence on behalf of peace*" (Kennedy, 1987: 867).

When we conceptualize the wording of Article 41, it becomes obvious that from the decision to give the UNSC such power with respect to the invocation of economic sanctions, their position within the UN framework would be reactionary. The predecessor to the UN, the League of Nations, also had provisions for economic sanctions in its Covenant (The Covenant of the League of Nations, 1919). Under Article 16 of the Covenant, members of the League of Nations were obligated to automatically cease economic relations with any State that was deemed to have committed an act of war against any other member. This created uncertainty as to how economic sanctions would actually be triggered (Farrall, 2007: 53). A

Committee of Jurists constituted by the League of Nations determined that the States themselves would be required to decide when an act of war had occurred that necessitated economic sanctions (Abi-Saab, 2001: 40). By making the above pronouncement, the Committee of Jurists provided Member States with leeway in determining when an act of war has occurred, resulting in the United States, France and Germany refusing to take part in the economic sanctions against Italy for its invasion of Ethiopia on grounds that it did not constitute an act of war (Scott 1973: 340).

In contrast to the League of Nations, the UN Charter places the decision to invoke economic sanctions in the hands of the Security Council, with States only responsible at the point of implementing the measures that the UNSC decides upon. This provides a trigger mechanism as to when economic sanctions will be invoked. However, it leaves the power to invoke economic sanctions in the hands of a small minority of States and, as such, economic sanctions and other measures may be taken in circumstances that do not reflect the will of the majority of UN Member States. Under the UN Charter, Security Council resolutions adopted on non-procedural matters require the affirmative vote of all five permanent members of the Council plus at least four non permanent members (Article 27(3), UN Charter). This gives the five permanent member of the Security Council an absolute veto on the invocation of economic sanctions. Although not envisaged in the UN Charter, it has become accepted practice that the voluntary abstention from or non-participation in a UNSC vote does not prevent a non-procedural resolution from passing (Kaul, 2002: 34). This allows resolutions to pass in situations where States, although not rejecting the measures, are not offering their full support to them. Consequently, there is inherent concern on how decisions to impose sanctions on a particular country against another are being determined by the Security Council while at the same time; it undermines the credibility and justification for imposing some of the UN sanctions.

1.2.1. The purposes of economic sanctions

The debate over the effectiveness of economic sanctions has been on-going over the years (Miyagawa, 1992). This thesis, therefore, does not deal with whether or not economic sanctions are per se effective. Nevertheless, for me to assess different sanctions episodes, the reasons why UN economic sanctions and other sanctions imposed by individual States like the US or regional organization such as the EU have developed in certain ways and the best way for them to progress in future, it is necessary to consider whether sanctions, as implemented, have been effective. It is also clear that, irrespective of how effective or ineffective they actually are, the use of economic sanctions measures has been favoured by the UNSC. Therefore, in order to consider their effectiveness, the possible purposes of adopting such measures by the UNSC need to be understood. In view of this, I analyse the principle purposes of economic sanctions from four different perspectives: coercion, punishment, symbolism and signaling.

1.2.1.1. Coercion

Coercive economic sanctions are taken in the belief that economic sanctions may persuade a State, person or entity to amend their behaviour. The intended coercive effect of economic sanctions taken within the UN framework is of the believe that they are capable of driving change in the behaviours of States and/or forcing States to abstain from actions threatening or breaching international peace and security (Murphy, 2011: 10). According to James Barber, in each case in which sanctions have been applied there appear at first sight to be clear objectives relating to changes in the behaviour of the government against whom they are directed and this position reflects UN continuous use of economic sanctions (Barber, 1979: 368).

Over the years Security Council resolutions will always cite coercive reasons for invoking economic sanctions and this has raised comments that the generally accepted purpose and emphasis of such sanctions lies in modifying behaviour (Reinisch, 2001: 851). For example, during the economic sanctions taken against Libya, States were required to uphold the sanctions until such time as the UNSC determined that the Libyan Government had committed to ceasing all forms of terrorist action and assistance and responded to requests by various States in relation to the legal procedures related to the attacks carried out against Pan Am flight 103 and Union de transports aeriens flight 772 (UN Doc S/RES/748).

Equally, economic sanctions were put in place against Haiti following the overthrow of the legitimate Government led by President Jean-Bertrand Aristide. Resolution 841 set out the measures, which it said would be put in place if attempts, being undertaken at that time by the UN Special Envoy for Haiti and the Organization of American States (OAS), to establish a political dialogue with the Haitian parties, failed (UN Doc S/RES/841). These examples show that UN economic sanctions are adopted for coercive purposes. However, further analysis shows that in practice the UN's use of economic sanctions as coercive measures is somewhat uneven. For example, economic sanctions against Southern Rhodesia, which will be discussed in considerable detail in a later chapter, were clearly intended to have a coercive effect. They were put in place for the purpose of bringing an end to illegal white rule in Southern Rhodesia and remained in place until there was regime change at which point they were lifted (UN Doc S/RES/217). In contrast, economic sanctions against Iraq, were on their face arbitrarily coercive in that they were imposed for the purpose of forcing Iraq to withdraw from Kuwait, which it had invaded (UN Doc S/RES/661). However, even following its withdrawal from Kuwait, economic sanctions against Iraq remained in place. As such, it is clear that they were intended to have a purpose beyond coercion.

1.2.1.2. Punishment

According to Foran (2008: 123), economic sanctions are intrinsically punitive. The adoption of the word “sanctions” in itself is minatory and connotes a form of punishment even in cases where the purpose of adopting them is not simply punishment (Charnovitz, 2001: 95). The belief that economic sanctions are punitive in nature can be deduced from the US Secretary of State, Hillary Clinton’s, speech in 2009, when she said: “*Iran would, if diplomacy failed to bring about a favourable outcome, be subjected to crippling sanctions*” (Reid, 2009). The above statement by Clinton clearly shows that sanctions are somewhat imposed as a form of deliberate punishment on the target. Another example of the punitive nature of economic sanctions is the case of reparations made by Germany contained in the Treaty of Versailles following World War I (Treaty of Versailles, 1919). In Part VIII of the Treaty, Germany accepted responsibility for causing all the loss and damage to the allied countries, to the associated governments and to their nationals and agreed to make compensation for damage to the civilian population of the allies and associated States and to their property. Compensation was available not only for damage caused by Germany itself but also damage caused by its allies (Murphy, 2011: 11).

It may be important to state at this point that there is a divided opinion among scholars and commentators on whether the UN economic sanctions are punitive in their nature or not. Those who support the punitive nature of UN economic sanctions argue that for a State, person or entity to be punished it must have been involved in an action deemed wrong and for which it is punished. According to Abi-Saab (2001: 39), the UN economic sanctions are based on a “finding” of wrongdoing by the Security Council, which would be consistent with sanctions having a punitive function. Furthermore, Al-Anbari (2001: 371-372) describes the invocation of UN economic sanctions under Articles 39 and 41 of the UN

Charter as tantamount to a judgment and final conclusion that a wrong has been committed. However, Crawford (2001: 57) holds a different view when he states that no international wrong need be committed in order for economic sanctions to be taken in accordance with the UN Charter. The suggestion of Crawford is that the Security Council may invoke sanctions measures not necessarily on “evidence” of a wrongful act but also by a mere “speculation” of an imminent one.

Having provided views of different scholars on the punitive nature of economic sanctions, my personal opinion is that they possess punitive elements. To further prove my point, I present the UN economic sanctions against Iran as an example. The UN resolution to impose economic sanctions against Iran was a measure to deter Iran from developing nuclear technology that may eventually be used to produce nuclear weapons (UN Doc S/RES/1737). In the view of Western Countries such as the US, Britain, and France, Iran was at the verge of developing a nuclear weapon which may eventually be used against Israel. Thus, prompting the Security Council to invoke a resolution imposing economic sanctions aimed at forcing Iran to conform to the terms of the non-proliferation treaty. Although the sanctions aims at behavior modification with respect to the non-proliferation treaty however, they must also be perceived as having a punitive element as, whilst they are taken as a result of the failure to adhere to the terms of the treaty.

The irony of the Iran’s case may be seen from the standpoint of sanctions measures not been taken against States that are known to have nuclear weapons and, as such, there is inherent condemnation of Iran itself, and not simply of its nuclear policies, in the invocation of UN economic sanctions against it. This brings us back to the point raised earlier in this thesis. The premise behind economic sanctions taken against States is that, once the civilian population feels their effects it will seek to change its leadership to one that behaves in

accordance with required norms or the sanctioning party or the international community as the case maybe. The problem however, with punitive economic sanctions is that they may have the undesired side effect of prompting the citizens of a country to offer support to the regime being targeted. Thus, they may serve as a “social glue” when the population of a sanctioned State unite against the foreigners (sanctioning State) who damage their country or simply what Johan Galtung referred to as “rally round the flag effect” (Galtung, 1967: 393) when citizens perceive that economic sanctions were unfairly or unjustly imposed against their country. This occurred in the initially stage of the sanctions in Southern Rhodesia when the white elite supported their government on the basis that the sanctions imposed on them were unreasonable. This behaviour modification led to economic sanctions being less effective in that instance than they would otherwise have been (Murphy, 2011). The punitive intent of economic sanctions may also be diminished in circumstances where a black market economy develops, as those involved in such a market may actually benefit from the impact of economic sanctions thus defeating their punitive intent (Burgsdorff, 2008: 31).

1.2.1.3. Symbolism

Economic sanctions have a symbolic value and may be established for the purpose of conveying a particular message rather than achieving a tangible result, such as persuading change in the behaviour of target or as a punishment for wrongdoing (Gus, 2013: 453). In my analysis, the symbolism of economic sanctions is in two folds. Firstly, they may be used to convey to a target that its behaviour is being viewed unfavourably. Secondly, they may be used to convey to the wider public, which has raised concerns about the target’s behaviour that their concerns are being taken seriously by the Sender State or organization. The later could be used as a way of achieving political point domestically or among allies of the sanctions imposing party. Hence, the symbolic value of economic sanctions may therefore

explain why they are sometimes taken in instances where they seem extremely unlikely to succeed. Apart from my personal opinion, other scholars share a similar view that economic sanctions are used for symbolic purposes. One of such scholars is Ivan Eland who states that: *“policymakers believe sanctions have utility as foreign policy tools, even if stated compliance goals are not likely to be met”* (Cortright and Lopez, 1995: 30). According to Eland, the statement of President Jimmy Carter at the time the US imposed grain embargo against the Soviet Union for its invasion of Afghanistan, *“seem to suggest that President Carter wanted to use sanctions to demonstrate US resolve and to deter the Soviets from further aggression into more strategic areas”* (Cortright and Lopez, 1995: 30). Thus, the grain embargo was of symbolic importance. He concluded his argument with the assertion *“in an anarchic and chaotic international environment, symbolic goals are important and may even be vital”* (Cortright and Lopez, 1995: 31).

In a related view, James Barber writes that there are two aspects to symbolic sanctions, pointing out that first, symbolic sanctions demonstrate a willingness and capacity to act and second, they deflate criticisms (Barber, 1979: 380). Furthermore, he added that governments consider it very important to be perceived or seen by their citizens to be busy and concerned about them (Barber, 1979: 380). Therefore, sanctions can serve as a tool of public distraction for the government that employs them. This reflects the case where one State has invoked economic actions while others have to consider their own reputations in relation to whether or not they should take similar action. The above expression is in line with the opinion of Johan Galtung when he asserts thus:

When military action is impossible for one reason or another, and when doing nothing is seen as tantamount to complicity, then something has to be done to express morality, something that at least serves as a clear signal to everyone that what the receiving nation has done is disapproved of. If the sanctions do not serve instrumental purposes they can at least have expressive functions” (Galtung, 1967: 412).

It should be noted, however, that not all scholars shares the opinion that economic sanctions are often invoked for symbolic purposes. One of such scholars who disagree with this theory is Daniel Drezner, when he argues that, “*to say that the empirical support for the invocation of symbolic sanctions is weak at best and insignificant at worst*” (Drezner, 1999: 67). However, Drezner’s position has been criticized on two grounds. Firstly, Drezner believes that there is a single, visible motivation for economic sanctions. For example, Kimberly Ann Elliot’s position contradicts that of Drezner’s when she states that the actual goal of economic sanctions may have little or no correlation with the stated aim of behaviour modification and proposing such alternative goals as deterring third States from engaging in undesirable behavior. Instead it is often used to enhance the sender’s credibility amongst its allies’ and as a response to domestic political pressure (Elliot, 1995: 51).

Therefore, in practice it is clear that economic sanctions do not always have a single goal and symbolism should not be disregarded as a secondary motivation behind their adoption. Secondly, Drezner’s argument is based on economic sanctions taken by a single State (Drezner, 1999: 104), and this expressly excludes sanctions taken by international organizations such as the UN, neglecting the fact that action taken by the UN or other international organizations are measures collectively agreed by States and they have a stronger symbolic value than sanctions taken by a single State. Whilst it is submitted here that economic sanctions can and do have symbolic purposes it must be noted that the symbolic purpose of sanctions episodes will not be indicated on the face of the resolution adopting such a measure and may not be readily apparent from consideration of the particular sanctions episode.

1.2.1.4. Signaling

Another purpose of economic sanctions by either the UN or other bodies is rooted in an effort to convey a “signal” to the target that their behaviour is unacceptable and if not modified, they will be visited with a more compelling and/or aggressive force or measure. Thus, economic sanctions are used by the sender (international community or individual States) as a signal of subsequent drastic measure against the target such as the use of military force. According to Hufbauer; Schott and Elliott (1990), economic sanctions often serve as a minor and/or subordinate weapon in the arsenal of diplomatic artillery aimed at the target State. They contend that out of the 115 sanctions cases studied, 34 of them were accompanied with policies of either quasi-military and/or real military action (Hufbauer; Schott and Elliott, 1990: 43). In essence, the idea of preceding or accompanying economic sanctions with threat or real military hostility proves beyond doubt that sanctions may sometimes serve as forerunner of a more devastating action. Thus, economic sanctions may be used as a signal to convince a target to accept the sender’s preference before launching military offensive.

For example, following the inversion of Kuwait by Iraq in 1990, the United States and the United Nations imposed stringent economic sanctions on the later as a way of signaling their disapproval of the latter’s action taken against the former. The sanctions were combined with vigorous diplomacy and gradual military build-ups, subsequently; a full military action was launched against the country in 1991. According to Melby (1998), in the ensuing conflict between Iraq and Kuwait, economic sanctions serves as the only veritable tool that can “signal” outrage and determination to resist Saddam’s inversion and occupation of Kuwait.

Apart from using sanctions to signal a target of more drastic measure to follow if it fails to comply with the demand of the imposing party, senders also use them to signal their ally that taken similar action is required of them. As Lisa Martin puts it, costly sanctions by a

great power often signify determination and consequently it motivates and encourages other States to join in the sanctioning effort or take similar action (Martin, 1992: 36-38).

1.2.2. Characteristics of UNSC economic sanctions

As noted earlier, the use of economic sanctions as a tool to deter aggression and restore international peace and security has been favoured by the United Nation Security Council. There are different theories as to the reasons for frequent use of sanctions instrument by the UNSC. The first reason preferred by scholars such as Nyun (2008: 466), is that sanctions in general are hardly challenged by citizens of the imposing country or group. The second reason is that economic sanctions are cost effective from the perspective of the sender when compared to war. Despite their widespread use, the consensus amongst many scholars is that sanctions do not achieve their stated policy objectives and therefore they are remarkably unsuccessful in respect to goal attainment. According to Robert Gilpin, “with very few exceptions and under highly unusual sets of circumstances, economic sanctions have historically proven to be an ineffective means to achieve foreign-policy objectives” (Bienen and Gilpin, 1980: 89) Looking beyond failure, economic sanctions have certain characteristics which will be discussed below.

1.2.2.1. Binding and supreme

The most significant characteristics of the UN economic sanctions is that they are binding on Member States and supersedes any other obligation or whatever decision any Member State considers to take. Noteworthy is that the decisions of the Security Council are made by a few member of the UN comprising of the five permanent member of the Security Council and ten non-permanent members elected for two-year terms by the General Assembly.

The binding nature of the UNSC decision comes from the UN Charter. Article 41, which is the bedrock of sanctions does not itself place a clear obligation on Member States to implement UN economic sanctions, rather it states: “*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 to apply such measures.*” The wording of this article clandestinely indicates that perhaps the Security Council may adopt the use of economic sanctions and “may call upon” Member States to implement the measures. However, Article 25 of the UN Charter states that, “*Member States agree to accept and carry out the decisions of the Security Council in accordance with the [UN] Charter.*” When the two articles are put together, it becomes evidently clear that Member States were intended, in seeking membership of the UN and signing up to the Charter, concede to follow and/or abide by the decisions of the UNSC, which would therefore make those decisions binding on all Member States (Nafziger and Wise, 1998). According Burdeau and Stem (2004: 197), the binding characteristics of UNSC decisions taken under Chapter VII has been borne out by UN practice, statements of courts and State practice.

Although Article 25 and 41 of the UN Charter imply that Member States must adhere to Council decisions, Rosalyn Higgins (1972: 281), argues different and contend that in practice not all Council resolutions are considered binding. According to Higgins, the language used in the particular resolution as well as its context are considered indicative as to whether a resolution places obligations on Member States to undertake certain action or merely requests that they do so. For example, when adopting a resolution under Chapter VII or using the phraseology of Article 39 which states that “*when a measure is taken as a result of a State breaching or threatening the peace or committing an act of aggression*” is not determinative of the binding nature of that resolution (Higgins, 1972: 281).

Although Higgins presented a logical position, however her argument has not proven to be the case with respect to economic sanctions where the only non-binding sanctions resolutions were those taken against Southern Rhodesia and South Africa, which were not stated to be taken under Chapter VII and which clearly indicated that States were requested (rather than obliged) to take the measures contained within them (UN Doc S/RES/181). Subsequent resolutions have clearly stated that they are being taken under Chapter VII and have, therefore, been binding on all Member States (UN Doc S/RES/232).

Although the binding nature of some of the Security Council resolutions is acceptable, my main concern is whether the Security Council is constrained in any way by international law when adopting resolutions, and if so to what extent. Another important issue I would want to point out is the fact that there is no provision for Member States to refuse to implement binding Council resolutions, even where the Security Council has acted beyond its powers and rationality, nor is there any provision for a review of such measures to ensure that Council has acted within its powers. Therefore, it is appropriate to say whether Member States are or are not bound by UN economic sanctions is totally in the discretion of the Security Council itself. In addition, the UNSC is obligated to implement resolutions that may contain binding economic sanctions and by consenting to the UN Charter, Member States are obliged to abide by these resolutions.

Apart from being binding on all Member States, economic sanctions as part of Council resolution also take precedence over other obligations of Member States. Article 103 of the UN Charter states that “*in the event of conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail*” (Article 103, UN Charter). This therefore clearly shows that UN obligations supersede the obligations

of States under any other international agreements. This position has also been accepted and adopted by the International Court of Justice (ICJ).

The supremacy of the UN obligations over that of States in respect to their domestic affairs or their commitment to any other international organization has been put to question. An example is the comment made by Iain Cameron when he asserts that “*it is not possible for States to avoid constitutional/ international human rights obligations by creating an international body and delegating to it the power to do something they are unable to do by themselves*” (Cameron, 2003: 170-171). Cameron’s argument is that, whilst States can accept the supremacy of some international norms over their own domestic norms, however, in the event that international law conflicts with that of a State and which may entail the State to do something against its own fundamental constitutional principles, then a State’s acceptance of the reasonableness of the international norm and/or claim is put sorely to the test (Cameron, 2003). He further asserts that “*it is an open question, when push comes to shove, which will be preferred*” (Cameron, 2003: 171). To buttress his argument, he pointed to the example where the Security Council may mandate a State to indefinitely detain a suspect for terrorism attack or put such a person to death. Although the example provided by Cameron is unimaginable and I would add that it is impossible to consider such example in the light of international law with respect to death penalty, it is clearly evident that Cameron wants States to consider their UN obligations as supreme so long as they are also compatible with their other obligations and conform with their national or domestic principles. By making the above comment, Cameron implies that States could simply refuse to implement Security Council resolutions imposing economic sanctions on the grounds that they will violate human rights. In as much as this argument appears sensible, the truth is that it controverts the UN Charter which Member States subscribed to. The purpose of article 103 is that Member States must adhere and/or comply with their UN obligations in a situation of conflict with other

obligations since they have already consented to the supremacy of the UN obligation by the time they affirmed to the Charter. Therefore, it is completely contrary to any logic to suggest that article 103 ceases to apply in circumstances where there is a real conflict between domestic and UN obligations.

Michael J. Matheson in his article “*ICJ Review of Security Council Decisions*” argues that the Charter of the UN prohibits the organization from intervening in the domestic matters of a State (Matheson, 2004: 622). Although Matheson may be making a logical argument, the reality however, is that the Security Council interprets or determines the meaning of Charter wording. In addition they decide actions to be taken in resolving a conflict. In any case, there is no clear system of international judicial review or any other mechanism to authoritatively determine the legality of Council action. This leaves the Security Council as the final legal arbiter of its own actions.

According to Liivoja (2008: 604), Security Council resolutions have not made a clear connection between customary international law and Article 103. Liivoja argues that in some cases, Council resolutions with specific respect to economic sanctions have breached customary international law and yet the Security Council implemented such resolutions. Such a resolution is implemented on the basis that States are obliged to implement Council resolution in line with article 103 despite its conflict with international law. An example is the economic sanctions imposed against Iraq which caused high mortality rate and the death of many civilian (Ali and Shah, 2000: 120), thus breaching the right to life. Another example is the UN sanctions against the Federal Republic of Yugoslavia which was said to be enforced in order to maintain the *status quo*, limiting the possibility of self-defense through arms embargo and thus causing more deaths (Horowitz, 2005: 197). By putting in place binding economic sanctions that breach customary international law, the UNSC conveys the

message that States are required to fulfill their obligations under the UN Charter not only in cases of conflict with international agreements but also in cases of conflict with customary international law (Murphy, 2011: 26). Although in cases relating to economic sanctions, humanitarian exemption has been authorized, however they have proved to be ineffective in terms of having the capacity to contend humanitarian consequences that are facilitated by economic sanctions.

1.2.2.2. Politics and self-interest

The UN Security Council resolutions with respect to economic sanctions are marred by politics and self-interest. This can be seen from the way in which these resolutions are passed by the Security Council and adopted by the general assembly. By having a small number of countries taken decisions that are binding on the general assembly which is made up of 192 members inherently make the decision taken by the UNSC political. To support the claim that Council's resolutions are marred by politics, I will present speeches made by UN ambassadors during and after Council debate on resolution allowing economic sanctions against Syria. Meanwhile, to refresh our minds, I provide an overview of the situation in Syria. On March 15, 2011, the people of Syria started a peaceful demonstration against its government led by President Bashar al-Assad (Sterling, 2012). The major reasons cited by the people of Syria being that they want change in the political structure of their country and also improvement in their human rights and well-being. In attempt to quell the situation and crush the demonstrators who were branded as terrorist, the Bashar al-Assad led government reacted with force. The reaction of the government soon became counterproductive, and instead escalated the situation into full blown civil war between government forces and the rebels. In an effort to persuade the al-Assad's government to end the violence and stop further destruction of lives and property, the Security Council on July 19, 2012 moved motion to

impose economic sanctions on Syria (Nichols, 2012). The motion to put in place economic sanctions against Syria was moved by France and supported by Britain, the United States and eight other member of the Security Council while Pakistan and South Africa abstained from the vote. However, the motion was vetoed by China and Russia citing that economic sanctions cannot resolve the conflict in Syria. Furthermore, they argue that the conflict in Syria is an internal affair which does not necessarily threaten international peace and security.

In the words of Russian ambassador, Vitaly I. Churkin:

We simply cannot accept a document under Chapter VII, one which would open the path for pressure of sanctions and further to external military involvement in Syrian domestic affairs.” He added that “It is unacceptable to us in the form in which it is now being prepared, and we, of course, will not let it through.” And finally, he concluded by telling reporters outside the Council chambers that, “What they (implying Western countries) really want, is Mr. Assad’s downfall because that would severely weaken the influence of Iran, Syria’s only ally in the region (Gladstone, 2012).

Feeling disappointed and embittered by the actions of China and Russia, British ambassador, Sir Mark Lyall Grant, told Council after the vote that Britain was “*appalled by the decision of Russia and China to veto this resolution aimed at ending the bloodshed in Syria*” (Gladstone, 2012). While the American ambassador Susan E. Rice, announced to Council that “*we have missed yet another critical opportunity to work together,*” and called it a “dark day” (ibid). Also disheartened by the politics going on within the Security Council, resulting to inability to pass a resolution imposing economic sanctions on Syria, the then UN envoy to Syria Mr. Kofi Annan said that he was “*disappointed that, at this critical stage, the UN Security Council could not unite and take the strong and concerted action he had urged and hoped for*” (Gladstone, 2012). The scenario that plays out in the Security Council meeting of July 19, 2012 between China, Russia and the rest of Council members is a clear indication that Council resolutions are characterized by politics and self-interest. Unfortunately, there was no such objection on Council resolution to take military action

against Libya which experienced similar violent situation or even less when compared with Syria in terms of casualties. The point I am making here is that the five permanent members of the Security Council are armed with a dangerous weapon called “veto” which they chose to use whenever it serves their interest. As long as they continue to hold and invoke their veto rights and power, Council decisions will always be subjective. To support my argument, I reiterate the assertion of John Stoessinger which reads:

When approaching security or human rights issues at the UN, inter alia, States do not jettison their usual concerns with their own particular prerogatives and aspirations for power, influence, independence, national security, and material gain. In short, they bring to the Council their national experiences and preoccupations. When the Council deals with peace and justice issues, narrow national interests are rarely absent. If we assume the United States was genuinely interested in utilizing the UNSC to stop atrocities in Syria in 2012, we should probably also assume Washington would be satisfied that the fall of the Bashar al-Assad regime would deprive Iran of a principal ally. In that same case, if we assume Russia was genuinely interested in a proper interpretation of the UN Charter, we should probably also assume Moscow would want to prevent the fall of the Assad government - its only open ally in the Arab world (Forsythe, 2012: 4).

Another example of the political and self-serving nature of the Security Council resolutions can be seen in China’s veto of a peacekeeping mission to Guatemala in 1997. China vetoed the decision for a peacekeeping mission in Guatemala purely on political grounds and self-serving agenda. According to a statement credited to the Chinese government spokesman, Shen Guofang “*China did not object in principle to the provision of UN peacekeepers to Guatemala, it was forced to use its veto powers because of Guatemala’s stance on Taiwan*” (Tyler, 1997). It is important to note that Guatemala has long recognized Taiwan and Mr. Shen added that “*it (referring to Guatemala) could not expect on the one hand to do something that harms the sovereignty and territorial integrity of China while on the other hand requesting China to cooperate in peacekeeping*” (Tyler, 1997). The most contentious issue with respect to the political and self-serving nature of UN economic

sanctions is the veto powers of the Security Council permanent members which I pointed out earlier. These veto powers arose because of the belief of the great powers that they were somehow superior to the other States and that as they would have the responsibility for enforcing the UN Charter, they should have the ultimate decision as to when intervention in a given situation should take place (Schlesinger, 2003: 55).

Concerned by the failure of the League of Nations which was to a large extent caused by lack of support from major powers, the UN was formed with a prior notion that the organization will provide an environment that will appeal and allure the support of major powers. Unlike the League of Nations, there was awareness amongst States that in order for the UN to succeed the great powers would have to remain within its framework (Claude, 1984:147). Since the main reason for establishing the UN is to avert any further World War, apparently States were ready to concede to any demand including veto power as long as it will guarantee the support of the major powers for the organization. However, the fact that the veto powers of the US and the Soviet Union paralyzed the Security Council during the Cold War called into question the practicality of the veto. And there remains concern to date that the veto is too frequently used or invoked by the Security Council for political rather than substantive reasons in situations where UN action is necessary and that its continuous use may make the UN appear incoherent or impressionable (Arias, 2003: 1012).

Furthermore, in the current geo-political situation where the permanent members of the Security Council (P-5) is no longer wholly representative of the strongest global military and economic powers, there are significant difficulties with the veto remaining in place. Firstly, it obviously gives those States more power than other Member States as they are involved in, and have the possibility of unilaterally quashing, all Council resolutions that deal with materially important issues. This has been criticized recently in light of the perceived

links between Russia and China and regimes that have been accused of distorting democratic process, sponsoring terrorism and development of weapon of mass destruction. Secondly, the veto puts permanent member of the Security Council above the law as they completely protects the P-5 from being subjected to the same rules as other Member States because each P-5 member can veto any proposed sanctions or other measures against itself (Hughes, 2007; Murphy, 2011: 28). These issues raised have subjected the P-5 and the Security Council to criticism as it is believed by critics that they are imposing their will and ideological beliefs on other States.

1.2.2.3. Media driven

The advancement in technology has changed the way people receive and analyse information. As former UN Secretary General Boutros Boutros-Ghali rightly pointed out, “*television has changed the way the world reacts to crises*” (Jakobsen, 2000: 131). In the past decades, the major sources of information were through radio broadcast or newspapers, whereas today news is available 24 hours through the internet and mostly on social media. The internet has provided the platform for citizen journalism. And thusly, social Medias are flooded with news images of events going on in different parts of the world and as a result the media has impacted on the adoption and use of economic and political sanctions. I subscribe to the opinion that increased use of sanctions instrument by the UN and perhaps other international organizations has to do with increased media attention. This is evident when we consider the case of the Federal Republic of Yugoslavia. In 1992 when the situation in Yugoslavia escalated to a crises point, the UN was already committed to its economic sanctions on Iraq, however, news report, particularly images of rape, ethnic cleansing and other atrocities being committed in Yugoslavia necessitated the UN to take action and prevent the situation from further deterioration (Devin and Dashti-Gibson, 1997: 155). As a

result of media pressure, the UN imposed economic sanctions against Yugoslavia, as an expression of concern and a desire to resolve the crisis (Murphy, 2011).

Another example to illustrate how the media has impacted on the use of sanctions (though not economic sanctions in this particular case) is the UN sanctions against Somalia. From the late 1980's until after the new millennium, Somalia and its neighbouring country Sudan were going through a similar crises situation. The crisis in Somalia caused the death of about 550,000 people while in Sudan the death was estimated at over 2 million and more than 4 million people were displaced (Deng, 2001: 13). However, in April 1992 the UN passed resolution 733 and put in place sanctions against Somalia whereas no such measure was taken against Sudan. As Paul Kennedy notes, sanctions against Somalia as opposed to Sudan is a result of varying level of information available with respect to the two cases (Kennedy, 2006: 233). In my opinion, sanctions imposed on Somalia by the UN were as a response to media outcry and not necessarily to ameliorate the situation in the country.

The examples provided above clearly demonstrate that the media has a substantial influence on the adoption of sanctions instruments by the Security Council. The looming danger however, is on media censorship. Whilst the general public rely on the media for information, it will be tragic should the media be censored to produce information that may justify the adoption and use of sanctions. As such, media censorship will misguide and influence public perception and reaction over sanctioned States. Another challenge is that the media has turned to huge business run for profit maximization and competition among media houses is very high. The quest for "breaking news" has seen media houses and journalist fabricating news stories, thereby misinforming the public. In 2004, a journalist by name Jack Kelley, who works for the *US Today* news media, was found to have fabricated substantial parts of some of his stories about the US war in Iraq (Morrison, 2004).

The media has not only impacted on the use of sanctions, but sanctions has also have impact on the media. The case of Zimbabwe is a typical example. Although the sanctions that are in place in Zimbabwe are not imposed by the Security Council, they affect the activities of news media in the country. Sanctions played a role in the outrageous level of inflation in the country, thus making newsprint and other forms of media communication very expensive. This resulted in many media houses winding up as they could not afford the cost of remaining in business. Furthermore, sanctions have almost resulted in international neglect on the affairs of Zimbabwe and by implication it provided Robert Mugabe's government an easy opportunity to silence the remaining news media that spoke out in opposition to the government.

1.3. Ambiguity in UNSC economic sanctions

The ambiguity in the resolutions of the Security Council with respect to economic sanctions has been a subject of academic debate over the years. The first UN economic sanctions put in place against Southern Rhodesia has been challenged by scholars and observers on the basis that the situation in Rhodesia did not merit Article 39. Under Article 39 of the Charter, the Security Council must determine that there is a "threat to the peace, breach of the peace, or act of aggression" before taking action under Article 41 and Article 42. The action of the Security Council became contentious, since the situation at the time in Rhodesia did not rise to the level of being a threat to international peace and security. Whilst the Security Council interpretation of the wording of the Charter is vague, the question that comes to mind is: why is there no precise definition of the terms being used in the UN Charter? According to Malcolm Shaw, the interpretation of the terms used in the UN Charter depends on each particular case and the political situation in the Security Council at that particular time (Shaw, 2008: 1237). He added that the phraseology "threat to the peace" is a

very difficult term that lacks precise definition. As it is, one can only but guess that these terms were purposely left undefined during the drafting of the UN Charter in order to provide the Security Council with flexibility in the use of Article 41 and Article 42.

Ordinarily, the situation in Rhodesia did not in any way comply with Article 39 with respect to breach of international peace and security. However, the Security Council deemed it justified to take action under Article 41 and 42. The case of Rhodesia was purely a domestic matter involving seizure of properties that was believed to be owned by the British and maintaining of racist policies by the Ian Smith led government. Although the actions of the white elite in Rhodesia contravene international law, they did not in any way constitute threat to the peace and security outside Rhodesian borders. The point being made here is corroborated by a statement credited to US Senator Harry F Byrd Jr during the hearing on the Rhodesian Chrome Statute when he queries: *Whom has Rhodesia threatened? What nation has reason to fear an assault by this small African nation?* (The Rhodesian Chrome Statute, 1972: 58). Of course the answer is explicitly clear: Rhodesia is not a threat to the international peace. Also, when the matter was raised in the Security Council, Sir Patrick Dean, representing United Kingdom had this to say “*my Government does not consider that there is any genuine question of a situation existing in Southern Rhodesia which the Security Council should deal with in discharge of its responsibility to the maintenance of international peace and security*” (UN Doc S/PV/4385).

Though the actions of the Ian Smith regime violate international law, the Charter did not permit the use of economic sanctions for an internationally wrongful act which ordinarily did not breach the peace and security. However, a breach of international law might add support to the decision to impose sanctions.

1.3.1. Counting successes and failures; argument of the sanctions advocates

Literature on economic sanctions concludes that sanctions are a weak policy instrument. Records reveal that economic sanctions imposed before and during the Cold War failed more often than they succeeded (Hufbauer, Schott, and Elliott, 1990). Against its track record of failure, proponents of sanctions uphold that they are and remain effective instrument of international diplomacy and their success and effectiveness depends on the barometer used to measure each particular sanctions episode. Furthermore, they argue that both the record and the available literature underestimate the likely effectiveness of economic sanctions particularly in post-Cold War. Available record shows that between 1914 to 1989 about 115 sanctions episodes where impose or threatened to be imposed by the United States and other international institutions (Hufbauer, Schott, and Elliott, 1990). Proponents of sanctions such as Elizabeth S. Rogers argue that the ineffectiveness or failure of sanctions were as a result of them being implemented as a partial measures that omitted important forms of punishment. For example, freezing assets, which she argues is a very strong sanctions mechanism, was rarely used. Apart from that, Rogers contend that many of the sanctions were imposed unilaterally by the United States making it easy for targets to escape their impact. In addition, these unilateral sanctions particularly the ones imposed by the United States were undertaken largely for symbolic reasons and given their unilateral and partial nature, there was little reason or expectation that they would succeed in causing the target State to change its behaviour (Rogers, 1996: 6).

Furthermore Rogers, put forward that available sanctions literature suffers from three biases that cause it to underestimate sanctions effectiveness. First is that success of sanctions are narrowly measured, using barometers that substitute successful efforts as failure. The argument being made here is that sanctions fulfill three policy objectives. First, it compels

change in behavior of target. Second, they are employed as a tool to weaken the target, thereby making it incapable of making trouble. Third, sanctions are used not necessarily as a punishment but as deterrence to a third party. Sanctions could be used as deterrence to a third party country in the sense that when they (third party country) see the consequences suffered by regimes placed under sanctions, they tend to avoid any action that will impel using such measure on them (Baldwin, 1985). A widely held opinion among proponents of sanctions is that sanctions literature adjudged it according to only the first of these objectives, behavior change. Thus, it qualifies as failures cases where sanctions successfully weakened or punished the target, and since many sanctions are undertaken largely for these purposes, it underestimates the effectiveness and success of sanctions.

Second, the focal point of the literature is on the ability of imposed sanctions to influence or compel a desired change in the target behavior, while it understudy whether the threat of sanctions can deter the target from taking a certain action. Hence, sanctions are assessed from the standpoint of achieving compellence in behaviour change without recourse to its ability to achieve deterrence. According to French (1996), part of the reason for sanctioning Haiti in 1991 and Niger in 1996 after military coups in these States were to deter other countries from taking similar action. Hence the sanctions imposed on both countries should be judged on their merit as successful.

Third, the literature base its conclusion mostly on cases in which sanctions were unilaterally or partially imposed. Therefore, it underestimates the possible effectiveness of comprehensive sanctions (Rogers, 1996: 6). Most of the US unilateral sanctions were imposed on countries that violated human rights, those working to acquire nuclear weapons and others that pledged support to groups and/or organizations branded as terrorist in nature (Nyun, 2008: 467). These three categories account for 74 percent of the forty-six US

economic sanctions imposed between 1973 and 1990 and largely account for the poor 17 percent sanctions success rate that Hufbauer, Schott and Elliott reported for the US during this period. Therefore using the failure of these unilateral or partial sanctions as a predictor of sanctions success is problematic and arguably incorrect.

Sanctions advocates also challenge the *status quo* argument, that economic sanctions do have deleterious effect on the innocent civilians in the target country, and thus violate a moral proscription on injuring political innocents (Damrosch, 1993: 274; Rogers, 1996: 15). They propose two main points to this criticism. First, they argue that whilst the humanitarian consequences on perhaps innocent civilians are a weakness to sanctions use, the cost however, should be analysed in relation to the benefits that sanctions provide. In the words of Pamela Constable, “*the value of avoiding harm to innocents is not absolute, and should give way if the benefits of sanctions are greater*” (Constable, 1992: 54). Second, they contend that no matter the extent which economic sanctions harm the civilian population of a target State, its impact cannot be compared to the use of alternative policy instrument such as military force (Rogers, 1996: 16).

Furthermore, proponents of sanctions allege that critics hold on to two main arguments. First is the case of Iraq, which is often cited as example of where sanctions could not oust Saddam Hussein from office. Secondly, is the conclusion that sanctions failed to persuade Iraq to withdraw from Kuwait during the 1990-1991 crisis. The first point according to Rogers (1996) puts sanctions above its potential standard of performance in the sense that entrenched leaders like Saddam cannot easily be removed from office by mere sanctions. Supporting her argument, Rogers pointed to the fact that while economic sanctions failed to remove Saddam, other measures such as military force did not succeed either. Summing up, she posits that the failure of sanctions to overthrow Saddam did not mean that they failed;

rather, it implies they were only partially successful in Iraq. Nevertheless, this should not recondite other success made by sanctions (Aspin, 1990: 862-863).

The second point is that sanctions failed to remove Iraq from Kuwait. Proponents of sanctions believe that this argument is weak and unfounded because the sanctions were not allowed ample time to serve its intended purpose. The forecast made by sanctions advocates during the pre-war Gulf crisis is that it will take a minimum of one year before sanctions can compel a change in the policy of Iraq (Aspin, 1990: 863) but US President George Bush opted to deploy military option within six months into the crisis. Advocates of sanctions therefore blamed the failure of sanctions in achieving its intended purpose of forcing Iraq out of Kuwait on lack of time needed for the measure to be effective.

In conclusion, sanctions advocate believes that sanctions measures are still effective and can be used for the purpose of deterring actions deemed contrary to international norm and also prevent deadly conflict. The case of Haiti (1991 to 1994) and Yugoslavia (1992 to 1995) are cited as examples that could replicate. They contend that the two cases Haiti and Yugoslavia represent comprehensive rather than unilateral and/or partial efforts to bring sanctions to success. The breadth of the tactics employed in implementing these sanctions expresses the senders' commitment and seriousness of purpose with respect to achieving intended result. In each case, there was a broad international support for the sanctions effort and all available economic sanctions measures were deployed (trade cutoffs, aid cutoffs, and financial sanctions). In addition, the sanctions were complimented with other policy instruments (for example, force or threat of force). To proponents of sanctions, these two cases represent that economic sanctions are valid and can accomplish its goals if they are implemented with total support of the sender States.

1.3.2. Employing sanctions as a tool of regime change

Records reveal that 46 percent of the sanctions imposed in the period between 1914 and 2000 were aimed at promoting democracy, thus pushing autocratic or even despotic regimes out of power (Oechslin, 2013: 2). Although we have witnessed an increase in the use of economic sanctions as a policy instrument since the Cold War, yet our knowledge about how they might foster regime change and democratization is very limited. As Mack and Khan (2000: 281) writes, there is a widely held belief that *“the pain inflicted by sanctions on citizens of target States will cause them to pressure their government into making the changes demanded by the sanctioning body.”* Nonetheless, there has remained no comprehensive research work that explains the exact channels through which sanctions are supposed to promote democratization. The lack of empirical proofs on how sanctions will directly influence democracy and improve the welfare of civilians in target States presents a huge case against sanctions imposed for regime change. I would rather say that our understanding of the mechanisms determining the likelihoods of success and failure remain incomprehensive.

When we closely analyse sanctions aimed at regime change, one particular thing that is obvious is the fact that targeted regimes make no effort at reducing the negative impact of the measure on its citizens. Rather they strengthen their resolve. In many cases, the regime responds by pursuing policies which severely compound the sanctions induced hardship on the general population (Mack and Khan, 2000: 281). As Peksen, 2009; Wood, 2008 writes, the often seen consequences of sanctions is that it triggers a targeted regime to commit more human rights violations and to increase repression. An example is UN sanctions imposed against Haiti from 1991 to 1994 and Iraq from 1990 to 2003 where the government disrupted the economic activity by aggressively cutting the supply of public services or by directly

inhibiting people from pursuing their businesses (Escriba-Folch and Wright, 2010). In the case of Iraq, Mueller and Mueller (1999: 49) write “*the country’s political leadership sometimes seems more interested in maximizing the nations suffering [...] than in relieving it.*” Apart from Iraq, a similar strategy was adopted by the Mugabe regime in Zimbabwe. After the enactment of the Zimbabwe Democracy and Economic Recovery Act (ZDERA) by the US congress in 2001, the Mugabe led regime instead responded with a “promise” to accelerate and expand the implementation of his catastrophic economic policies (The Economist, 2002).

My opinion is that in an autocratic regime where the leaders have substantial leeway to implement any policy of their choice, it is inapposite to assume that sanctions can effect regime change. The point I am making here is that when sanctions measure are put in place in such a country, the government may choose to hamper the provision of public goods and services and also the productivity of private firms, thus affecting the citizens’ income. At the heart of my argument is that sanctioned regimes may use the supply of public goods as a defense mechanism. To put this into perspective, let us consider a regime such as Iraq that was placed under sanctions. Since the intention of the sender States was to use sanctions as a tool to facilitate a change to democracy, obviously the end result will be beneficial to the ordinary citizens. Thus, the political calculation is that sanctions will stimulate previously reluctant citizens into action of revolt against the government. The problem that I see here, which is often neglected by the literature is that the ruling elite will usually adopt strategies that will discourage any challenges from the citizenry by making challenges more costly. How is this possible? According to Oechslin (2013: 4), the straightforward way to do so is to decrease the supply of public goods. When the supply of public goods is hampered, the citizens’ incomes are lower; the result will be that a given cost associated with a revolt translates into a bigger loss in terms of instantaneous utility. This strategy was successfully

utilized by the Haitian and Iraqi governments. In particular, the Saddam Hussein led government strategy to impoverish the middle class was instrumental in preventing a serious uproar and/or challenges against the regime.

My conclusion therefore is that dictators or autocratic leaders are self-interested actors who want to maximize their probability of remaining in power. The optimal response, then, to international sanctions will be repression on dissidents using all means available in the regime's arsenal. Apart from that, using sanctions as a tool of regime change may face other challenges in the sense that they may in fact leverage the leader's finances. Escribà-Folch (2009: 9) while referencing Kaempfer et al. (2004); Lektzian and Souva (2007), posits that the often neglected challenge of imposing economic sanctions on a dictator is that the scarcity, trade alteration and other imbalances resulting from sanctions generate rents for sanctioned dictators. If that is the case, sanctions would potentially improve the finances of the leaders and thus provide them with the capacity to maneuver and/or buy off political support. For example, the report by Independent Inquiry Committee (IIC) into the United Nations Oil-for-Food Programme (OFFP) reveals that within 1990 to 2003, the administration of Saddam Hussein's was able to earn over US\$11 billion from the sale of oil in the black market (BBC News, 2004). That is to say those sanctions created an opportunity for the regime to strengthen its financial hold. I am not in any way engaging sanctions to the point that they have no effect on a dictator rather my point is that their impact with respect to ousting a dictator from power may be circumstantial. As Bates (2008) notes, sanctions affect some of the major sources of revenue to a dictator such as foreign aid and tax on international trade, which in most cases are sources of funding the leaders "patronage networks." However, cancellation and/or suspension of aids to a dictator will have significant impact if only the economy is highly dependent on foreign aid. The strategies examined above have shown the weaknesses of sanctions as a tool of implementing regime change whilst it account

for the reason why sanctions may fail to remove an autocratic regime, as the ruling elite may employ starvation as a defense mechanism against the population thereby dampen any possibility of a revolt.

1.3.3. Economic Sanctions as neo-colonialism

At the end of the Gulf war, observers held high expectations for a reinvigorated Security Council and indeed the Council showed willingness to work with various partners in promoting human rights inside State boundaries. However, an undertow of concern manifested itself. Russia and China perceived Council actions, many of which were initiated by the United States and its close allies, as beneficial to Western national interests. Apart from Russia and China, developing countries were not comfortable with Western dominance of the Security Council functioning. As David Forsythe puts it:

Developing countries recalling their experiences with Western colonialism or other negative experience with Western States were not always supportive of what they sometimes saw as Western moralistic crusading [...]. They perceive Council's expansive and intrusive action as a form of neo-colonialism in which the same old Western powers sought to dictate the internal affairs of weaker States" (Forsythe, 2012: 4).

The continuous use of economic sanctions as a policy tool mostly on countries of the South is viewed by some scholars and commentators from the standpoint of neo-colonialism. In the words of Kuthula Tawanda, call it whatever you like, a process and/or measure that predicates economic control via disproportionate foreign direct investment (FDI) is tantamount to re-colonisation (The Herald, 2013). The FDI serves as a "steroid" to any economy as it provides the much needed foreign investment from multinational companies, thus it strengthens the economy by providing finances, creating jobs and development of infrastructures. When a country is denied of this vital economic tool by another, then the answer is re-colonisation (The Herald, 2013).

If we consider the on-going US targeted sanctions and EU restrictive measures on Zimbabwe, one may probably have a good example to present. Sanctions against Zimbabwe started in 2001 with the enactment of the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) by the US congress. The major reasons cited by the US and the EU for their sanctions have been an issue of controversy between the regime in Zimbabwe and the Western Countries that imposed them. However, no-matter whose reason is right or wrong the sanctions are being perceived by some commentators as neo-colonialism mostly for the discrepancies in the reasons provided by the sanctions imposing party and the tactics used in implementing the sanctions. The most inordinate part of the sanctions is their enforcement in alliance with Multilateral Financial Institutions (MFIs). These MFIs are forbidden to provide any sort of financial assistance to Zimbabwe unless permitted by the President of the United States, even when the sanctions were supposed to be targeting only a few selected individuals. Ironically, Western countries uphold that mismanagement is solely responsible for Zimbabwe's economic mess. Gregory Elich in his article: *The Battle over Zimbabwe's Future* differs in opinion when he asserts that Western economic sanctions against Zimbabwe followed well-established patterns; soften the target nation with sanctions and cripple the economy. Blame the resulting economic disaster on government "economic mismanagement" (Elich, 2007). Ironically, the claims made by Western countries is that they want democracy in Zimbabwe, turned out to be a fallacy following democratic elections held in the country on July 31, 2013, instead the claim of the regime that it is being haunted for its land reform policy seems forthright (Elich, 2007).

1.3.4. Major criticisms of UNSC Sanctions

UN economic sanctions have been criticized by scholars, analyst and even the UN leadership for a number of reasons. The major criticism came in the aftermath of

overwhelming humanitarian consequences of sanctions on Iraq. The inability of the UN to substantially mitigate civilian suffering in Iraq raised many questions, yet no plausible answer has been provided. This section of the thesis reviews some of the major criticisms of economic sanctions. Before I proceed, a statement credited to the former UN Secretary General Kofi Annan, on the situation in Iraq reads as follows:

Let me conclude by saying that the humanitarian situation in Iraq poses a serious moral dilemma for this Organization. The United Nations has always been on the side of the vulnerable and the weak, and has always sought to relieve suffering, yet here we are accused of causing suffering to an entire population. We are in danger of losing the argument, or the propaganda war - if we haven't already lost it - about who is responsible for this situation in Iraq - President Saddam Hussein or the United Nations (Gowlland-Debbas, 2001: 16).

1.3.4.1. Ethical dilemma

Economic sanctions are widely perceived to hurt the civilian population of target State while sparing the political leaders (Kondoch, 2001: 270). The inability of economic sanctions to differentiate between the leaders, common civilians and ordinary bystanders is an issue that requires consideration. This has set the motion for debate on possible ways in which humanitarian cost of economic sanctions could be resolved. In the words of a former UN Secretary-General Boutros Boutros-Ghali, sanctions are a “blunt instrument” (Wilson, 2014: 102). Apart from Boutros-Ghali, NGOs such as the International Federation of the Red Cross and Red Crescent Societies, in their 1995 *World Disaster Report* expressed concern about the humanitarian impact of sanctions and queried the morality behind the continued use of such punitive measure by the UN (Kondoch, 2001: 242). Although when sanctions are imposed, certain measures allowing humanitarian exemptions for essential needs such as food and medicine are put in place, however they do not substantially mitigate sanctions impact. As

discussed in a later part of this chapter, humanitarian exemptions, which is a term used in war situation has, a track record of being ineffective in mitigating humanitarian sufferings. Therefore, the prospect of the same measure in mitigating the humanitarian outcome of economic sanctions is in my opinion is questionable. A UN study on the impact of armed conflict on children reveals that:

Humanitarian exemptions tend to be ambiguous and are interpreted arbitrarily and inconsistently [...]. Delays, confusion and the denial of requests to import essential humanitarian goods cause resource shortages. While these effects might seem to be spread evenly across the target populations, they inevitably fall most heavily on the poor (UN Doc. A/51/306: 128).

In light of the above revelation, it becomes illogical for anyone to believe that humanitarian exemptions will fully mitigate the impact of economic sanctions on the civilian population of a target State. The reason being that in time of war military facilities are the target of the enemy combatant while in economic sanctions the economy of a State is the prime target. Since it is apparent that the economy of every State is the life-wire of its citizens, therefore sanctions measures taken against any State are a direct coercion against its citizens. Thus we can say that an economic sanction against a State is a deliberate injury inflicted on its citizens. Apart from my personal opinion, other organizations including UN agencies have voiced out their opinion on the humanitarian dilemma resulting from economic sanctions. An example is the December 1997 report of the UN Committee on Economic, Social and Cultural Rights which noted that, “*more attention needed to be paid to safeguarding the rights of the vulnerable in target countries and that sanctions might violate basic economic, social, and cultural rights*” (Bothe and Kondoch, 2001: 271). The ethical dilemma of economic sanctions as outlined brings their utility to question, however, my hope is that they will play a role in the UN modification of its sanctions in a way that curtail their impact on the civilian population.

1.3.4.2. Double standards

Another criticism of the Security Council sanctions is that they are based on biased standards. Proponents of this argument suggest that sanctions are targeting impoverished country of the South. For example, Kondocho (2001: 272) writes that all Security Council sanctions except on the former Yugoslavia are targeted at countries of the South. Kondocho's argument seems true and there are evidences to support same. One example is the case of Iraq-Kuwait War and the subsequent economic sanctions against Iraq. On August 2, 1990 Iraq invaded Kuwait on the allegation that the later was stealing its petroleum through slant drilling. Following the inversion, the Security Council imposed economic sanctions on Iraq (Browne, 2003: 3). Whilst the action of the Security Council is recommendable, no such measures were taken in other cases where a country invaded another for purpose of occupying them. The case of Israel-Palestine, Turkey-Cyprus, China-Tibet serves as stack examples.

1.3.4.3. Missing legal and constitutional concept

Positivists have expressed their concern about the compatibility of economic sanctions with the international human rights law. This concern is raised by the lack of institutional arrangements within the UN to objectively address the humanitarian impact of its sanctions effectively (Kondocho, 2001: 272-273). As the concern grows, the Russian Federation presented a working paper to Council challenging the effectiveness of economic sanctions, stressing that each particular sanctions episode must clearly define its objectives and purposes. In addition they must have a time frame and being regularly reviewed against their intended goal (UN Doc. A/AC182/L100). Apart from Russia, report of other committees and organs of the UN have challenged the utility of economic sanctions. One of such report is the "Bossuyt Report" which was prepared at the request of the UN on how to modify and

improve its sanctions policy. The report recommended six steps the Security Council should adopt to effectively evaluate each sanctions episode. According to the report, the first step is to validate the reasons provided for adopting a particular sanctions episode. This implies evaluating the stated reasons for imposing sanctions against the established international legal framework, making sure that they stand in line with the international human rights law. The second step is that sanctions must be effectively directed to parties whose actions and behaviour violate or breach international norm and not on the ordinary civilians that has nothing to do with the very actions that impelled the use of sanctions. Third, the Security Council must make sure that humanitarian goods are not object of target by sanctions. The fourth and fifth steps are that sanctions should have limited time frame for it to be effective. The sixth and final step is that the UN must take into account the opinion of NGOs, scholars, intergovernmental bodies and the general public (Bossuyt Report, 2000).

Despite suggestions by activists, scholars and UN organs on the impact of economic sanctions on civilians, particularly how they violate and/or impair the basic rights of the entire population of a targeted State, the Security Council has continually employed this violence policy tool to protect the same human rights they violate.

1.3.4.4. Lack of effectiveness

The effectiveness of sanctions has been an issue of heated debate within the academic circles in the last two decades (Hufbauer; Schott; Elliott and Oegg, 2007; Mack and Khan 2000; Elliot 1995; Pape 1997; Portela 2008). Generally, the effectiveness of sanctions is measured by their impact on the target. However, the obstacle faced in determining the success and failure of sanctions is not just the methodological challenges in measuring sanctions effectiveness, but also some debates about definitions and the right criteria to measure effectiveness (Pape 1997; Elliot 1998; Grebe, 2010:10). Overall, more attention is

given to the primary objectives of sanctions, while the secondary or undeclared objectives are often neglected, resulting in difficulty to ascertain explicit assessment of sanctions episodes.

1.4. Economic Sanctions: changing perceptions and euphemisms

Economic sanctions as a mode of coercion in international relations have been resuscitated in recent years, and this has prompted interest of scholars and analysts (Davidsson, 2002: 1). Why have such measures become so popular? One possible answer is that economic sanctions have become a means of exerting international influence by powerful States and organizations. Most importantly, economic sanctions face less resistance compared to war, from the citizens of the State or the organization imposing them (Nyun, 2008: 66). Unlike war, economic sanctions attacks the economy of a target State, while avoiding human casualties (such as death of soldiers) on the side of the State or group of States that employ such coercive measures. In other words, economic sanctions cost little to the side imposing the sanctions (Nyun, 2008: 67). Other reasons for the continuous use of economic sanctions are because it is a coercive tool for economically powerful States who themselves are immune to such measures. To back this assertion, I examine how economic sanctions have been perceived, justified or criticized. It is important that we understand how economic sanctions intend to achieve their end goals. This understanding will guide us toward a simplistic and misleading view that such measures are a humane alternative to military force. For this reason, I posit my argument on economic sanctions from the perspective of measures intended to impair economic life within a given territory, through restrictions on trade and finance.

1.4.1. Brief history of the debate on economic sanctions

Scholarly debate on economic sanctions before 1990, were centred on a few number of sanctions episodes in that period. The Arab oil boycott, the UN sanctions against Rhodesia

after the Universal Declaration of Independence (UDI), the sanctions imposed on the South African apartheid regime and trade restrictions imposed on the Socialist bloc (Conlon, 1995). In this period, economic sanctions were perceived as a soft approach in international diplomacy and received the support of pacifists. The question is why economic sanctions were acceptable in this period? Michael Reisman provides a possible answer to this question when he asserts thusly:

Economic sanctions have enjoyed great popularity among people of a pacifistic bent, because they seem to offer wholly non-violent and non-destructive ways of implementing international policy. Such assumptions are unfounded. The apparent reason for this persistent blind spot has been the incorrect assumption that only the military instrument is destructive. The assumption that non-military strategies are inherently non-destructive or nonlethal has also insulated their prospective and retrospective appraisal in terms of basic human rights instruments. The consequences of this blind spot can be very grave (Reisman, 1995: 354).

The above statement by Michael Reisman brings us back to the assertion of John Paul Lederach (2005) in his book, *The Moral Imagination: The Art and Soul of Building Peace*. As explained by Lederach, we operate a system in which violence is used to confront challenges and conflict and, as a result, any approach perceived to be less violent is accepted as a soft alternative. The acceptance of economic sanctions before 1990 was premised on the fact that it helped prevent the sudden death of civilians caused by military bombardment; however, it neglects the untold hardship and eventual death caused by the very measure. In my opinion, the successes of economic sanctions do not in any way justify the hardship and suffering that they inflict on the civilian population. What we need is an overhaul of the present global system and the adoption of our moral imagination of peace as a tool that can foster durable and transformative peace.

Authors such as Doxey, (1996); Hufbauer and Oegg, (1999) has written extensively on economic sanctions, providing analysis of their impact on ordinary citizens particularly

their impact on the vulnerable members of the society. Doxey emphasizes the theoretical aspects of the subject matter, while Hufbauer and his colleagues give incisive analysis of the 116 sanctions episodes between 1914 and 1990. Furthermore, to bring the impact of economic sanctions to the public limelight, scholarly debate was organized by university scholars in the United States, moderated by Richard B. Lillich (Davidsson, 2002: 2). Scholars who participated in the debate include, Gordon Christenson, Jane Chalmers, David Caron and Pierre M, Dupuy among others.

The essence of this debate was to provide insight into the impact and consequences of economic sanctions on civilians, within a university environment. It became imperative to convene such a debate due to the divisions in the opinions of university scholars in the United States on the use of economic sanctions. The goal of the debate was to analyse the instruments of economic sanctions and also to analyse their causes and effects. The outcome of the debate, reflected the ambivalent attitudes towards economic sanctions prompted by the Arab oil boycott, which was characterized by negative consequences (Lillich, 1976). Furthermore, it condemned economic sanctions imposed on developing countries by the United States. A unanimous decision from the debate is that economic sanctions impede economic development in target States, which are usually impoverished countries (Lillich, 1976). However, some advocates of economic sanctions still emphasize the claim that they were successful on the apartheid regime in South Africa and insist that they can also be successful in other situations. Additionally, they claim that in the absence of war, economic sanctions fulfil a gap in international relations (Davidsson, 2002: 1).

1.4.2. Economic sanctions debate in the 1930's

In the 1930's the debate on economic sanctions focuses on aggression. The resonating question at that point in time was: what can the international community do in the face of

major powers attacking other countries with the clear intent of occupying them? The First World War saw the application of sanctions against the allied countries of the continent. Following the War sanctions gained prominence, subsequently, sanctions policy and instrument became a major issue of discussion in the 1930's (Wallenstein, 2000: 1). The conclusion after the First World War was that economic sanctions put in place against Germany was successful. It was believed that German imperial armies were not militarily defeated; rather it was the citizens at home that succumbed, due to the economic pressure put on the Wilhelminian regime. Consequently, economic sanctions became acceptable as an important tool of international diplomacy in the Convent of the League of Nations (Taubenfeld, 1958; Walters, 1965). In the 1960's however, a new intensive debate emerged, resulting from the acclaimed success of sanctions in Rhodesia and South Africa. Sanctions debate in this period focus on decolonisation (Walters, 1965). The 1990's witnessed a repeated interest in sanctions debate and this time it was referred as the "new wars." This era of debate was triggered by the disastrous economic sanctions against Iraq. These three stages of sanctions debate are interesting in themselves, whilst they represent the on-going evolution of peace thinking. In addition, they create new political practices.

1.4.3. Economic sanctions debate in the 1960's to 80's

The UN economic sanctions in the 1960's to 1980's were for decolonisation purpose (Wallenstein, 2000: 3). The debate in that particular time focussed on two cases. First, it was on the UN economic sanctions against Southern Rhodesia in 1965, following the Unilateral Declaration of Independence (UDI) by the Ian Smith regime. Second, was on the UN economic sanctions against the apartheid regime in South Africa during the 1980's. These two cases were remarkable in the sense that they were adjudged to be successful by the international community and even those of the pacifist bent. Also in this period, other

countries were placed under sanctions by major powers outside the framework of the UN. For example, sanctions were put in place against Cuba and the Dominican Republic by the United States, while Albania and China were under USSR sanctions (Wallensteen, 1968: 247; Wallensteen, 2000: 2). In all the cases mentioned, none was related to territorial aggression, instead, they have to do with foreign policies pursued by these countries, how the regime treated its citizens or the threats they may have posed to neighbouring countries.

The acclaimed success of sanctions in both Rhodesia and South Africa provided a boost to economic sanctions, paving way for their acceptance as a vital tool of international diplomacy and measuring it as a humane alternative to the use of military force. Although economic sanctions were gaining wide support, the Cold War dampened the UN from imposing more sanctions. The reason being that the two world powers United States and Russia were busy luring countries to their side while at the same time offering protection to brutal regimes as long as they were ready to tow their part. The end of Cold War however, ushered in a new era that favours sanctions as an important foreign policy tool.

1.4.4. Economic sanctions debate after 1990

The collapse of the Soviet Bloc and the subsequent rise of the United States as the world super power, led to a series of changes in the international agenda. This change was reflected in the working of the United Nations Security Council and the adoption of unilateral hegemonic policies towards other States (Davidsson, 2002: 2). On August 6, 1990, the Security Council imposed stringent economic sanctions on Iraq and began what David Cortright and George A. Lopez called “The Sanctions Decade” (Cortright and Lopez, 2000). The UN Security Council, between 1990 and 2000 imposed economic sanctions on a number of countries, including Iraq, Haiti, Libya, former Yugoslavia, Sierra Leone, Angola, Cambodia and Afghanistan. Other types of non-economic sanctions, particularly arms

embargoes and diplomatic sanctions, were imposed on some other countries, including Iraq in 1990; Somalia in 1992/2002; Democratic Republic of Congo in 1993/2003; Sudan in 1994/2004; Ivory Coast in 2004; North Korea in 2006; Iran in 2006; Eritrea in 2010; and Libya in 2011. Also regional organisations, such as the Organization of American States (OAS), the European Union and the Economic Community of West African States (ECOWAS) joined the sanctions industry and have imposed their own brand of economic sanctions, independently, or in conjunction and alliance with the United Nations (Pavoni, 1999; Cortright, 2000: 171). The increase in the use of sanctions in that decade drew the attention of analysts, and it was termed a “growth industry” (Reynolds, 1997: 333). Because of wide interest in the proliferation of economic sanctions, numerous symposia and conferences were organized by university scholars and positivists in the United States to discuss economic sanctions in general in order to analyse their effectiveness, implementation, impact and legal aspects. The point of reference in most of the conferences was on the consequences of sanctions on Iraq and particularly the effects on the civilian population.

The devastating consequences of the United Nations economic sanctions against Iraq and Haiti, and also the United States economic sanctions against Panama and Cuba, undermine the much argued human nature of economic sanctions. Many peace activists who previously supported the use of economic sanctions as a humane alternative to military action realized the truth in the expression of US President Woodrow Wilson, who described sanctions as “*peaceful, silent and deadly pressure that no modern nation could resist*” (Carter, 1999: 1169). For the purpose of this thesis and in line with the analysis provided by Davidsson (2002: 4 -5), the debate on economic sanctions after 1990 is classified into four categories:

(a) Studies that view economic sanctions from the perspective of economic relations (Doxey, 1996);

(b) Studies that emphasize the effectiveness of economic sanctions in general or using specific cases. Effort is aimed at proving the efficacy of economic sanctions as a policy tool or recommend ways and strategies to increase and improve their coercive effects (Cortright and Lopez, 2000; Joyner, 1992; Conlon, 1996; Eizenstat, 1999);

(c) Studies that document the negative humanitarian impact of sanctions and in an attempt to mitigate the humanitarian impact. In this case, efforts are made to improve the effectiveness of existing humanitarian programmes and also recommendations of alternative forms of international coercive measures, such as targeted sanctions (Garfield, 1999; Gibbons, 1999; Winkler, 1999).

(d) Studies assessing the ethics and legality of economic sanctions under international law and reviewing their compatibility with human rights norms and international humanitarian law (Gordon, 1999; Rene, 1992; Koechler, 1995).

In the first edition of Margaret Doxey's (1987) book, *International Sanctions in Contemporary Perspective*, she reflects the change in scholarly perception on economic sanctions. Most of the work she listed deals with sanctions as a policy instrument or as a tool of statecraft, addressing their utility, effectiveness, implementation and enforcement in relation to the international legal order and to international relations in general. However, in Doxey's second edition of the same book, which was published after the imposition of economic sanctions against Iraq, she specifically addresses the humanitarian consequences of economic sanctions. Henceforth, there has been a shift in scholarly argument concerning economic sanctions. The emphasis has since shifted to the humanitarian consequences of

such measures on civilian populations, rather than concentrating on the reasons for which they are imposed.

1.4.5. How economic sanctions goals are achieved

Although the reasons for imposing sanctions may be legitimate, I am concerned with the mechanism used to secure compliance with these demands and also some of the linguistic devices that mask these mechanisms. The implied theory of economic sanctions is that by crippling or grinding to a halt the economy of a target State or territory, the government of that territory is prevented from providing basic needs, such as supply of essential commodities, services and employment (Davidsson, 2002: 6). In such situations, massive shortages that arise will create a crack between the government and the people that will translate into discontent and pressure on the government by the people to adhere to the demands of the sanctioning parties or resort to campaigns for regime change. In summary, this theory is predicated on using civilian pain to achieve political gain. Truly, this strategy of showing economic apathy may have worked in South Africa and gave credibility to the use of economic sanctions before 1990. However, the reality is that the situation in South Africa is unique and cannot be compared to present situations in which economic sanctions are expected to produce such positive results as it did in South Africa.

As noted earlier, Cortright and Lopez disagree with the economic sanctions theory of using civilian pain to achieve sanctions goals', arguing that there is no direct relationship by which social suffering is translated into political change (Cortright and Lopez, 1998). Despite all arguments in favour of economic sanctions, there are no plausible explanations of a distinct mechanism by which it will enforce compliance without adverse consequences on ordinary citizens. Therefore, it is disheartening that politician's loath to acknowledge that a political goal is not to be achieved by inflicting severe suffering on a civilian population.

1.4.6. The mechanisms of economic sanctions

For us to understand and effectively analyse economic sanctions, considering its complex and highly politicized nature, it is important to analyse the choice of words and terminologies often used to express and explain the subject matter. Among the tools of sanctions is the creative use of euphemisms and obfuscatory expressions (Davidsson, 2002: 5). Stanley Cohen in an attempt to analyse euphemisms used for economic sanctions asserts:

The most familiar form of reinterpretation is the use of euphemistic labels and jargon. These are everyday devices for masking, sanitizing, and conferring respectability by using palliative terms that deny or misrepresent cruelty or harm, giving them neutral or respectable status. How words insulate their users and listeners from experiencing fully the meaning of what they are doing remains the classic source on the subject (Cohen, 1996: 527).

The euphemism of economic sanctions is anchored on the fulfilment of three salient issues. Firstly, it attempts to hide the measures in which it tends to achieve its end goal. Secondly, it implies that sanctions target is wrongdoers and the “bad guys.” Thirdly, it portrays that such measures are compatible with humanitarian principles (Davidsson, 2002: 6). I argue that the choice of language used for economic sanctions are deliberate. The euphemisms seem to be carefully chosen and used to disrupt the truth and realities of sanctions and misguide the public, while at the same time present sanctions as an inevitable tool in international relations.

The euphemisms of economic sanctions sometimes proscribe guilt on the entire population, whilst the sanctioning party capitalises on the guilt posed by these euphemisms on the entire population to exonerate themselves of wrongdoing. In my opinion, this is an abuse of the interaction between States as an entity and its citizens. The priority of those who study economic sanctions should properly address the use of sanctions terminology. Hence, this thesis reviews some of the most common linguistic devices that have been used to mask

the reality of economic sanctions. By doing so, one can then explore how language and meaning are used by the powerful to marginalize, dominate and ultimately oppress others (the civilian population).

1.4.7. Understanding the real targets of economic sanctions

As the mechanism of economic sanctions intends to create popular discontent within the targeted territory, measures inevitably are directed to impair the lives of the civilian population (Davidsson, 2002: 6). It is self-evident that the real targets of economic sanctions are those who happen to live in the sanctioned territory, without distinction. This fact must be borne in mind when examining the language used to address the various aspects of economic sanctions.

Individuals and families are affected by economic sanctions in different degrees, depending on their social status. Those who suffer most from economic sanctions are the vulnerable and powerless population groups, whereas the powerful and the wealthy elites can often avoid the most adverse consequences and may, sometimes, even enrich themselves from the inevitable emergence of black markets. It is thus accurate to say that economic sanctions target a civilian population of a given territory as a whole, particularly the most vulnerable segments of society. In making this statement, I presume that those who adopt sanctions policies intend their foreseeable consequences. Several research projects on economic sanctions indicate that the measure has not achieved its goal of changing the policies of a target regime (Masaka, 2012: 57). The only way to explain the success of economic sanctions is by accessing the degree of humanitarian consequences that comes from them. Zimbabwe may be an example. The country has become the first to experience hyperinflation in the 21st century, which is significantly caused by economic sanctions imposed on it by the US and the EU. A hyperinflation occurs when inflation rates stand at or

exceed 50 percent on a monthly basis (Siklos, 2000). Obviously, the reason for imposing economic sanctions is to impair the life conditions of civilians in a target region. As noted by Hans-Peter Gasser of the International Committee of the Red Cross, “*To speak of mere ‘regrettable side-effects’ of sanctions is inadequate in view of the severe and lasting negative impact on civil society. Such negative effects on the civilian population are of course intended by those who impose economic sanctions*” (Gasser, 1996: 874).

1.4.8. A review of the euphemisms of sanctions

This part of the thesis examines some of the euphemisms of economic sanctions. The purpose is to create a common understanding of how these euphemisms influence public opinion and their perceptions of sanctions. As I noted earlier, these euphemisms are carefully chosen and use by politicians to misguide the public on the indiscriminate impact of economic sanctions.

First of all, discourse analysis examines how people relate versions of their experiences, actions and perceptions, through the languages they use to express their opinion on a certain issue of concern (Fairclough, 2001: 21). The assumption is that people draw on cultural and linguistic resources in order to construct their talk in certain ways to have certain effects. I analyse how languages are constructed to create culpability of all who happen to reside in a sanctioned territory and at the same time justify the actions of the party that imposes sanctions. In doing this, I refer to one of the social theories that expresses how identities are created between one group and another, “social identity theory” (Tajfel and Turner, 1979). The theory suggests that people organize and perceive themselves differently by categorising people into groups and then identifying with one group as opposed to another. Furthermore, it expresses that a sense of self-esteem is derived by creating a category of “we and they.” In this situation, people exaggerate the similarities between

members of their group and also exaggerate the differences between members of their group and members of other groups (Baumeister and Vohs, 2007: 494). This approach is problematic because it condemns people in other group not necessarily for their wrongdoing, but because they are not like “us” (Wetherell, 1996: 48). In this case “us” is seen to be good, innocent and always doing the right things, while “them” is seen as evil, bad and wrongdoers. A related theory is that of Baumeister (1996), myth of “pure evil,” the common way in which people construct themselves. We are good and innocent but provoked, reacting to a sadistic, evil behaviour. A common theme of these theories is the notion of “us and them” that is used many times to describe and justify an action such as economic sanctions.

1.4.8.1. Target State

In sanctions episodes, the sanctioning party is referred to as the “sender,” while the sanctioned party is addressed as the “target” (Joyner, 1992). The term “sender” refers to the individual State, the regional organisation or the international organisation imposing the sanctions. The term “target” usually refers to the State against which the sanctions are imposed. While the term “sender” serves a suitable linguistic choice for the entity or entities that impose economic sanctions, the term “target” masks the identity of the real and actual addressees. While sanctions are typically coercive, they cannot, obviously, coerce an object, let alone an abstract construct, such as a “State” or “country.” While military facilities and other material objects can be targeted for destruction in warfare, only human beings can be the targets of coercive measures, like economic sanctions (Tavernier, 1993:21).

The targets of economic sanctions are simply all those who reside within the territory of a target State or region. Another variant of the expression “target State” is “offending nation” (Sidel, 1999: 1497; Davidsson, 2002: 8). Invoking the expression target State or nation imputes collective culpability and provides indirect justification for imposing

collective injury. The rationale, justifying the concept “target State,” rests on the view of the global system as a set of interacting black boxes whose content is irrelevant (Davidsson, 2002: 8). By considering States as entities with an autonomous will and existence, rather than the mere symbolic representation of the individual human being who lives within the given area, makes it easy for politicians to continue imposing economic sanctions, with imminent humanitarian consequences that amount to crimes against humanity.

1.4.8.2. Coalescing a population with its leader

Another obfuscation used to project economic sanctions is to imply that sanctions target a particular reprehensible individual rather than an entire population (Davidsson, 2002: 9). An example is the proceeding debate in the US Congress prior to the Gulf war. During the Congress debate, Senator B. Bradley conflated Iraq with its President, Saddam Hussein when he pronounced: *“We would isolate Iraq from the international economic system, with sanctions to deny him markets for his export, oil, to freeze his foreign financial assets, and to deny him access to spare parts and supplies on which his military machine depends”* (U.S. Congress Report, 1991).

In the above statement, Senator, B. Bradley identified the entire people of Iraq with Saddam Hussein, ignoring the fact that Iraq is much more than its leader. The use of similar obfuscatory statement is evidently common in virtually all sanctions episodes.

1.4.8.3. The concept of “Collateral” effects

The expression collateral effect of economic sanctions is borrowed from the language of warfare. The expression “collateral damage” expresses the idea that civilian victims of military attacks are a regrettable but unavoidable by-product of legitimate warfare, as long as the attacks are justified by the principles of necessity and proportionality and do not

specifically target civilians (Davidsson, 2002: 9). Unlike military warfare, the weapon of economic sanctions is incapable of discriminating between combatants and civilians. It is levelled on the economy of the target State or region composed mainly by the civilian population (Tomasevski, 1997: 218). Therefore, it is inapposite to relate the term “collateral” to economic sanctions. In making this statement, I presume that the party imposing sanctions is not ignorant of the negative consequences imposed on the civilian population; rather, they gamble on the negatives of economic sanctions on the population to achieve the very goal of sanctions. Article 50 of the U.N. Charter foresees such “collateral” consequences of economic sanctions:

If preventive or enforcement measures against any State are taken by the Security Council, any other State, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems (UN Charter, 1945: 152).

The rationale behind this provision is that preventive or enforcement measures against a State, taken by the Security Council, including economic sanctions, are not intended to harm other States; however, unintended harm may ensue. The distinction made in the aforementioned provision between the target State and “other” States with regard to the right to consult the Security Council in the case of special economic problems supports the assertion that adverse consequences in “other” States are unintended, whereas adverse consequences in the target State are intended. In most situations where economic sanctions are imposed against a State, there is always an accompanying claim that insinuates that while harm to the economy is intended, no harm is intended to the vulnerable segments of that population such as children, the disabled, pregnant women, the elderly and the sick.

For clarity purposes, I challenge this impression and query that, when parents lose their job as a result of economic sanctions, their children will definitely suffer. It is impossible

to detach the intended consequences on the State from the unavoidable direct and indirect brutal impact on the population living within that geographic territory. Therefore, how do we mediate this very real tension between the vulnerable and the non-vulnerable population? In the case of Zimbabwe or any other country with strong family ties and extended family system, invariably the effects will multiply. That economic sanctions aim to cripple the economy of a target State signifies that they lack the measure and capability to differentiate between “vulnerable” and “non-vulnerable” segments of the population. Even if mitigation measures are applied, they can only marginally compensate for the indiscriminate consequences of the sanctions. As Davidsson (2002: 10) note; to the extent that mitigation measures fully compensate the adverse consequences of economic sanctions, they defeat the very purpose of the sanctions.

Furthermore, the use of the expression “vulnerable populations” is inappropriate in the particular context of economic sanctions. While this expression is relevant for emergency situations, such as natural disasters, its use within the framework of economic sanctions is questionable. By using the term “vulnerable populations,” does it imply that some people are not protected by the principles of international humanitarian law? Another important issue is how can measures that knowingly infringe upon the human rights of civilian adults, such as the right to healthcare, to work and to live in dignity, be justified on the account that the individual in question is not a member of a “vulnerable” group? Can children be spared hardship and suffering when destitution is imposed on their parents? The risk of invoking expressions such as “vulnerable populations” in the context of economic sanctions is that they legitimize measures that inflict harm on civilians deemed “non-vulnerable” by the sanctioning party, while giving an appearance of humanitarian concern.

1.4.8.4. Humanitarian exemptions

The expression “humanitarian exemption” to economic sanctions is a discretionary measure employed by the sanctioning parties to the citizens of the sanctioned State, based on humanitarian considerations. The use of this term is an acceptance that economic sanctions, if not withered by such humanitarian exemptions, would inflict unimaginable harm on the civilian population. There is, however, something disingenuous with this expression. While the immediate purpose of armed warfare is to destroy military facilities and armed forces, the immediate purpose of economic sanctions is to cripple the economy, thereby inflicting suffering and hardship on the civilian population. Obviously there is a clear difference between these two forms of injury. According to Davidsson (2002: 11), the expression “to destroy a military facility” refers to actions that only seek to prevent an enemy from using violence. The immediate purpose of economic sanctions is, however, to cripple the economy or, more precisely, to severely impair the living conditions of the civilian population. Therefore, should humanitarian exemptions reduce this suffering; automatically they undermine the crippling effects of economic sanctions (Doxey, 1996: 112). In addition, to the extent that humanitarian exemptions permit civilians to live their normal lives, such exemptions automatically undermine the sanctions. In most economic sanctions episodes, the United Nations humanitarian programme was grafted not to eliminate sufferings or normalize the living conditions of the population, but merely to prevent a further deterioration of the humanitarian situation (Davidsson, 2002: 11). The case of Iraq could be used as a classic example. In other words, the intention of sanctioning parties applying humanitarian exemption is to maintain the sanctioned population in destitution and not to get them out of starvation. I query why the market and economic structure of a State is destroyed through economic sanctions only for them to be later given food aid and other forms of humanitarian assistance and exemptions. Zimbabwe could be used as an example in this particular issue.

Prior to the year 2000, Zimbabwe was known as the breadbasket of Africa due to its high quantity of food production (World Food Programme, 2012); however, with a series of economic and political sanctions, the country has deteriorated into a state of severe economic poverty and is unable to feed its citizens. In 2011, the Zimbabwe Vulnerability Assessment Committee (ZimVAC) estimated that more than one million Zimbabweans were unable to meet their food requirements, despite being provided with food aid to mitigate food insecurity in the country (World Food Programme, 2012). This supports my argument that humanitarian exemptions are not intended to and cannot end the suffering of victims of economic sanctions.

1.4.9. Economic sanctions: theoretical considerations

Despite reasons given to justify economic sanctions, this study believes that economic sanctions are motivated by reasons other than the general perception of inducing change in the behaviour of a target. In order to explore some other motives for incessant use of sanctions against its poor performance and track record, this research will review all possible reasons and motivations for the continued use of coercive sanctions instruments. An important question to begin with is: Why economic sanctions?

Sanctions as explained earlier are actions initiated by one party (sender) against another (sanctioned) in order to compel the target to act according to the wish of the sender. Debate on sanctions revolves around main issues. Firstly, what is the possibility of sanctions to achieve the expected or intended goal? Secondly, since the sender sees sanctions as an alternative to war, what then is the possibility of sanctions achieving their objective without colossal collateral damage that is associated with war? Against the general reasons given to justify economic sanctions by sanctioning parties, this part of the research examines some

other reasons that might actually be propelling the continued adoption of sanctions instruments, against their overall poor performance.

One of the strong arguments against economic sanctions is that in many cases they are motivated by interests. For example, countries such as China and Saudi Arabia with questionable human rights records are not sanctioned due to their economic and/or political importance. However, major powers, particularly the US and the EU, often impose economic sanctions even when there is little probability of forcing a change in the target country's policies. I argue and support the notion that sanctions are formal acknowledgement of a problem, which goes nowhere in achieving its primary objectives. Instead politicians have used sanctions to appease their constituencies and remain viable in politics. This is the reason why sanctions are often employed by the US and the EU, despite daunting record that they often fail to achieve their intended objectives.

As noted earlier, there are certain objectives States seek to accomplish by imposing sanctions. They seek to achieve coercive and expressive objectives; both represent a fundamental motive and provide useful dichotomy for thinking about sanctions (Miyagawa, 1992: 89; Doxey, 1996: 54-58). The most widely viewed or conventional understanding of economic sanctions is that they are an instrument of coercive diplomacy used by one State in an attempt to influence another State to change its policy or behaviour. Going by this definition, sanctions occupy the area between diplomacy (persuasion) and force (coercion), and this middle ground is a central aspect of their appeal as a tool of liberal statecraft (Baldwin, 1985: 43). Sanctions that lean too far in the direction of force are those that are aimed to strategically weaken the target State, and thus should not be called sanctions in the classic liberal sense, but rather as a tool of economic warfare (Pape, 1997: 93; Baldwin, 1985: 36-38). Coercive sanctions inflict economic distress, hardship, frustration and uncertainties

on the State and citizens of a target State. The irony of sanctions is that even if the desired economic goals are achieved, it is still uncertain that the target State will change its policy or behaviour in the desired manner. In this regard, I argue that sanctions are imposed even though there is strong support that they will not successfully influence the apparent target. As noted earlier, evidence shows that most sanctions episode do not achieve their goals, yet the measures are often employed. Kimberly Elliott collaborated this when she asserts that sanctions are mostly employed to enhance the credibility of the sender among its allies or as a response to political pressures (Elliott, 1995: 51). I posit that it is very important that against foreign policy objectives, States should consider the short and long term consequences of economic sanctions on the population of a target State or territory.

1.4.10. Comments and opinions on the determination and use of sanctions

The UN Charter specifies that the imposition of sanctions shall be instituted after the determination of an “aggressive act” as defined in Article 39. However, the concept of determination of an aggressive act has resulted in many arguments and disagreements. Griffiths; O’Callaghan and Roach (2008: 289) note that the phrase “determination of an aggressive act” is ambiguous. The debate on determination of an aggressive act, as argued by analysts, has made it evident that sanctions are often imposed unfairly, using biased measures and standards. The whims and prerogatives of the mighty rather than clear rules of international laws are often used to determine the targets and the harshness of each particular sanctions episode.

As argued by Ambassador Joseph Legwaila of Botswana in the 1995 Council debate, “*sanctions are meant to bring about change of behaviour; they are not supposed to be punishment or retribution*” (Griffiths et al., 2008: 289) Another delegate from Malaysia in a 1997 General Assembly debate expresses that, “*we regret that sanctions have of late been*

used, or have been perceived to be used, as a tool in the furtherance of narrow national interests of some of the Council's members, to serve specific political objectives or agendas" (Griffiths et al., 2008: 316). Having explained the views and expressions of analysts and critics, I would assert that economic sanctions have failed to hit the mark for which they have been established. As such, they should be substituted with real diplomacy, where interest is not a priority in decision making.

Another problem with sanctions, particularly UN sanctions, is the level of secrecy which the sanctions committee function. Usually sanctions begin with one justification and continue with others, which might not be available knowledge to the general public. Former UN Secretary General Boutros Boutros-Ghali in his 1995 report asserts: *"the objectives have not always been clearly defined. Indeed, they may sometimes seem to change over time. This combination of imprecision and mutability makes it difficult for the Security Council to agree on when sanctions can be lifted"* (Bilgrami 2004: 235).

The above statement confirms that sanctions are motivated by political interest and guided by prerogative of the mighty. The United Nations, the European Union and other organizations imposing sanctions should provide a comprehensive account of the progress or success they achieved through sanctions on different targets at different periods of time. Also, the barometer used to determine the degree of the sanctions imposed on different cases and the strategies used to monitor these sanctions by the sanctions committee should be made public. This will give an insight into how sanctions are coordinated and also provide clear evidence to support different debates and perspectives about the functionality of sanctions. Until this is done, sanctions remain a game of superiority and a show of power by powerful States against less powerful ones.

Conclusions

In this chapter, I provide a general overview of sanctions, including the types of sanctions and the approaches used for each type of sanctions. Also, I examine how the Charter of the United Nations provides a framework that supports the use of economic sanctions. I explain the real targets of economic sanctions and most importantly, I review the euphemisms of sanctions and the role they play in masking the grave consequences of sanctions measures on the civilian population. Therefore, this thesis provides an in-depth analysis of the causes and effects of sanctions, especially on the civilians who happen to bear the most severe consequences of sanctions. This thesis admits that sanctions are a belligerent act where the sanctioning parties emasculate the sanctioned party to adhere to its dictates or be visited with actions that may lead to humanitarian suffering. I argue that the sanctioning party believes they can influence behaviour of the sanctioned party, usually a State or government, by deliberately punishing the inhabitants of the target State or territory that are mostly civilians.

While some people believe that economic sanctions are a necessary tool of international diplomacy that can be used to induce despots to change their behaviour for the better, there is a serious danger that sanctions produce exactly the opposite. The economic pressure of sanctions in most cases may lead a target regime to stiffen its resolve against the sanctioning party and also repress internal oppositions that rise against the regime. This outcome is particularly distressing if the sanctions were imposed in response to human rights violations, democracy and circumvention of international treaties, such as the case of Iran and Zimbabwe. In the wisdom of Woodrow Wilson, economic sanctions would eliminate the need for war. As he noted, *“a nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent deadly remedy and there will be no need for force”*

(Hufbauer; Schott and Kimberly 1990: 9) Contrary to the belief of Woodrow Wilson, sanctions have lost their promises as they have failed to bring about world peace. It is alarming and disheartening that economic sanctions still retain their place in the toolbox of international relations and are still believed by politicians to be somewhat less cruel than war. However, the arguments of this thesis reveal that sanctions are instruments of warfare against civilians. Therefore, it suggests that such measures should not be used anymore.

Finally, policy makers contemplating the use of economic sanctions as a response to conflict or unacceptable behaviour from a regime should seriously consider its effects on the entire civilian population. Evidence shows that not only will life become difficult for civilians inside targeted regimes, but also that sanctions reduce the probability that a regime will change its behaviour.

CHAPTER TWO: THE POSITION OF INTERNATIONAL HUMAN RIGHTS LAW AND THE ROLE OF THEORIES

Mother Theresa in her letter to the Supreme the US Supreme Court on Roe vs. Wade, note that: human rights are not a privilege conferred by government. They are every human being's entitlement by virtue of his humanity (Harees, 2012: 51)

Human rights are inscribed in the hearts of the people; they were there long before lawmakers drafted their first proclamation - Mary Robinson, Former United Nations High Commissioner for Human Rights (Ball and Gready, 2006: 92).

2.1. Introduction

The adoption of economic sanctions by the United Nations Security Council as a policy instrument for the maintenance of peace and security has remained a contentious issue. Legal positivist contend that the use of economic sanctions contradict international human rights law as the measures infringes on the human rights of civilians in target States. In addition, the impact of the UN Security Council binding resolutions with respect to economic sanctions on the civilian population clearly circumvents the primary objectives of the UN as contained in the organization's Charter. As Marco A. Velásquez Ruiz pointed out; the implementation of such measures (referring to economic sanctions) has an impact on the enjoyment of human rights, but in particular on the civilian's economic, social and cultural rights (Velásquez Ruiz, 2012). In the 2005 World Summit Outcome, under *Values and Principle*, Number 4, 9 and 12, the United Nations reaffirmed to uphold the principles of human rights. Number 9, specifically emphasized the interconnectedness of human rights, development and peace and security (General Assembly Resolution A/RES/60/1, 2005). In view of the above General Assembly resolution, it seems hypocritical for the UN to maintain economic sanctions policy, considering its impact on rights enjoyment. Such collision of interest raises a delicate question to the international system such as the UN, which is

progressively moving towards the recognition of the individual rights as the main concern of the organization and its protection the ultimate objective. As Robin Geiss writes:

At a time when the efficiency of the Security Council is no longer reduced to a minimum and the significance of human rights norms and humanitarian law principles are widely recognized at the international level, it would be anachronistic to grant unlimited power to any international organ (Geiss, 2005: 173).

With the end of the Cold War, the Security Council has imposed series of sanctions both economic and political in its effort to maintain peace and security. The dominance of the United States in world affairs combined with its controversial crusade for democracy added to the frequent use of economic sanctions as a measure to influence democratic changes in target States. The quest for global democracy is rooted on Western believe that democracy as a system of governance guarantees economic and political freedom to citizens while at the same time provide protection to their fundamental human rights (Udogu, 2014: 174). Therefore, regimes seen not to be “democratic enough” are targets of economic sanctions with the aim of forcing them to adopt democratic principles that will eventually benefit their citizens. There is a contrast in using economic sanctions to address right violations. This is because sanctions at best contribute to violation of the individual’s rights, such as right to live a dignified life. Thus, using a measure that directly violate or substantially contribute to violation of human rights for the purpose of protecting the same human rights that it violates is questionable whilst it is considered a paradox. According to August Reinisch:

Some scholars have even spoken of an human rights paradox, i.e., that since the end of the cold war the cause for human rights has increasingly become the reason for the imposition of the UN sanctions, while the United Nations in adopting such sanctions, more and more disregards these same human rights principles. The paradox continues in the sense that under sanctions, the middle class is eliminated, the poor get poorer, and the rich get richer as they take control of smuggling and the black market (Reinisch, 2001: 852).

This chapter of the thesis describes several legal issues related to the imposition of economic sanctions by the Security Council, in order to show that even if it appears that the Security Council has a wide margin of appreciation when maintaining international peace and security, there are some legal limits to its action. In addition, the chapter examines theories of international relations in order to understand how they shape relationship and interactions among States and most importantly, how they influence our approaches in handling conflicts. I do not claim that the theories reviewed are better or more appropriate than others, but rather more generally examine the defining history, characteristics and criticisms of each of the theories provided. I analyse them in a manner that provides an insight into the reasons why actions such as sanctions are used to enforce cooperation and discipline or to restore international peace and security as claimed by the United Nations and other organizations, instead of applying a moral imagination to peace (Lederach, 2005).

2.1.1. Overview of human rights

No single phrase in recent human history has been more privileged to bear the mission and burden of human destiny than the phrase “human rights” [...] the greatest gift of classical and contemporary human thought is the notion of human rights. Indeed, more than any other moral language available to us at this time in history, the language of human rights is able to expose the immorality and barbarism of the modern face of power (Mahler and Mihr, 2004: 159).

The issue of human rights has been present throughout human history. Rights have been an issue of concern in many different societies and in every civilization era. However, the modern concept of human rights gained prominence in the twentieth century following the end of World War II, particularly the heinous crimes against humanity committed during the Holocaust (Scheffer, 1998). As an effort to address the atrocities committed during the war and offer protection to civilians in the future, Member States of the United Nations gathered in 1948 and drafted the “Universal Declaration of Human Rights” (UDHR). The

UDHR however, has become the most famous, most translated, and probably most important, human rights document (OHCHR, 2010). The fundamental rights contained in the Universal Declaration of Human Rights are legally binding on every State that affirmed to the human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights. Going by the list posted on the UN website, each of the Covenants have been ratified by over 150 States. Collectively, these documents are known as the International Bill of Human Rights. Human Rights therefore, can be defined as the basic rights permitted by law which every human is entitled regardless of their sex, race or colour (The British Institute of Human Rights, 2006). They penetrate almost every part of human existence and include the rights to food, shelter, freedoms of thought religion and expression, to rights to education and good health.

A broad and more explicit definition and/or analysis of human rights was provided by the United Nations Office of the Commissioner for Human Rights and read as follows:

Human rights are inherent in all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Every individual is entitled to enjoy human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations on States to act in certain ways or to refrain from certain acts, in order to promote and protect the human rights and fundamental freedoms of individuals or groups (UNHR, 2012: 9).

Apart from the Universal Declaration of Human Rights by the United Nations, regional organizations have adopted their own regional human rights treaties such as the American Convention on Human Rights, the European Convention on Human Rights and the African Charter on Human and People's Rights. In all, these rights are underpinned by core values or principles, including fairness, respect, equality, dignity, autonomy, universality and

participation. Furthermore, human rights are said to be: indivisible; interrelated and inalienable (Koch, 2009; Dennis and Stewart, 2004: 462), which imply that the restriction of one right will have adverse impact on the other rights. To put this into perspective, if a person's right to health is restricted, invariably his/her right to life will be affected whereas enhancing the right to education through the provision of effective and quality education system may improve his/her other rights such as right to work.

2.1.1.1. Economic and social rights

Economic and social rights are concerned with “*basic human needs for food, shelter, water and for the means to provide those things for oneself*” (Amnesty International, 2012). They are “*rights to which the individual citizen is entitled, which he can exercise only in his relationship with other human beings as a member of a group and which can be made effective only if the State acts to safeguard the individual's environment*” (Ransom, 2007: 18). For the purpose of this thesis, I consider economic and social rights as an entitlement to the avoidance of severe deprivation of basic needs such as food and nutrition on a person. Therefore, they serve as “base-net” against poverty while protecting the individual person from harm. Although they do not guarantee life of affluence and luxury, nevertheless, they protect an individual against induced starvation, one which economic sanctions may cause. Obviously, what amounts to a basic need is not self-evident; however, according to Virginia Mantouvalou, they include the following entitlements: (a) right to housing; (b) right to basic nutrition, including a right to water; (c) right to basic healthcare, because ill-health can lead to severe human suffering; (d) right to education; (e) right to social security and social assistance; (f) right to work and decent working conditions (Mantouvalou, 2010: 2).

The debate on social rights has been phenomenal in the sense that some scholars' do not believe that such rights are admissible. One of such scholar is Maurice Cranston who

perceives social rights simply as an appropriation of modern communists' principles into the Universal Declaration of Human Rights (Cranston, 1964). Despite these rights being incorporated in the Universal Declaration of Human Rights they face major challenges. Among these challenges is the argument that some States do not have the resources required to guarantee such rights. However, this thesis is of the opinion that outside State borders, the principles of economic and social rights are haunted by UN economic sanctions in the sense that in many cases sanctions hamper an individual's capability to enjoy these rights. For example a person's right to food and freedom of choice of food may be hampered by food shortages resulting from sanctions (Zimbabwe could serve as example in this regard).

2.1.1.2. Civil and political rights

Political rights entail the liberty to participate directly or indirectly in the process of governing the affairs of a State and/or society in which one lives (O'Flaherty, 2012: 627). The principles of political rights presume that a State and/or society should be structured in a way that provides opportunity for eligible citizens to participate in the political process of establishing a government. In light of modern political rights, every citizen must be accorded the right and opportunity to participate in government and policy making processes directly or through democratic representatives (O'Flaherty, 2012: 627). The term "civil rights" therefore, refers to the rights enshrined in Articles 1 to 18 of the Universal Declaration of Human Rights, which are also regarded as binding treaty norms in the International Covenant on Civil and Political Rights. Civil rights serve "protective" purpose, in the sense that they were enacted to refrain governments and organizations from taken actions that will infringe and/or violate individuals freedoms whilst they ensure one's ability to participate in actions affecting the individual and his or her autonomy.

According to Edward N. Zalta, they include: right to life, right to vote and other political participation, protection of an individual from any form of discrimination on the basis of race, gender, nationality, age, physical or mental disability and what he called the primary rights (Zalta, 2012: 860). In addition, they include right to effective remedy, individuals' freedom such as freedom of speech and/or expression, freedom from torture, movement, and freedom of choice of religion and most recently though controversial is the right to sexual orientation. In order to elaborate the perspective of this thesis and engage sanctions *vis-a-vis* human rights, I provide a rundown of some of the individual's civil rights that may be affected when economic sanctions are imposed on a State or regime.

2.1.1.3. Right to life

The first and foremost among civil rights is the right to life. Because human life is seen to be sacred, thus, the right to life is *prima facie* among all other rights entitled to an individual person. This means that States and organisations are obliged to protect the right to "life" while they are prohibited from action that endangers the life of an individual. Contrarily, evidence abound that the right to life in many cases have been violated by the same organ (States) that are meant to protect and preserve it (Stein, 2004: 195). According to the international human rights mechanisms, the right to life may be violated in different ways including direct and indirect killing of a person through the use of absolute force or by taken actions that put the life of a person in danger such as deportation of a person back to a country or place undergoing violent conflict. Also the deportation of a person back to a country where he/her life is at risk because of political persecution or other reasons different than a violent conflict (Rosenblatt, 2000: 73). Furthermore, it includes the use of torture as a mechanism to extract confession or statement from an individual which may cause or contribute to the person's death. In addition "negligence," may also be considered as

violation of the right to life, if a State refuses or feel reluctant to investigate alleged violations of the right to life; while the international human rights law also place limits on the use of the death penalty (Clapham; Gaeta and Sassoli, 2015: 464-466). Finally, I argue that the use of starvation as a weapon of war or indirectly through economic coercion may cause or contribute to death of civilians and thus violate their right to life as enshrined in the UDHR.

2.1.1.4. Right to freedom from torture

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on December 10, 1984 defined torture as:

an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions (Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, art. 1, para.1).

This definition contains three cumulative elements: the intentional infliction of severe mental or physical suffering by a direct act or with acquiescence of a public official or other person acting in an official capacity. Thus the State and its apparatus are forbidden to act in any capacity that may inflict either physical or psychological pain or suffering on a person. Furthermore, the convention prohibits States from taken actions such as expelling a person to a country where he/she may be tortured or may face other forms of inhuman treatment. Most importantly, States are prohibited under the international law and human rights treaties from resorting to actions that subject a person to poverty even though there is no intention to inflict suffering. Apart from the 1984 convention against torture, article 7(2e) of the 1998 Rome

Statute of the International Criminal Court defined torture as “*the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to lawful sanctions*” (Bassiouni, 2011: 200).

The definitions provided by these two organs of the UN (the Convention against Torture and the Rome Statute of the ICC) simply imply that international human rights are not applicable in all situations and thus it places the “inalienability” of human rights that is often touted by the UN at a “cross-road.” In any case, the Convention against Torture and the Rome Statute of the ICC insinuate that any form of suffering or death resulting from sanctions such as the one witnessed in Iraq is justified on the grounds that Security Council resolutions to impose sanctions are legal. This brings us to the legality and limits of UNSC economic sanctions which will be discussed in the later part of this chapter.

2.1.1.5. Right to an effective remedy

This is a human right that sort to provide individuals with effective remedies when their human rights are violated (Kuijer, 2014: 1). The principle of the rule of law advocates and/or ensures a judicial review in cases of right violation and thus constitutes an essential aspect of democratic accountability. Under the rule of law, providing effective remedy to persons whose rights have been violated is of utmost importance, without which justice may become meaningless. According to the international human rights mechanisms- treaties and other international documents relevant to international human rights law and the protection of human rights, the right to effective remedy may be violated in a variety of ways such as; a State failing to make available adequate legal procedures and/or means of complain and receiving compensation for human rights violations: not investigating allegations of rights violation and/or not showing commitment to the investigation with respect to bringing

culprits to book (Kuijer, 2014: 2). The continuous violation of human rights through economic sanctions however, raises the following questions: Where does the right to an effective remedy come from? When can a person consider the right to an effective remedy? In the absence of an explicit legal procedure at the international level to address rights violation resulting from economic coercive measures, this thesis is compelled to review some sections of the international law that may be considered as deterrence to the use of coercive measures such as economic sanctions.

2.1.2. The right to development

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” “The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources (Article 1.1 and Article 1.2, Declaration on the Right to Development).

The right to development has been controversial over the last 30 years (Alston, 1988: 3) with some States arguing that such right cannot be part of the international human rights. Paradoxically the United States is among the vocal voices challenging the right to development, alleging that the definition of the term “development” is ambiguous (Marks, 2004: 148). From the 1970’s through the 80’s, the right to development was perceived as part of a “third generation” of human rights (Marks, 1981: 435). The first generation of human rights are those that deal with civil and political rights; the freedom from State abuse and infringement on the rights of a person. While the second generation comprises of economic, social, and cultural rights, and thus, they provide freedom to the individual from oppression and exploitation. The first and second generations of human rights were necessitated by the eighteenth and nineteenth century revolutionary struggles of Europe and North America in

advancing social justice and the twentieth-century struggles against economic oppression and exploitation (Marks, 2004: 138). Therefore, these rights aimed at providing clear obligation and duties for the individual citizens and their principal (State or employers). The third generation of rights, however, is more directly linked to a people (Marks, 2004: 138); they include development, environment, common heritage and peace. Some scholars such as Stephen Marks argue that the direct connection of the third generation of human rights to a people underscores their importance, whilst it rationalizes their universal acceptance under international law. In any case, the basis of classifying human rights into different generations is underpinned by the normative propositions that victims of repression and oppression have aspired to fair and equitable treatment for centuries. For example, liberation from slavery and colonialism were terms later reflected in the declaration of human rights; while religious, political and other forms of freedom were reflected in the civil and political rights and in the economic, social, and cultural rights.

The bedrock of the right to development was laid in the UN Charter and the Universal Declaration of Human Rights. However, its formal articulation in a form of text as human rights was in the late twentieth century, starting from the 1970's (Marks 2004: 138). Consequently, it was proclaimed a human right by the United Nations General Assembly in 1986 through the adoption of resolution U.N. Doc. A/41/925 (Manchak, 2010: 426) and were strengthened by the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights. Apart from the United Nations and its organs, the right to development has been recognised and adopted by regional organisations and treaties such as the African Charter on Human and Peoples' Rights, and the Arab Charter on Human Rights. In addition, it is recognised by the 1993 Vienna Declaration and Programme of Action, the Millennium Declaration of the United Nations and the 2007 Declaration on the Rights of Indigenous Peoples. According to Article 3 of the Declaration on the Right to

Development, “*States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.*” Thus the right to development is an inalienable human right since it is connected to peoples’ sovereignty and recognized by international law (Universal Declaration of Human Rights, G.A. Res. 217A). Since it has been recognised and protected under international law, the right to development becomes part of the International Bill of Human Rights entrenched as an international legal norm by the later (Manchak, 2010: 424).

Despite being adopted by the UN Commission on Human Rights on April 22, 1998 as part of human rights (U.N. Doc. E/CN.4/1998/177), the right to development remain insupportable by some States. If we use the time of writing this thesis as our benchmark, it means that forty-three years after it was first proposed as a human right, twenty-nine years after it was officially recognised by the United Nations General Assembly as a human right and twenty-two years after the majority of States affirmed their support to it, the right to development has received a considerable amount of acceptance mainly among legal and human rights advocates. However, there also have been sceptical views and opinion about the right. Western countries, particularly the United States, expresses frustration on the right and view it as an effort by member States of the Non-Aligned Movement (NAM) towards manoeuvring the right to development in a manner that will serve their interest, contrary to those of donor States (Marks, 2004: 135). NAM was founded in 1961 during the independence and decolonization struggles of the peoples of Africa, Asia, Latin America and other regions of the world and as of May 2012 it comprises of 120 member States. Members of the organization did not seek to formally align themselves with either the United States or the Soviet Union, but sought to remain independent or neutral during the Cold War (Marks, 2004: 138).

On the other hand, the NAM member States argue that the reason why they want the right to development to be adopted as part of human rights is because, it will compel developed States to show substantial commitment towards development cooperation with impoverished States, who happen to be their former colonies. In view of the above opinion by NAM member states, if the right to development is adopted and incorporated as part of human rights, it will play a significant role in eradicating poverty and achieving other development goals of impoverished States.

Against this argument, the UN Sub-Commission on the Promotion and Protection of Human Rights decided to implement and/or incorporate the right to development as part of international legal standards that will be binding on all States through a vote count in 2001. It also presented a guideline for the right to be implemented. While other countries voted in favour of the right to development, the US, Australia and Japan voted against it while the United Kingdom, Canada and the Republic of Korea abstained from the vote (U.N. Doc. E/CN.4/2001/167). Thus the US policy has consistently shown apathy and/or sabotage for the right to development. Nonetheless, the hostile attitude and/or position of the United States toward the right to development do not in any way excuse its legal obligations to the right (Marks, 2004: 140). Customary international law underscores that even in a situation in which a State refuses to ratify a treaty, being signatory to it alone, mandates the State to refrain from any act that may impact otherwise to the very purpose of the instrument (U.N. Doc. E/CN.4/1999/SR.59). In addition, the assumption that a treaty is not binding simply because a State choose to sabotage it by declaring non-execution or because it choose not to ratify it is not the case particularly when the issue in question is related to customary international law (Marks, 2004). A State therefore is obligated to abide by and to fulfil its responsibility towards any treaty it signed and neither the United States nor any other State is an exemption.

In our case, economic sanctions are considered an impediment to the right to development. Thus, if the right to development is considered as part of human rights, economic sanctions should then be adjudged by its detrimental impact on the achievement of this right. However, the on-going debate on whether the rights to development merited being part of human rights is marred with controversies whilst a parallel divide between US officials and those of the political South characterize opinions. According to Manchak (2010), an allegation made by impoverished countries of the political South that the idea of a New International Economic Order (NIEO) that is being projected by the United Nations is in fact favouring industrialised countries of the West, generated a reaction of hostility and/or lack of support for the right to development by some Western countries and particularly by the United States. For example, during the period of the Open-ended Working Group (OEWG) constituted by the UN Human Rights Commission during the Basel Convention to review the implementation of the right to development, a group emerged among the NAM member States calling it-self “Like-Minded Group” (Marks, 2004: 141). The group comprises of Algeria, Myanmar, Sri Lanka, Bangladesh, Nepal, Bhutan, Pakistan, China, Vietnam, Cuba, Indonesia, the Philippines, Iran, Malaysia, India, Sudan, and Egypt (Human Rights Voices, 2014). They accused Western countries of creating inequalities in international trade, sustaining differential access to technology and most importantly increasing the developing countries debt burden, which in all cases are detrimental to their right to development. In essence, there is a discourse on the right to development. However, just like economic sanctions, the discourse on the right to development is often characterized by predictable posturing of political positions rather than practical dialogue with respect to rational utility.

2.1.2.1. The US objection to the right to development

As noted earlier, the United States and some Western countries have maintained an opposing stance on the right to development. In order to explore this assertion, opinions, comments and speeches credited to some US officials and representatives will be reviewed. To start with, Michel Novak, a former US representative to the UN Human Rights Commission and author of the book: *The Spirit of Democratic Capitalism* had this to say during the 37th session of the Commission:

In 1881 [...] no one spoke of a “right to development.” But our nation had an opportunity to develop, perhaps even a responsibility to develop. Our people knew that a responsibility to develop was imposed on them by their own capabilities and blessings and by their new ideas about political economy (Marks, 2004: 144).

The above statement implies that development occurs as a result of economic liberties and/or capitalist social structure rather than a “given” right to development. In the wisdom of Novak, capitalism is the bedrock, *panacea* and engine of development and not a “given” right. Apart from Novak, other US officials and scholars have aired their view on the right to development. Among them is Philip Alston of the New York University School of Law. Alston claimed that the Ronald Reagan administration did not view the right to development in a positive light rather they perceived it thusly:

[...] as the antithesis of a large part of its foreign policy. In this view, the right to development is little more than a rhetorical exercise designed to enable the Eastern European countries to score points on disarmament and collective rights and to permit the third World to “distort” the issue of human rights by affirming the equal importance of economic, social and cultural rights with civil and political rights and by linking human rights in general to its “utopian” aspirations for a new international economic order (Marks, 2004: 146).

Also a statement credited to the US delegation, on the 59th session of the UN Commission on Human Rights held on February 10, 2003 reads:

In our estimation the right to development is not a “fundamental,” “basic,” or “essential” human right. The realization of economic, social and cultural rights is progressive and aspirational. We do not view them as entitlements that require correlated legal duties and obligations. States therefore have no obligation to provide guarantees for implementation of any purported “right to development (Marks, 2004: 147).

This thesis therefore considers the US preponderance of plundering capitalism and/or free market liberties over the human rights to development as paradoxical owing to the fact that resounding echoes of collaborative development policies and strategies, particularly in the UN millennium agenda, are dominating the twenty-first century. Instead of pledging support to the right to development, the US occasionally has accused developing countries that their intent for the right is underpinned in a pretext to violate other human rights (Marks, 2004: 147-148). The assumption made by the US is that if the right to development is not acceptable by Western industrialised countries, perhaps, impoverished States will then use that as an excuse to violate civil and political rights. Whether the US or developing countries is right or ill on their divergent stance on the right to development, the point is that US foreign policy in general seems incompatible with development in the political South. If we consider the US presumption that development occurs as a result of economic liberties then the question will be: why the US is imposing economic sanctions on almost every country of the political South, considering that the main purpose of economic sanctions is to disrupt and/or impair economic activities within a target State or region. In 1999, Someshwar Singh reported that 75 countries (developing countries) were subjected to US unilateral coercive economic sanctions (Singh, 1999). While studies on economic sanctions reveal that they impede development in target countries (Farfer, 1996; Köchler, 1997; Malloy, 2000; Hondora, 2009; Manchak, 2010) yet the US sees nothing ill in imposing such coercive measure on other countries. Thus, the continuous use of unilateral economic sanctions by the US against developing countries merely because of divergent political views is disheartening,

as they may be perceived as an attempt by the US to distort political and economic development in the target States.

2.2. Economic sanctions and human rights protection

Throughout history, sovereign States have utilized economic sanctions at different times to achieve various purposes of interest to the States that impose them. It is believed by sender States that economic sanctions are a durable alternative capable of achieving what traditional diplomacy alone could not accomplish. The use of this coercive measure was never questioned until in the latter part of the 20th century (Schefer, 2007: 11). That is to say, from the first time sanctions were imposed by the Ancient Greeks (more than three thousand years ago) until after World War II, no one challenged the utility of economic sanctions with respect to their coercive and inhumane nature. After World War II, came the formation of the United Nations and thus ushering in a new political era that favours the use of economic sanctions. In this time however, economic sanctions were imposed for the purpose of protecting human rights or at least protesting human rights abuses carried out by some regimes on their citizens. Permit me to repeat that the white racist regime in Rhodesia and the apartheid regime in South Africa spurred the interest of the United Nations to take action against human rights violation in these countries.

These two cases mentioned set the stage running politically and morally for increased use of economic sanctions as a measure that “guarantees” protection of human rights. However, the 1990’s witnessed a change in focus, the question is no longer how sanctions can help protect rights, but how can sanctions cause violations of those rights. Consequently, debate on the legality, morality and utility of economic sanctions gained wide attention. It may be of importance to note that the first challenge to the utility of economic sanctions was in the 1960’s (Schefer, 2007: 13). This challenge stemmed from the argument of

economically weak and/or impoverished States alleging that senders of economic sanctions were wealthy industrial States, who themselves do not abide by the same human rights for which they impose sanctions on weak States. This constellation spurred the adoption of two UN General Assembly Resolutions (GA Res. 2131 of December 21, 1965 and GA Res. 2625 of October 24, 1970).

The General Assembly Resolution 2131, *the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty* States as follows:

- No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are condemned.
- No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from its advantages of any kind.

While the General Assembly Resolution 2131, *the Declaration on Friendly Relations* out rightly condemned the use of economic sanctions, arguing that their uses contradicts international law principle that prohibits States from interfering in the domestic affair of one another. Resolution 2625 states:

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to seize from its advantages of any kind [...].

Despite these resolutions and the position of many economically and/or politically weak States, alleging that imposition of economic sanctions are illegal or politically

unacceptable yet the measures have remained invaluable in the view of the United States and even the UN Security Council. Instead, the Security Council often claims that part of the reason for its sanctions is to protect the human rights of citizens of target States (such as Iraq) or to say to the regime “we do not support your actions.” Thus economic sanctions are imposed in some cases on grounds of “humanitarian intervention.” Consequent upon what UN officials called “genocidal” results in Iraq in the 1990’s, sanctions literature increasingly began to take opposing stance on the use of economic sanctions either to protect or protest human rights violation. Some commentators and scholars in the field of international relations such as Hersey (2013) began to argue that the sovereign right of States to use economic sanctions has limits corresponding to those faced by sovereigns using military force on another as enshrined in the international humanitarian law.

In my view, whether economic sanctions are imposed for protecting human rights or not, the measure requires a stronger consideration of its collateral damage and/or effects. Furthermore, the international human rights law categorically states that there is no reason whatsoever to employ avoidable measures and/or actions that may cause harm to a person or the civilian population. This is because the principles of human rights protect every individual on the basis of humanity, and for that reason, no other goal can override the human rights of the individual. Yes, I agree that human rights may need to be balanced with, for instance, other important societal rights; however, there is no prior existing norm to trump core human rights.

Also, using sanctions as a tool of promoting or enhancing human rights in a target country such as Zimbabwe raises some very important questions: first, can sanctions imposed with the aim of protesting or to end human rights abuses of a particular regime be permitted on grounds of “humanitarian intervention?” Secondly, can economic sanctions be permitted

under the international humanitarian law even when they can cause as much humanitarian damage to the civilian population as warfare? The first question responds to the issue of whether it is legitimate for the international community or individual States to take actions on a regime perceived to be oppressing its citizens and/or whether everything that a government does with regard to its own citizens is strictly domestic. The principles of international law with respect to intervention, prohibits States from interfering in the domestic/internal matters of a sovereign State. Based on the position of international law, proponents of intervention (militarily or economically) often make reference to grave violations of human rights, such that happened in countries like Rwanda, Sierra Leone and Kosovo. To proponents of intervention, economic sanctions are the only readily available measure to quell or checkmate serious violations of human rights that may occur inside State borders. In as much as I agree that economic sanctions may play a role in deterring brutal regimes from human rights violations, there remain no clear mechanism for which it will perform this duty without violating some fundamental rights of the same civilian it were meant to help and thus add to their burden.

The second question raised was whether economic sanctions must be applied within the constraints of international humanitarian law. One may argue that even economic sanctions that are clearly aimed at protecting human rights or upholding international norms may be a functional equivalent of war when we consider their disastrous outcomes in Iraq and the on-going economic situation in Zimbabwe. For example, the Food and Agricultural Organization (FAO) study in Iraq reveals that sanctions were responsible for the deaths of 567,000 Iraqi “children” (Hawksley, 2009: 82) while more than a million Zimbabweans are reported to be experiencing food shortages. Thus, like war, economic sanctions must adhere to the international humanitarian law. A deep consideration of these questions brings us back

to the point made in previous chapter that what we need is a complete overhaul of our present international system which deliberately violate one right in order to uphold another.

Contrary to the opinion that economic sanctions may be imposed for the purpose of protecting and/or protesting human rights abuses, I submit that they in fact add to violation of the same rights they were meant to protect. The principle behind this argument is that economic transactions and/or trade between countries attract capital flow and thus it increases the production capacity of the economy (Callahan, 1999: 23). Consequently, more jobs are created which ultimately lead to political and social changes. Thus, an expansion of the middle class through increased job creation will obviously translate to improve social, political and economic rights of citizens (Baker, 2002: 46). Mark A. Warner supports this view, when he posits that the right way to expand the middle class is through constructive engagement (Warner, 1999: 100). In my view, rather than imposing sanctions, an increased economic and social wealth for citizens of sanctions target will result in faster improvements on human rights and related issues. As Mark B. Baker (2002) writes,

A country and its political and social climate can benefit from the influence of wealth, security and foreign values and that a restrictive or repressive State, may “evolve” into a more open, protective State cognizant of, and responsive to, its citizens’ appeals for change. This evolution would be aided by private and public appeals to the government for change (Hindeya, 2013: 119).

We may consider China as an example to expatiate this argument because the country has experienced some level of improvement as a result of increased trade and foreign investment. Although critics may say it is ill to propose business investment that will improve the economy of brutal States and/or regime, expecting that a successful economy will transform those regimes into a democracy. However, reality shows that we cannot be doing the same thing and expect a different result, coercion in many times have failed to change and/or contend brutal regimes. The truth is that if the international community and/or sanctioning

States are truly committed to helping the civilian population of target States, they would employ other measures that will stabilise the economic condition of the civilians population. This in my opinion will provide them with the courage and means to demand for change in the political landscape of their country. Anecdotal evidence also shows that higher income for citizens coupled with exposure to the international world (mainly of the middle class) will necessitate them to request for more political and social freedom and this will likely force a change in the regime behaviour rather than sanctions.

2.2.1. Limits of economic sanctions under the UN Charter

The imposition of limits and/or obligations to an entity such as the Security Council depends on its legal position under the system where it is performing its functions. First of all, the Security Council is a political organ of the UN, which was established by an international agreement with a constitutional instrument and/or document referred to as the “Charter” of the United Nations. Secondly, the Security Council is part of an organization (United Nations) that is subject of rights and obligations under international law thus; each one of these perspectives has different consequences. Going back to the first point, the International Court of Justice has firmly pointed out that “*the political character of an organ cannot release it from the observance of the treaty provisions established by the Charter when they constitute limitations on its powers or criteria for its judgment*” (ICJ Reports, 1948, par. 64). In this case, the position of the Security Council with respect to maintaining international peace and security does not give it the power to act beyond the constitutional framework of the treaty that established the UN as an organization. In addition, there is no expression whatsoever from the text and/or language of the Charter stating that the Security Council is unbound by law or can act beyond the guidelines and permission of the UN Charter (ICTY Trial Chamber, 1995: 28).

On the issue, the International Court of Justice (ICJ) has pronounced several times to support the United Nation's subjectivity. In the Reparations Advisory Opinion, it was upheld that the Security Council "*is subject to public international law because it partakes of personality under this legal system, thus the rights and duties of an entity such as the United Nations must depend upon its purposes and functions as specified or implied in its constituent documents and developed in practice*" (ICJ Reports, 1949: 179). In addition, the ICJ has also pronounced that "*International Organizations are subjects of International Law and, as such, are bound by any obligations incumbent upon them under general rules of international law; under their constitutions or under international agreements they are parties*" (Singh, 1989: 162; Ahmed and Butler, 2006: 771).

The above pronouncement made by the judicial organ of the UN is fundamental. The first is totally applicable as a limit to the Security Council actions, but it suffers deficiency in terms of specificity. Consequently, it could be interpreted and/or manoeuvred in many ways to pave way for adoption of varied measures by the Security Council, which may include imposing economic sanctions. The second pronouncement made by the same judicial organ of the UN, however, clarifies sources from which the organization (the UN) and by extension the Security Council is duty-bound under International Law. Therefore, it would be more suitable to use the provisions of the Charter as a constitutional authorization to engage more specific provisions of international law which contain relevant dispositions for the protection of the rights of civilians in the case of a humanitarian emergency, such as the one which might be prompted by economic sanctions. As Judge Alvarez rightly pointed out, "*it is necessary when interpreting the Charter to look ahead*" (Gowland-Debbas, 1994: 95).

Since the UN Charter binds the activities and/or actions of the Security Council, I consider it permissible to deduce the limit of Council action by reviewing certain sections of

the Charter. Reviewing some sections of the Charter has become apparently important since the main intention to establish limits to the action of Council is the protection of civilians, thus I present three different provisions of the Charter that contain relevant dispositions which I consider as restrictions when imposing economic sanctions:

1. The Preamble of the Charter informs that the UN goal and/or aspiration is the “faith in fundamental human rights, in the dignity and worth to human person” as well as the intention to “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.” Apart from the legal value of the Charter Preamble, it also represents a political tendency and/or the way, which the UN as an organization is conceived. Furthermore, it provides insight on the disposition of the legal provisions of the Charter.

2. Article 1(3), of the Charter on its part emphasises on a paramount aspiration of the UN in “solving international problems of an economic, social, cultural or humanitarian character, and promoting and encouraging respect for human rights.”

3. Article 55, the Achilles heel of the Security Council economic sanctions, highlights the aspirations of the UN in pursuing and/or promoting “higher standards of living,” as well as the “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction.”

Although the language used in these legal provisions are vague in the sense that they did not provide any explicitly mandate for the UN General assembly or the Security Council to observe human rights (Reinisch, 2001: 857) however, they provide a framework for actions to be taken by Council. In this situation, the question that follows is: whether such legal provisions are sufficient to limit Council’s action, and more important, to bring real protections for civilians and their fundamental rights. The challenge that I perceive in the formulation of the abovementioned rules is in their ambiguousness, which gives room for varied interpretations of their meaning and thus making it crucial to establish whether a more

concrete standards or obligations can be linked under international law. Nonetheless, since Article 1(3) and Article 55 of the Charter remain part of the UN objectives, it shows inconsistency when one of its principal organs (in this case the Security Council) resort to action(s) that breach one of its fundamental objectives (protection of human rights) in order to favour another i.e. the performance of political functions as the maintenance of international peace and security.

2.2.2. Limits of economic sanctions under international law

Currently, there is no international law or international treaty that explicitly deals with the legal limit of economic sanctions. Article 41 of the UN Charter provided for the use of sanctions by the Security Council for the purpose of maintaining international peace and security; however the Article is silent on the issue of precise duration or limitations of sanctions measure. In the absence of a clear scope in the UN Charter, particularly in Article 41 as to the “red-line” of economic sanctions with respect to their humanitarian impact, international human rights law and international humanitarian law provides limits of the permissibility of economic sanctions. According to Gasser (1993) International humanitarian law can be defined as:

Those international rules, established by treaty or custom, which are specifically intended to solve humanitarian problems directly arising from international and non-international armed conflicts and which for humanitarian reasons, limit the right of the parties to a conflict to use methods and means of warfare of their choice or protect persons and property that are or may be affected by the conflict (Gasser, 1993: 16).

Unfortunately, the international humanitarian law does not directly address the legality of economic sanctions imposed by the Security Council, but there is a general consensus among legal positivist that specific rules can be found in the four Geneva Conventions and relevant customary international law (Kondoch, 2001).

After World War II, it became apparently important to summon a convention that will produce legal instruments that addresses humanitarian issues arising from the war. Consequently, the Geneva Conventions of 1949 was convened to fill the gaps in international humanitarian law exposed by the conflict. The purpose of the instrument produced by the convention is to provide civilians with a minimum protection from the effects of armed conflict (Bothe and Kondoch, 2001: 284). The convention acknowledging that all human being are equal, however, defined certain population groups as vulnerable and specifically mentions sectors that are exempted from blockades with the intention of reducing the adverse humanitarian consequences of war.

The lack of addressing economic sanctions in the Geneva Conventions and the Additional Protocols can be explained by the fact that during the time of drafting the instrument, it was not anticipated that a non-military action and/or measure such as economic sanctions may cause thousands or even millions of civilian deaths. Nonetheless, since international law is highly adaptive and widely interpreted in a dynamic way, its enforcement may therefore be applicable to economic sanctions. The main point of my argument is that if international humanitarian law is not applicable to economic sanctions, it would otherwise be also impossible to apply them to new types of weapons (nuclear and chemical) since such weapons did not exist as of the time the instrument was drafted. As Hans-Peter Gasser argues, while the safeguards of international humanitarian law were intended primarily to protect the civilian population against the negativities of military operations during an armed conflict involving two belligerents, considerations of humanitarian policy explicitly suggest that *“they also apply to enforcement measures based on Chapter VII of the UN Charter”* (Gasser, 1996: 885). This holds true for economic sanctions adopted under Security Council resolutions. That is to say, economic sanctions should be subject of international humanitarian law considering the fact that it employs certain unacceptable mechanisms and

strategies of warfare. For example, starvation has been used as a method of warfare for centuries (Kondoch, 2001: 285). According to George, A. Mudge, starvation is “*an effect, the condition or process of perishing from insufficient food intake, a state of extreme malnutrition, which may be caused by physical inability to eat or insufficient food supplies*” (Mudge, 1969: 236)

Article 23 of Geneva Convention IV, states that there is an obligation to let “*essential foodstuff through battle lines if intended for children under fifteen and expectant mothers.*” Although the provision of Article 23 limits starvation to a certain category of people it discourages starvation as a weapon of warfare. Apart from Article 23, broad and explicit limitation on the use of starvations as weapon of warfare was provided for in Article 55 of Geneva Convention IV, which states that the occupying force to the fullest extent of the means available has a duty toward the whole civilian population, not only those expecting or children, to provide foodstuffs if it is inadequately supplied. Indeed the provisions of Article 55 makes practical sense as it would be immoral whilst unlawful to starve a population, which is already under occupied control. Also the wording of the article stresses on the duty of the occupying force to ensure adequate food supply by employing every means possible at their disposal. Furthermore, Article 54 of Additional Protocol 1 to the Geneva Conventions provides for an outright prohibition of starvation as a method of warfare or the use of any tactics that hampers the survival of civilians regardless of their motive, whether in order to starve out civilians or any other motive. Additional Protocol I has been praised by commentators for its merit in providing specifics for protecting civilians in times of war. In the words of George Aldrich, Additional Protocol I is a “*major accomplishment [...] that improves the situation of civilians dramatically*” (Aldrich, 1985: 695).

Like in time of war, economic sanctions may be imposed in such a manner that may cause the civilian population to starve. The US/EU sanctions against Zimbabwe may be true of this fact. A report by World Food Programme (WFP) on October 2012 reveals that about 1.7 million people in Zimbabwe are experiencing food shortages (WFP, 2012: 3). Although one may argue that the imminent starvation in Zimbabwe is as a result of bad policies of the government, which is partly true however the contribution of sanctions is beyond shield. Apart from Zimbabwe, the catastrophic impact of Security Council economic sanctions witnessed in Iraq adds to the list of examples. When we consider what happened in Iraq and the situation in Zimbabwe with respect to food insecurity, it becomes glaring that economic sanctions are culpable of starving a civilian population. Be it Zimbabwe or any other sanctioned country, if a significant segment of a civilian population falls below subsistence level as a result of the impact or contribution of economic sanctions, then sanctions violate the prohibition on starvation. Consequently, the international humanitarian law should be applicable to economic sanctions when necessary on humanity principle.

2.2.3. Unilateral sanctions in international law

As noted earlier, in recent years certain States have found themselves facing the specter of economic sanctions, generally because of contrasting political issues. Consequently, economic developments are hampered in target States, while the social and political well-being of its people is also affected. According to Mohamad (2013: 3), contrary to the use of sanctions, maintaining international peace, security and human dignity requires cooperation among States. Thus, the proposition that sanctions are legitimate means of achieving international peace and security is controversial.

Unilateral sanctions as a tool of statecraft are not permitted under any international law or recognized in the UN Charter. Arguably, article VII of the UN Charter may have

permitted the use of sanctions by the Security Council while maintaining the peace, however, the use of unilateral sanctions are not permitted under any international legal framework. Rather, unilateral sanctions are imposed by a State through the application of its domestic and/or national laws contrary to established principles of jurisdiction under international law (Mohamad, 2013: 4-5). According to the international law, all national and/or domestic laws are territorial in nature and as such cannot be applicable outside national territory. Hence the extraterritorial application of national legislation with respect to unilateral sanctions violates the basic principles of the UN Charter, such as the principle of State equality, respect for the dignity and of a sovereign State and the principles of non-intervention in domestic matters of a State. In addition they violate human rights of ordinary citizens by deliberately inflicting suffering on the population of a target and denying them the right to development and self-determination.

Although presently, international law lack an effective enforcement authority, however, that does not mean that a State can use its national policies and legislations against another State, particularly when such action may inflict harm or suffering on the civilian population. Considering the importance of the subject and its implications on target States, the Asian-African Legal Consultative Organization (AALCO) during the 2012 annual session, mandated its Secretariat to review the “*Impermissibility of Unilateral Sanctions and Extraterritorial Application of National Legislation on Third Parties.*” The study covers the impermissibility of unilateral sanctions under international law, including its impact on the effective functioning of economic activities, particularly the impact it has on financial institutions in the target country and its negative impact on trade and the human rights of civilians. The Secretariat report was submitted during the 2013 annual session of AALCO held in New Delhi, India. A major conclusion provided by the report was that unilateral sanctions violate the principles enshrined in the Charter of the United Nations and other

principles that are recognized through soft laws such as the 1970 right to development and Friendly Relations Declaration (Mohamad, 2013: 6). Consequently, the use of unilateral sanctions, which legally is the extraterritorial application of domestic and/or national legislation on another State, is illegal under international law. In addition the UN Charter does not permit such measure.

2.2.4. Human rights and State(s) responsibility

Human rights are the foundation of freedom, peace, development and justice- and the heart of the work of the United Nations around the world (Speech by Ban Ki Moon on December 10, 2010).

According to the international law, States have the legal obligation to respect, protect and fulfil the human rights set out by international human rights conventions they ratify. Also they are obliged to abide by and to respect the human rights declarations and other such political commitments that they affirm (Goldoni,Marco and McCorkindale, 2012: 70). Therefore, States are required to refrain from any action(s) that breach or violate the rights of a person such as right to life, freedom, good health and other rights contained in human rights declarations. Also international organisations such as the United Nations, the European Union, the African Union and other regional organizations are duty bound under international human rights law to respect and protect human rights (Goldoni,Marco and McCorkindale, 2012: 70). However, against human rights declarations, States have resort to measures that undermine the capability of a person to enjoy his/her rights. The justification often provided by States and/or the international community for employing measures that breach the rights of the individual person or his/her capability to enjoy rights are often hidden in an unproven quest to maintain international security. This type of logic raises the following questions: is security more important than human rights? Secondly, how can States or the international community refrain from taking actions and/or measures that violate human rights? As Sergio

Vieira de Mello, UN High Commissioner for Human Rights puts it: *“too many international actors today are pursuing policies based on fear, thinking they will increase security. But true security cannot be built on such a basis. True security must be based on the proven principles of human rights”* (Wolfgang, 2012: 35).

The above assertion may be true of the continuous use of economic sanctions as a policy tool by States and the Security Council. Against their poor track record in terms of achieving set goals, the Security Council and the UN as a body has been “dishing out” economic sanctions as a *panacea* for international peace and security. In a related opinion, a former UN Secretary General Kofi Annan emphasises that security, development and human rights are inseparable when he posits thusly: *“accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights [...]”* (OHCHR Report, 2005: 7; Heyns and Steffiszyn, 2006: 156). The above expression shows how important it is for the international community (the UN) as a body to refrain from any action and/or measure whatsoever that may infringe on people’s rights, be it through imposed economic sanctions or any other measures.

In addition, the UN Office of the High Commissioner for Human Rights in its 2012 *Interpretative Guide: The Corporate Responsibility to Respect Human Rights* emphasises that:

The obligation of States to respect human rights means that they must refrain from interfering with or curtailing the enjoyment of human rights. Their obligation to protect human rights requires them to protect individuals and groups against human rights abuses, including by business enterprises. Their obligation to fulfil human rights means that States must take positive action to facilitate the enjoyment of basic human rights” (UNHR Report, 2012: 11).

Also, the declaration adopted by the Vienna World Conference on Human Rights in 1993 and the subsequent United Nations resolutions passed on the occasion of the 50th

anniversary of the Universal Declaration of Human Rights in 1998 recognised human rights as universal. Judging that the mechanism through which economic sanctions function destroys economic activities in a target State, the end result obviously is that the citizens will suffer destitution and thus economic sanctions takes away their capability to enjoy rights. In my opinion, it is disheartening when we consider the startling contradiction in the number of States that have signed the Universal Declaration of Human Rights and ratified the International Covenant on Civil and Political Rights (ICCPR) and then turn around to circumvent such agreement by adopting a repressive policy tool such as economic sanctions.

Supposedly, human rights are the inherent dignity of all members of the human family as enshrined in the UN Charter, the Universal Declaration and the International Covenants of 1966, which also recognised the ideal of free human being enjoying freedom from fear and want and accorded with equal and inalienable rights. Accordingly, human rights are universal and inalienable (Dennis and Stewart, 2004: 462), which means that they apply everywhere and in all situations and cannot be taken away from the human person even with his /her consent or agreement. In the Vienna World Conference on Human Rights in 1993 the then UN Secretary-General Boutros Boutros-Ghali stated that “human rights are birth rights.” Therefore, it is mandatory on individual States and by extension the United Nations as an organization that is made up of States to implement, respect, protect and to fulfil human rights. The term “implement” implies that States and its authorities and/or apparatus must accept and respect human rights in totality. The State therefore, is duty bound to prevent violence and other human rights violations and the same duty is applicable to the international community or the United Nations.

My point here is that it is only the protection of human rights that can guarantee security; if the former (human rights) are not protected then the later (security) may be

worthless and/or inexistent. As Lloyd Axworthy, former Minister of Foreign Affairs of Canada rightly pointed out: “[Security] is, in essence, an effort to construct a global society where the safety of the individual is at the centre of the international priorities [...], where international human rights standards and the rule of law are advanced and woven into a coherent web protecting the individual [...]” (Wolfgang, 2012: 33). Thus, protection of human rights is the prime responsibility of States and the international community and as such, there will be no justification to violate human rights even on political grounds.

2.3. Theories of international relations and States interaction

Theory is an ordered set of assertions about a generic behaviour or structure assumed to hold throughout a significantly broad range of specific instances (Sutherland, 1975: 9).

Also theory could be seen as a system of constructs and variables in which the constructs are related to each other by propositions and the variables are related to each other by hypotheses (Lundberg and Young, 2005: 168).

Furthermore, theory is the critique, revision and summing up of past knowledge in the form of general propositions, the fusion of diverse views and partial knowledge's in general frameworks of explanation (Pieterse, 2001: 2).

In order to create an in-depth understanding of the topic, this part of the thesis reviews theories of international relations, which allows me to explore their relationship to sanctions. Theory as defined above is an overall perspective from which we see and interpret the world. It includes the way we look at the social world, the lexicon and syntax through which we talk about it, the nature of our conceptual scheme, the categories into which we group things and the logical relations that exist between concepts (Abend, 2008: 179). A theory explains how and why specific relationships lead to specific events. Consequently, these explanations of relationships are critical for good theory formulation. Theory offers a way of looking or a way of talking about things. For example, society can be thought of as a system or the social world that is understood as containing objects with properties and variables with values.

However, these conceptual choices are predicated upon more general epistemological and ontological views, which theorists may or may not explicitly articulate (Abend, 2008: 180). Abend's assertion implies that there is a direct relation between theory and practice and theory represents the basis or foundation of every logical and practical argument. On his part Stephen Van Evera asserts that theory is composed of "*causal law or causal hypothesis connected with an explanation of the causal law or hypothesis*" (Van Evera, 1997: 9). The definition provided by Van Evera implies that a theory should allow us to make predictions about future behaviour of the parties and/or actors involved based on an empirical explanation of how phenomena relate to each other.

With these factors in mind, I examine theories of international relations in order to understand how they shape the relationships of States and interaction, and most importantly, how they influence our approaches in handling conflict. I do not claim that the theories reviewed are better or more appropriate than others, but rather more generally examine the defining history, characteristics and criticisms of each of the theories provided. I analyse them in a manner that gives insight into the reasons why actions such as sanctions are used to enforce cooperation, discipline or to restore international peace and security as claimed by the United Nations and other organizations, instead of applying a moral imagination to peace (Lederach, 2005).

2.3.1. Realism theory

Realism is an international relations theory that emerged gradually through the work of different authors with a distinctive but still diverse style or tradition of analysis. Realism as a literary movement was first introduced in the mid-nineteenth century France and quickly spread to England, Russia, and the United States (Habib, 2013: 8). In France, the major realist writers include Honore de Balzac, Gustave Flaubert, Emile Zola and Guy de Maupassant,

among others. In Russia, the major realist writers were Ivan Turgenev, Fyodor Dostoevsky and Leo Tolstoy. In England, the foremost realist authors were Charles Dickens, George Eliot and Anthony Trollope. In the United States, William Dean Howells was the foremost realist writer (Habib, 2013: 8). However, Hans J. Morgenthau is recognized as the founder of post-World War II realist theory in international relations (Kaufman, 2006: 24). First, the theory assumes that nation-States are unitary, geographically based actors in an anarchic international system with no authority from above, capable of regulating interactions among themselves due to the fact that no true authoritative world government exists. Secondly, it considers sovereign States are the primary actors in international affairs. Thus, States, as the highest order in international relations and affairs are in competition with one another and act as rational autonomous actors in pursuit of their own self-interests with a primary goal to maintain and ensure their own security (Ayanna, 2012: 17). Realism is not defined using explicit assumptions and propositions; rather as cited by different scholars, it is a general orientation. According to Gilpin (1981: 304), it is a philosophical disposition. Ferguson and Mansbach (1988: 79) see it as a set of normative emphasis that shapes theory. Garnett (1984: 110) explains that it is an attitude of the mind with distinctive and recognizable flavour. Other authors such as Rosenthal (1991: 7) refer to it as a loose framework, while Elman (1996: 26) addresses it as a “big tent,” with room for a number of different theories. Though realist scholars differ in their opinions about the theory, all realists give primary emphasis to egoistic passions and the unavoidable presence of evil in all political relations (Morgenthau, 1946: 203). According to Niebuhr (2002), because these passions are ineradicable, conflicts are inevitable. In a simple analysis, it means that differences in opinion, selfish interest and conflict are inherent in political relations and actions. Furthermore, Carr (1946: 231) asserts that it is illusionary to imagine a hypothetical world in which men no longer organize themselves in groups for the purposes of conflict. This statement rings true when we look into

the situations we have today with many international organizations such as NATO and the UN Security Council formed for the purpose of defence, either militarily or diplomatically. Despite all disparities in the opinions of realist scholars, they unanimously agree and propose that egoistic passions are an inevitable and inherent part of human nature. They argue that these passions define the central problem of politics. Furthermore, they emphasize that statesmanship and international relations are dominated by the need to control this side of human nature (Donnelly, 2000: 10).

Realists also stress that international relations are characterized by anarchy and thus the law of the jungle must prevail in the absence of a world government (Schuman 1941: 9). According to some realists, the difference between civilization and barbarism is just a revelation of the inherent feature in human nature (egoism passion) that plays out under different conditions (Butterfield, 1949: 31; Schuman, 1941: 9; Spykman 1942: 141). They further argue that within the State, government and the law usually tame human nature, while in international relations, due to the absence of a world government, anarchy allows and encourages the worst aspects of human nature to prevail. As noted by Schwarzenberger (1951: 147), the interaction between egoism and anarchy makes power the overriding goal in international relations; this informs why power and security is primary in all international political relations and actions (Gilpin 1981: 305). Also, Jack Donnelly explains that nations are characterized by force and recurrent use of it; thus, “security” appears somewhat less dangerous and less violent than a safe and peaceful world (Donnelly, 2000: 10). Having pointed out that there are divergent opinions and perceptions within realist scholars, I will explain some of the classifications of realist and their perceptions as noted by Jack Donnelly (2000: 11-13).

Structural realists are a group that perceives international relations as being dominated by anarchy. One such realist is John Herz, who argues that international anarchy is the central reason for the struggle for power even in the absence of aggressiveness (Herz, 1976: 10). Structural realists believe that human nature has little or nothing to do with State(s) lust for power; rather it is the structure of the international system that necessitates States “scramble” for power. They contend that the world system exists without superior authority that can control the excesses of world powers thereby making it ever-more important for States to amass power and increase their self defense capabilities in the event of an attack or external aggression. In addition, this group of realists takes little or no cognisance of cultural diversities as well as differences in regime type, mainly because they believe that the international system offers the same basic incentives for all great powers. In any case, whether a regime is democratic, autocratic or even despotic is irrelevant, when it comes to how they act or react towards other States (Mearsheimer, 2006: 72).

However, structural realists are divided into two categories with contrasting assumptions: defensive realists and offensive realists (Millier 1996; Frankel 1996; Brooks 1997; Lobell, 2000; James, 2002; Walt 2002; Schweller, 2003 and Nexon 2009). Defensive realists such as Kenneth Waltz (1979) contend that it is unnecessary for a State to amass power because such attempt will result to punishment. The world system will punish any State for attempting to expand its power and domination over others. Thus, the hegemonic tendencies of States are deterred by a consequent punishment. While offensive realists like John Mearsheimer share opposing view when they asserts that it is in the interest of State(s) to acquire as much power as possible. The underlying argument being that a State is invulnerable by increasing its power and/or self defense capabilities. For structural realists, power is a means to an end and the ultimate end is survival (Mearsheimer, 2006: 72). That is

to say that the survival of a State depends on its material capabilities and the balance of power is a function of States expanding their military arsenals and capabilities.

Another category of realist is the biological realists. This brand of realist lays emphasises on human nature. An example of such a realist is Hans Morgenthau, who argues that social forces are the end product of human nature in action. He states, "*The social world is a projection of human nature on the collective plan, and political problems are projections of human nature into the society*" (Donnelly, 2000: 11). Realists such as Morgenthau believe that even in the absence of conflict, pride, lust and quest for domination, eventually the nature of man will ignite conflict and war of all against all. They believe that war and conflict are rooted in human nature; the ultimate sources of social conflict and injustices are found in the ignorance and selfishness of men (Donnelly, 2000: 11). Also biological realists propose that the essential nature of man/woman may not be altered. They contend that in general, human behaviour can be improved with the establishment of authority and order, which reduces wrong behaviours and makes human nature better so to speak (Butterfield, 1960: 25).

Strong realists are a category of realist that believes completely in realism as the positive theory of international politics or statesmanship. Because of their belief, they find it difficult or irrelevant to accommodate the opinions of others, particularly those opinions that contrast greatly to realist concerns (Donnelly, 2000: 12). They perceive realism theory as the end to the definition of international relations and politics.

Hedged realists are comprised of a group of realist scholars who agree to the realist definition of international politics, characterized by anarchy and egoism. However, they have varying opinions about the issue of power politics. For example, E.H. Carr argues that we cannot ultimately find a resting place in pure realism (Donnelly, 2000: 18). Similarly, John Herz explains that the human cause will be lost if the liberal ideal is forgotten (ibid). This

implies that realism is not a *panacea* and/ or final arbiter in defining international relations. This group of realists believes that there is room and need to accommodate other views and theories about international relations.

Overall, realism theory has been challenged by scholars such as Kaufman (2006: 14), due to its emphasis on power and interest and scepticism over moral concerns in international relations. Also, the generalization by realists that “men/women are inherently bad” has been criticised. Critics argue that by perceiving man/women essentially as evil, individualistic, greedy and what Hans Morgenthau calls *animus dominandi* (Morgenthau 1965: 192); the human “lust” of power presents a huge challenge for human coexistence with one another. They contend that by insinuating that man/women are born with inherent quest for power and to enjoy the gains thereof, realism inevitably bring men and women into a perpetual conflict with each other. For example Professor Timothy Lim, of California State University argues that realism perception of international relations as “dog-eat-dog,” one in which the “biggest, baddest” dogs survive and prosper while others are subjugated is problematic and should be reconsidered. Another criticism or deficiency of realism is that the theory presents challenges in transforming conflicts by alluding that man is power craving in nature “*animus dominandi*,” a position that underscores a self-arm and/or defense ideology with a reactionary retaliation intent arising from irrational apprehension of being made subservient by others (Kaufman, 2006). In this case, realism is perceived as a theory based on paranoia and fear. The ever growing military industrial complex and the quest to develop nuclear weapons and weapons of mass destruction may be attributed to realist prepositions. Regimes arming themselves in an attempt to reassure that the worst will not come to them.

Another issue with realism theory is that it assumes that all international relations are conflictual and war remains the only part to resolve international conflicts. It advocates and/

or expresses nationalism whilst it displays tendencies that are interlinked with protectionism and expansionism. That is to say, States are selfish and always sort to protect their interest through dominance of other States: whereas dominance entails hostile take-overs (militarily or economically) and thus linking it with expansionism (Kaufman, 2006: 22-23). In my opinion, it is a bogus claim and also problematic to generalise that all human beings are inherently bad. The problem with such a claim is that it impedes hope for conflict transformation and also the possibility of a peaceful cooperation and coexistence.

2.3.2. Liberalism theory

Liberalism is a paradigm predicated on the hope that the application of reason and universal ethics to international relations can lead to a more orderly, just, and cooperative world, and that international anarchy (lack of a hierarchical authoritative world government) and war can be policed by institutional reforms that empower international organizations and laws (Kegley and Wittkopf, 2006: 28).

Liberalism is a set of normative or moral claims about the importance of individual rights and freedoms (Elias and Sutch, 2007: 65). Hoffman defines it as “*the protection of individual freedom, the reduction of State power and the conviction that power is legitimate only if it is based on consent and respects basic freedoms*” (Paris, 1997: 59). Also, Ray and Kaarbo define liberalism as “*a theoretical perspective emphasizing interdependence between States and sub-State actors as the key characteristic of the international system*” (Ray and Kaarbo, 2006: 7).

Liberalism is concerned with the proper limits to the exercise of political power and about the scope of just political actions. Issues such as individual freedom, political participation, private property and equality of opportunity are key tenets of the theory (Ray and Kaarbo, 2006: 8). Liberals believe in the principle and importance of the freedom of the individual, the right to be treated and a duty to treat others as ethical subjects and not as

objects or means only (Badie, Schlosser and Morlino, 2011: 1434). It is characterized by a shared commitment to four essential institutions. First, citizens possess juridical equality and other fundamental civic rights such as freedom of religion and the press. Second, the sovereignty of the State is based on its representative legislatures, which derive their authority from the consent of the electorate and exercise their representative authority free from restrictions, other than the requirement that basic civil rights be preserved. Third, the economy rests on the recognition of the rights of private property, including the ownership of means of production. Justification of property ownership as implied here are through individual purchases, social agreement or social utility (Badie, Schlosser and Morlino, 2011: 1436-1438). Thus, it excludes State socialism or State capitalism but accepts market socialism and a mixed economy. Fourth, market forces are the determinants of economic decisions, both domestically and internationally, and they must be free from bureaucratic control.

Furthermore, liberalism theory emphasizes the problem of war and peace with the goal of implementing sufficient reforms to end war and create a democratic world peace (Paris, 1997). It proposes that the continuous changing and evolving world necessitates that individuals, intellectuals and State actors globally adjust to the challenges brought by the metamorphosis in world events in order to make it a better place. Most recent argument, as controversial as it may sound, is the concept of democratic peace; liberals claim that real democracies do not go to war or fight one another (Paris, 1997: 30). Liberalism assumes that wars are a product of misery, poverty and inequality that result from inadequate institution or misunderstandings; it can be prevented by creating better institutions (collective security) and by eliminating the possibility of misunderstanding through education and discussion (Kegley, 1995). Liberal approaches believe that man/woman is tied to fellow man/woman on the basis of common humanity principles. Therefore, the limits imposed by State boundaries are

artificial. These ideas lead to actions such as the pursuit and protection of human rights across State boundaries. Unlike the realist perception that States are the only important actor in the world system, liberalism emphasizes the embeddedness of States and the interconnectivity of State and non State actors.

As noted by Stephen Walt (1998), liberalism is built on three structural premises. One strand of liberal thought argues that economic interdependence would discourage States from using force against each other because warfare would threaten each side's development and prosperity. A second strand, often associated with President Woodrow Wilson, believes that the spread of democracy is the key to world peace, based on the claim that democratic States are inherently more peaceful than authoritarian States. A third and more recent proposition of the theory is that international institutions such as the International Energy Agency (IEA) and the International Monetary Fund (IMF) could help overcome selfish State behaviour, mainly by encouraging States to forego immediate gains for the greater benefits of enduring cooperation (Walt, 1998: 29).

However, liberalism theory has also been criticised. One of the criticisms is that it does not provide a necessary connection between the process of economic growth and political development (Nel and McGowan, 2002). According to Nel and McGowan, the liberal assumption that the acceptance of a democratic system of governance will guarantee peace and development is incorrect. Their conclusion is based on the argument that adopting democracy by a State does not certainly lead to development? Another criticism of the theory is that it ignores the differences in relative gains and the distribution of wealth generated by the market system (Nicolacopoulos, 2008: 39). In any case, critics argue that liberalism perceives market systems with a unipolar lens, which projects free markets as a means of creating wealth. Critics believe that this assumption is disingenuous because it neglects the

asymmetry in international trade, which remains a problem in the international system. Also, another issue is the notion of collective security. As Hagar Taha argues, collective security led to the inactions of the international community in situations that demand humanitarian intervention, such as in Rwanda and Somalia, where the intervention came too late as a result of delays in passing a UN resolution (Hagar, 2011).

In response to this analysis, I agree with some of the proposals of liberalism, such as a free market system. However, I believe such a system will only produce wealth and distribute it more evenly if the system is reformed in a way to create a balance of trade. The concept of a balance of trade is the difference between the monetary value of exports and imports of a specific country's economic output over a certain period of time (Hinkelman, 2005: 21). If a balance of trade is achieved in global market systems, it will relatively improve the economies of individual States by providing stability to their economy and value for their currency. Nevertheless, I disagree with the issue of collective security. Collective security, which the United Nations promotes, does not guarantee peace and security; rather, it gives advantages to the perpetrators of crimes as a result of delays and disagreements in the UN resolutions (examples are Rwanda, Bosnia and Syria).

2.3.3. Institutionalism theory

Institutions are social structures that have attained a high degree of resilience and composed of cultural-cognitive, normative, and regulative elements that, together with associated activities and resources, provide stability and meaning to social life. Institutions are transmitted by various types of carriers, including symbolic systems, relational systems, routines, and artifacts. Institutions operate at different levels of jurisdiction, from the world system to localized interpersonal relationships. Institutions by definition connote stability but are subject to change processes, both incremental and discontinuous (Scott, 2001: 49).

Andrew Hoffman expands this definition of an institution when he asserts that institutions are common rules, norms and beliefs that describe reality for the organization, explaining what is and is not, what can be acted upon and what cannot (Hoffman, 1999: 351). Jepperson (1991: 145) also defines the concept as performance scripts that provide stable designs for chronically repeated activity sequences. An important characteristic of organizations is that the environments in which they exist influence them. For this reason, institutions construct their actions in a way that fits their environment. Institutions do this, in order to establish a platform for acceptance and legitimacy (Scott, 1995:132).

Furthermore, Scott (2004: 408) explains that institutionalism is a selection process in which an institution selects among alternatives the best practices and behaviours that will enable it to achieve its objectives and at the same time be acceptable within the environment or framework in which it operates. The theory examines systems ranging from micro interpersonal interactions to macro global frameworks. Also, it deals with resilient aspects of social structure and examines the processes by which structures, including schemes, rules, norms and routines become established as authoritative guidelines for social behaviour (Scott, 2004: 450). Furthermore, it evaluates how these elements are created, diffused, adopted, and adapted over a period of time and how they fall into decline and disuse (ibid). It emphasizes that in order to survive, institutions must conform to the rules and belief systems prevailing in their environment. Additionally, it posits that through the adoption of institutional isomorphism, both structural and procedural, organisations earn legitimacy (DiMaggio and Powell, 1983; Meyer and Rowan, 1977; Dacin, 1997; Deephouse, 1996 and Suchman, 1995).

If we relate this theory to organizations such as the UN and the EU, we can develop a direct relation between these organizations and the premise of this theory. For example, the institutionalisation of sanctions within the UN, the EU and other international organizations,

without recourse to cost and effect of such action, brings us to the negative realities of institutionalism. For example, sanctions were initiated at one point, have been adopted over time and thus have become a norm and regular instrument of international politics.

I argue that institutionalism may be well intended, for example, to create synergy and oneness and to encourage unity and cooperation. However, as realists argue, the quest for control that results from egoistic characteristic of man/woman makes institutionalism a platform for exercising power and interests. One example is the “unpleasant” use of economic sanctions by institutions such as the UN, the EU and other regional organizations. Such displays of power demonstrate that institutionalism serves powerful States. To buttress this argument, I use the United Nations Security Council and the EU parliament as an example. The permanent members of the UN enjoy privileges that other members of the UN do not. Such privileges, like Veto power, have enabled the Security Council to take coercive actions, like economic sanctions against other States without minding the humanitarian consequences. Apart from the United Nations, the EU is also an institution in which the rich and powerful countries “call the shots.” The structure of the EU is such that a country with a huge population has more representatives in the EU parliament. This structure has made it possible for countries like Germany and France to exert powers over decisions and policies of the EU. Institutionalism provides a platform that enables powerful countries to take advantage of other States. In any case, decisions made by institutions are influenced to favour the will and wishes of powerful States within the institution. The increase in the use of economic sanctions when considering its poor record and humanitarian consequences shows that this coercive instrument is employed to serve the interest of powerful States within the institutions that happen to influence the decisions and policies of the institution through their position and privileges.

2.3.4. Hegemonic stability theory

Hegemonic stability theory draws on realist, liberal and historical structuralism perspectives, which are concerned with the role of a hegemonic or superior power in global politics (Bozdaglioglu, 2009). The basic claim of this theory is that the global political and economic system is most stable when it is under the control of a single State, the hegemon. As Robert Gilpin asserts, hegemony involves one State achieving pre-eminence over other States in the system (Gilpin, 1981: 28). Thus, the hegemon uses its power to advance trade and/or economic freedom and a stable international monetary system that serves its own political and economic interests through the incorporation of other States. In doing this, the hegemon may coerce reluctant States into obeying the rules of a liberal international economic order. According to Joshua Goldstein, hegemonic power is one which is powerful enough to effectively control all important international rules, agreements, and institutions, through a mixture of diplomacy, persuasion, military and economic coercion (Goldstein, 2005: 83). Conversely, the absence of a hegemon is associated with disorder in the world system and undesirable outcomes for individual States. By implication, this theory believes that a State powerful enough to impose its will upon the rest of the world will establish a system of rules and norms that contributes to global stability. In his book, *The World in Depression*, Charles Kindleberger (1986) supports this theory. He argues that the economic difficulties of the 1920's and 1930's were a result of the collapse of world leadership. In addition he posits that a hegemon advances liberal international economy for cosmopolitan economic reasons. Thus, Kindleberger suggestion is that the idea of hegemonic power is primarily rooted in economic interest of the hegemon and the world at large. In contrast to Kindleberger's assumption, another group of political scientist such as Robert Gilpin argues that the interest of a hegemon is not only economic but also political (Gilpin, 2002: 166). Despite these differences between Kindleberger's liberal version of the theory and the

political scientist version, both versions state that the establishment of international and/or collective free trade and monetary stability requires a dominant power with certain characteristics.

The main characteristics of the theory are that the hegemon must have the will to establish a hegemonic regime, possess the capability to lead and have the capacity to enforce the rules of the system. Also, the hegemon must have the ability to forge new international laws and organizations to support this regime and possess a powerful military (Gilpin, 2002: 164). According to Richard Rosecrance, “*States can only cooperate economically with one another when a hegemonic power holds the ring economically or militarily*” (Rosecrance, 1986: 55). Additionally, Charles Kindleberger states, “*for the world to be stabilized there must be a stabilizer*” (Kindleberger, 1973: 305). In this case, the function of a stabilizer has to be fulfilled by the hegemon, who is the dominant power in the world system. The theory claims that an assertive hegemon can act as a stabilizing force in the international system. However, there is an important question regarding the morality of hegemony itself. Can a hegemon exercise a moral imagination of peace instead of violence, considering that the theory advocates for a hegemon to amass military weapons? Some realists have attempted to relate hegemony stability theory to realism theory. One of the scholars, John J. Mearsheimer, in his book, *The Tragedy of Great Power Politics*, outlines how the anarchic system to which neorealists subscribe, creates power hungry States who will all attempt to install themselves as regional and global hegemons (Mearsheimer, 2001).

Regarding the topic of this thesis, I underscore the fact that the multitude of sanctions episodes imposed against other States by the United States is directly connected to the impact of hegemony discussed above. According to Bruce Moon (2005), the US acted as predicted by hegemonic stability theory by promoting the institutions that integrated national

economies after World War II. In any case, the United States is a hegemon (Hudson, 1996; Gilpin, 2002; Kaplan, 2008 and Hoffman, 2009) in our present world. However, contrary to the premise of the theory that having a hegemon will guarantee peace and stability, it is evident that US hegemony has not fostered durable peace or stability in the world. Instead, what we are experiencing is what Hubbard (2010) and Layne (2012) refer to respectively as imperial peace and Pax Americana. These types of peace are being enforced by the United States through the use of economic sanctions and military apparatus. Generally, people accept the present “peace situation” in the world not by their personal resolve but out of fear of repression.

Obviously, economic sanctions fit the machinery of a hegemon. I do not pretend that only a hegemon employs the instruments of economic sanctions; however, I do contend that economic sanctions are one of the strategies a hegemon such as the United States employs to assert its power on other States. Research by Doxey (1996) reveals that sanctions are not achieving their goals and objectives, and yet the use of such coercive instrument is unabated. One explanation to the US sanctions on Zimbabwe through the enactment of the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) in 2001 could be seen as a way the United States exerts its power and control over other States. This is in line with the premise of Hegemony Stability Theory. One of the proposals of the theory is that a hegemon should have power and control over the world economy. This would explain the reason why the United States has imposed more economic sanctions on other States than any other country in the world. The reason for employing such measure is to assert influence, power and control over the political and economic affairs of other States. Finally, I submit that economic sanctions are a coercive instrument that reinforces hegemonic power without considering the humanitarian impact.

2.3.5. Balance of power theory

This is an international relations theory that has proved difficult to define in simple terms, thereby raising disagreements and debate among scholars. According to Inis, L. Claude (1989: 13), *“the trouble with the balance of power is not that it has no meaning but that it has too many meanings.”* Also, Christoph Rohde asserts, *“the concept seems to be so elusive and contradictory that it cannot be proven or disproven”* (Rohde, 2004: 1). First and foremost, I emphasize that power means different things to different people. For some people, power translates to the application of military force, but it can also refer to economic superiority or diplomatic persuasion to bring about an outcome desired by a specific nation or group of nations. For others, power is not a specific thing or activity, but the ability of a given political entity to impose its will on another despite the resistance of the latter. Others tend to consider power as a more diffuse concept, whereby a given nation merely influences the behaviour of one or more other States through the implementation of its foreign policy. Finally, and perhaps the simplest way of conceiving power has been stated as follows: *“anything that establishes and maintains control of man over man”* (Sheehan, 1996: 6). Unfortunately, the semantic confusion regarding the evaluation of power is compounded by the fact that there exists little agreement on how to quantify it.

Any way we look at it, a balance of power approach is closely associated with both diplomatic parlance and realist theory. Its logic derives from the self-help imperative of the international system’s anarchic structure in which States are obliged to give priority to survival and security. In pursuing this logic, States will usually form alliances to oppose any expansionist centre of power that threatens to dominate the system and consequently their sovereignty. Thus, balance of power behaviour is central to conceptions of the national interest and to alliance policy (Mearsheimer, 2001; Dunne, Kurki and Smith, 2010).

Generally, the theory proposes that a balance of power is the only tool sufficient to prevent a State from imposing its views and will or even interfere with the interest of another State (Sheehan, 2000: 8). It strongly believes that the most effective check on the power of a State is the power of other States. The theory maintains that when one State or group of States increases their power or applies more aggressive measures, the threatened States will in response naturally seek to increase their own power, often by forming counter coalitions (Kegley and Wittkopf, 2006: 503). The basic tenets of the theory contend that by shifting alliances and countervailing pressures, no one power or combinations of powers will be allowed to grow so strong as to threaten the security of the rest. Frederick Hartmann argues that a balance of power constitutes a system in the sense that one power bloc leads to the emergence of another, ultimately leading to a network of alliances (Hartmann, 1973). Realists agree that the premise of balance of power theory offers opportunities for peace and stability, particularly as aggression and coercion would appear unattractive if there was equilibrium of power between the rival coalitions (Kegley and Wittkopf, 2006: 503).

However the theory has attracted criticism from scholars such as Christoph Rohde. Rohde argues that, “*the theory of balance of power focuses on the quantifiable variables of State-to-State relationships [...] because material power equations are difficult to measure; the evaluation of the strength of the decisive actors in the system is a matter of perception and guessing*” (Rohde, 2004: 1).

Additionally, there is a longstanding debate among realists on how the polarity of a system impacts the tactics States use. However, it is generally agreed that balancing is more efficient in bipolar systems, as each great power has no choice but to directly confront other States (Sheehan, 2000: 9). Realists argue that balancing is a predominant behaviour induced by the rationale that States wishing to maximise power would join a stronger side. This leads

to what has been denominated as the bandwagon effect, a polarisation of the concept of balance of power, thereby producing hegemony. Others argue that balance of power does not imply an exact or approximate equality of power, but a search for hegemony. Furthermore, they explain that the dynamics of balance of power politics leads States to constantly seek to increase their own capabilities. This process may lead to some sort of equilibrium, but a very unstable one at that (Little, 2007: 213- 248).

2.3.6. Constructivism theory

The focus of social constructivism is on human awareness or consciousness of its place in world affairs. Much international relations theory, and especially neorealism is materialist; it focuses on how the distribution of material power define balances of power between States and explains the behaviour of States. Constructivists reject such a one-sided material focus. They argue that the most important aspect of international relations is social, not material (Jackson and Sørensen, 2007: 163).

This is an international relations theory that challenges the dominance of neoliberal and neorealist theories. The theory emerged from debates on the scientific method of international relations theories and the role of theories in the production of international power (Dunne, Kurki, and Smith, 2006). The theory came to limelight at the end of the Cold War. It criticises the static assumptions of traditional international relations theory, such as realism and liberalism, and emphasizes that international relations are a social construction. It challenges the key tenets of realism, which focuses on security and power, and also liberalism theory, which focuses primarily on economic interdependence and domestic-level factors. According to Emanuel Adler, constructivism occupies a middle ground between rationalist and interpretative theories of international relations (Alder, 1997: 319). Furthermore, Michael Barnett explains that constructivism is concerned with how ideas define international structures; how these structures define the interests and identities of States; and how States

and non-State actors reproduce these structures (Barnett, 2005: 251). Constructivism believes that international politics are shaped by persuasive ideas, collective values, cultures and social identities; it argues that international reality is socially constructed by cognitive structures, which give meaning to the material world (Alder, 1997: 319; Finnemore and Sikkink, 2001: 391). The central tenet of the theory is that most or even all-important elements of international politics are the product of specific social circumstances and historical processes, rather than being inevitable consequences of the nature of humans or the nature of politics. The basic argument of constructivism is that human relations are guided more by ideas than by material things (Griffiths, 2007). Constructivists propose that people and the ideas they believe in are what give meaning to situations and political relations. They argue that power does not reside in the State or institutions, but rather in the ideas that people perceive and in which they believe. Constructivists believe that anarchy, economies, and alliances are what people decide to make of them; therefore, they can change if people choose to view them differently (Wendt, 1992: 391).

Although there are overlapping ideas between constructivism, realism and liberalism, constructivists refer to the goals, threats, fears, identities, and other elements of perceived reality that influence States and non-State actors within the international system (Joo and Kwak, 2007: 193). Constructivists do not perceive anarchy as the invariable foundation of the international system. Instead, they claim that anarchy is what States make of it. As such, social norms shape and change foreign policy over time, rather than the notion of security as realists propose (Wendt, 1992: 417). Constructivists are not arguing that “reality” is an illusion. They propose that the reality that surrounds us is not merely a product of purely objective or material forces, but rather an essential product of our shared perceptions, values, ideas and understandings. Moreover, they argue that there is a mutually constitutive or interactive relationship between structures and actors (Hopf, 1998: 172-173). Thus, our

perception is based on how we define our relationships, interactions and things that happen within our environment. The theory however, has been criticised. One of the criticisms comes from Stephen Walt when he says that constructivist theory is “*better at describing what is and what was than in predicting what might be or should be*” (Walt, 1998; 38). To Walt, constructivism fails to forecast and/or predict the future.

In my opinion, Constructivism as a systemic theory offers hope for a transformative change in our global system. This is because change can only occur when people realize that their collective identity or action is based on norms and principles that they can inculcate or reject or even remove from the structure of the system. Thus it has the potentials of providing a better explanation and understanding of international relations in the coming years than the more narrowly focused liberal and realist theories of international relations.

2.3.7. Democratic peace theory

The Cold War has ended, and we now have a chance to forge a democratic peace, an enduring peace built on shared values, democracy, political and economic freedom. The strength of these values in Russia and the other new independent States will be the surest foundation for peace and the strongest guarantee of our national security for decades to come (Brown; Lynn-Jones and Miller, 1996: 126).

The foundation of this theory is Immanuel Kant (1795) book titled, *Perpetual Peace*. The theory proposes that democracies do not fight each other due to the fact that citizens must give their consent before a democratic State can go to war, particularly regarding the costs of war. According to Bruce Russett, the absence of war among liberal democracies across a wide range of different historical, economic, and political factors suggests that there is a strong predisposition against the use of military violence between democratic States (Russett, 2009: 9). Joanne Gowa explains that the acceptance of a democratic system of governance is the way to achieve peace in our world. She continues her argument by

identifying four key elements that explain why democracies are peaceful and do not fight one another. According to her, the first reason is that democracies inherit norms of peaceful conflict resolution, and they also display these inherited norms in their external relations. Second, democratic institutions produce competitive elections and powerful legislatures that prohibit executives from going to war. Third, in most cases, democracies are trading partners; thus, war would only bring loss, which is not acceptable. The fourth reason is that democracies are mostly liberal societies, and this liberalism produces all of the above effects (Gowa, 1999).

Democratic Peace theory argues that democracies are satisfied States and less likely to fight about territory, particularly if they are well established democracies. Also, they have strong economic ties which foster liberal peace. According to Kant, and as emphasized by this theory, the conditions for peace are:

- The civil constitution of every state shall be republican.
- The right of nations shall be based on a federation of free or independent state.
- Cosmopolitan rights shall be limited to conditions of universal hospitality.

However, the theory has been queried and criticised. One of the major issues with this theory is the wide-reaching claim that the establishment of democracy will certainly translate to peace. Although the theory possesses merit in several aspects, it however makes generalisation that has many flaws and thus leaving the hypothesis in a dubious state. For example, the use of the term “democratic” State, which implies a State that practices democracy, has been queried particularly since there is no generally accepted definition of the term. In the words of Christopher Layne; “*lack of precise definitions is the redeeming grace of democratic peace theorists*” (Layne, 1994: 40). Thus, an absence of a generally agreed definition of democracy and liberalism weakens the theory and makes the apparent simplicity

of the term more problematic and even deceptive. I will add that the theory fails to acknowledge diverse human perception. The idea that democracies do not fight each other is underpinned by the assumption that citizens will obviously object any form of military action and/or war to another democratic State (Layne, 1994: 39-40). This notion however creates its own weaknesses. Firstly, it entails the recognition of one State as democratic by the other one, and vice versa. Secondly, the absence of a generally, or at least mutually agreed definition of the term democracy, makes it difficult to determine a benchmark for a democratic State. In view of the aforesaid, it is difficult to prove or falsify the hypothesis whilst the theory may lose merit in terms of credibility. Even though there is a generally agreed definition of democracy, it will entail States accepting other as democratic (Elman, 1997: 96-97). The problem here is that States will not subjectively accept other as adhering to democracy standards. For example Zimbabwe is practicing democracy, yet the country is sanctioned for being undemocratic. This type of logic creates problems in terms of defining and quantifying democracy and a democratic State. As a result, the theory is weakened and prone to varied interpretation.

I would argue that the increased use of economic sanctions after the Cold War as a means of compelling regimes to adopt democratic values is influenced by the democratic peace theory. The theory proposes that the adoption of democracy by all States will lead to a peaceful world (Elman, 1997: 11-12). The quest to spread democracy around the world by Western countries headed by the United States and the resistance by some regimes around the world has resulted in the imposition of sanctions on those regimes that reject democracy or, more specifically, Western-imposed democracy. For example, the imposition of economic sanctions on Iraq from 1990 to 2003 and Zimbabwe since 2001 is basically to enforce democracy and to improve human rights. The irony is that democracy by definition tends to provide economic and political freedom to a people (Friedman, 2002: 9). My contention with

this assumption lies in the fact that some of the measures used to establish democracy globally violate the rights of the very people that democracy is supposed to redeem. The humanitarian situation that arises from the sanctions imposed on Iraq and the deteriorating economic situation of Zimbabweans since the inception of sanctions in 2001 reveals the paradox of democracy *vis-a-vis* the strategies employed by Western countries to establish it globally. In as much as the doctrines of democracy seem better than any other political system we have witnessed (Dalton; Shin, and Jou, 2007: 142), it is inappropriate to enforce it on a people through coercive measures like economic sanctions. Economic sanctions are immoral and violent, and therefore we should use the concept of the moral imagination to help us conceptualize other conflict transformation mechanisms for international conflict rather than employ coercive measures.

2.3.7. 1. A critique of democratic peace theory

In this thesis, I argue that a strong relationship exists between democracy and the subject matter (sanctions). Therefore, I consider it pertinent to review how democracy can affect the ordinary civilians and the society at large. As noted earlier, most sanctions by the United Nations, the US and the EU are claimed to be targeting regimes with questionable democratic and human rights records. Thus sanctions are imposed against these regimes with the aim of influencing a change in their behaviour by compelling them to adopt democratic principles. In view of the above, this part of the thesis provides contrary argument and views against Western perception of democracy as an arbiter of a peaceful and free world.

Democratic peace theory argues that the establishment of democracy leads to peace and wealth creation through free market economy system. This assumption is based on the fact that the world is viewed from a bipolar perspective. Thus, we are in a hypothetical situation. The dominant view held and which is exported around the world is that democracy

is the ultimate solution to our problems. The major proponents of democratic theory propose that by being able to vote, which is arguably the only participation of civilians in democracy; the population becomes empowered and renews their esteem. Based on this assumption, there is a push for the acceptance of democracy world over and also the formulation of democratic peace theory (Archibugi, 2004). I support democracy as a system of governance. In the words of Winston Churchill, a former British Prime Minister “*democracy is the worst form of government except for all of the others*” (Langworth, 2008: 573). However, I disagree with the use of force or violence used to impose democracy or in the name of democracy, such as the case in Zimbabwe, Iraq, Afghanistan, Libya and many more. Furthermore, democracy as a system of governance should be relative in the sense that people should be able to develop their own model of democracy, which may not necessarily be in line with what is obtainable in Paris, London or Washington. The system of government adopted by a people should be in line with their needs, aspirations and expectations and not one that forces them to appear like others, while their needs are left unsolved.

As we see today, an important point with the model of democracy proposed by the Western powers is that though it strives to achieve egalitarianism it ultimately ends up creating elitism. Off course democracy tends to fight elitism, reality shows that the elites in the so called democratic societies are the ones that often assume political positions. One reason for this awkward reality being that the cost of elections campaign have been inflated to the extent that average citizens cannot muster the needed funds for election campaign. By this democracy creates a loophole, which only the elite in democratic societies can fill up. Thus, the idea of promoting democracy as a do or die system of governance, one that everybody must accept or be visited with coercive measures such as war and sanctions ends up being a nonsensical approach to conflict transformation. The world is too big to have a homogenous system of government. In some instances, democracy is not what the people

demand; rather, it is forced on them through imperialism, globalization and other economic and political strategies. Even though every person is accommodated in democracy, it is not possible that the model of Western democracy will be acceptable by every person, group and culture. Additionally, although democracy implies the wishes of the majority, at its worst, it is the tyranny of the majority over the minority. When the majority vote decides, it can easily rob dissenting groups of rights and privileges (Eagles; Holoman and Johnston 2004: 41). Contrary to the usual rhetoric that democracy stops corruption, it problematically has lead instead to corruption in many cases. By this, I mean that the emphasis becomes winning votes and not establishing the best policies. In many democratic States, political parties and other interest groups often vie to purchase votes; by lobbying, bribing, or even blackmailing opponents and voters (the 2016 US Presidential campaign is a good example). Democracy undoubtedly is better than any other system of governance that we have, however there should be caution in the use of violence in establishing it. The rights of the people should include an opportunity to develop a model of governance that suits their needs and one that will reinforce their human dignity. Apparently, the use of war as in the cases of Iraq and Libya, or economic sanctions in the case of Zimbabwe to promote or enforce democracy is antithetical to conflict transformation processes and the creative use of the moral imagination.

2.3.8. Cosmopolitanism theory

Cosmopolitans argue that the ever-increasing presence and participation of a global civil society, as manifested in the growing number of NGOs or intergovernmental organisations (IGOs), and locally based grass-root social movements, constitute the upcoming signs of a political cosmopolitan reality testifying to the moral and economic interdependence of humanity (Mooten, 2007: 12).

Cosmopolitanism is the ideology that all human ethnic groups belong to a single community based on a shared morality (Yonas, 2015: 43). The theory believes that all human beings, regardless of their political affiliation, have something in common and therefore

belong to a single community. The theory argues that a commonly shared community should be cultivated. However, cultivation of a common community, as the theory advocates, is perceived in different ways. Some see it from the point of political institutions; others on moral norms or relationships; and still others from the point of view of shared markets or forms of cultural expression (Kleingeld and Brown, 2011). Cosmopolitanism presupposes a positive attitude towards “others,” a desire to construct broad allegiances and equal and peaceful global communities of citizens who should be able to communicate across cultural and social boundaries forming a Universalist solidarity (Lyman; Strachan, and Angeliki, 2012: 90). Cosmopolitanism has, thus, been the interplay of ideas of world citizenship. Cosmopolitan democracy theorists argue that world citizens should govern global institutions, and they highlight the nation-State’s limitations as a hindrance to global democracy and global values.

Cosmopolitanism challenges the predominance of the nation-State on many fronts. For example the theory perceives State borders as an impediment to social mobility while State borders serve as a catalyst to world conflicts. Based on its sceptical position on States and their characteristic authority, the theory is considered as a response to our global and technological age (Gustavo, 2001: 2842). Cosmopolitanism argues that technology has defiled State borders and upholds that the world has become homogeneous. Secondly, it is a reaction to the incapacity of the nation-State to foster morality beyond its boundaries. For example, caring for foreigners and immigrants is not as relevant as caring for fellow-citizens. Furthermore, cosmopolitanism constitutes a reaction against material global interdependence, the impotence of the nation-state to satisfy our needs, and the rejection of discriminatory prejudices based on gender, race, class or nation (Mooten, 2007: 11). The underlying philosophy of Cosmopolitanism defines the reduction of State sovereignty in cases where

other institutions collide with the power of the nation-State to decide and shape events in global spheres (Archibugi, 1998: 216).

Thomas Pogge (2002) argues that cosmopolitanism is characterized by three key characteristics and summarises them follows: individualism; universality and generality. Individualism: perceives the individual person as the ultimate units of concern rather than family lines, tribes, ethnicity, cultural, or religious communities, nations or States. Universality: considers equal status an ultimate unit of concern that corresponds to every living human being and not on a mere subset, such as men, whites or Muslims. Generality: emphasises that people are the ultimate units of concern for everyone, not only for their compatriots, fellow religionists, kinsmen, relatives or other affiliations (Pogge, 2002: 169).

However, there have been criticisms about cosmopolitanism. From the moment of its inception in the 18th century until the present, the most pertinent question has been, whether or not we live in a world that is interconnected enough to generate institutions that have a global regulatory reach and a global form of solidarity that can influence and enhance their functioning. The emphasis of cosmopolitanism is that the world should be a common place without State borders and State identity. The theory posits that human beings no matter where they come from should be treated the same and fairly. Furthermore, it believes that identity is the major cause of conflict and war or even sanctions, and it proposes that if the world is homogeneous without State identity, peace will be achievable.

The premise of cosmopolitanism seems rational. This is because its doctrine is based on human concerns such as fairness, equality and oneness. The problem with the theory is the fact that, like institutionalism, cosmopolitanism may create a platform that may enable strong and affluent civil society groups to take advantage of the cosmopolitan world. Another problem is that the theory assumes that civil society groups are rational entities. This is

because they derive their powers through the support of the people; however, there is no empirical evidence that shows that they cannot be manipulated or act irrationally. Additionally, my concern is that the voices of the local people in the most remote areas of the world may not be heard. This is because the world is constructed in such a way that the elites in every society manipulate the decision-making process and policies of their society. Although this is what cosmopolitanism tends to address, it is very unclear how the voices of the local and indigenous people will be represented without the elites exerting their influence and influence on policies and decision-making. Furthermore, cosmopolitanism fails to explain how it will resolve conflicts that are inevitable in human relationships. The theory needs to explain how it will resolve conflicts without employing violent measures such as economic sanctions.

2.3.9. New war theory

War is more than a true chameleon that slightly adapts its characteristics to the given case. As a total phenomenon, its dominant tendencies always make war a paradoxical trinity composed of primordial violence, hatred, and enmity, which are to be regarded as a blind natural force; of the play of chance and probability within which the creative spirit is free to roam; and of its element of subordination, as an instrument of policy, which makes it subject to reason alone (Herberg-Rothe, 2007: 101).

The New War Theory emphasises that multiple aspects of warfare had changed since World War II (Shaw, 2000: 171). The rules, players, targets, methods and effects were all different, thus essentially changing the nature of war. According to Mary Kaldor (2006), old wars are traditional warfare, where two uniformed armies combat each other, usually in an interstate collision. The State plays a significant role in funding and running the war. In old wars, the main targets are uniformed soldiers, while in new wars the targets are non-uniformed civilians.

In terms of the international structures, the new war thesis suggests that the current international system is divided into two distinct parts. Buzan and Little (1996) refer to these distinct parts as a “zone of peace” and a “zone of conflict”; Singer and Wildavsky (1996) categorised them as the “zone of peace” and “zone of turmoil”; and Renee Snow refers to them as “First Tier” and “Second Tier” (Snow, 1996: 11; Jung, 2003: 11). Even though scholars use different terminology, they imply the same meaning. The “zone of peace” refers to developed capitalist countries, and the “zone of conflict” comprises the rest of the world, which is more susceptible to external and internal violence. New war theory proponents argue that the demise of the Soviet Union and the totalitarian regimes, the retraction of superpower support, the power vacuum, the demeaning of socialist ideologies and the accessibility of surplus weaponry have triggered the development of an inherently new type of warfare (Kaldor, 2006: 4; Snow, 1996: 1).

New War Theory believes that conventional military weapons and battlefield tactics are no longer used between two or more States in open confrontation. It argues that globalisation has made three changes to war and that new wars are based on claiming identity not territory. Furthermore, guerrilla or terror tactics are used and international crime has transformed how wars are funded. According to Herfried Munkler, new wars have changed the usual landscape of warfare from symmetrical conflicts between States to asymmetrical global relationships of force; from national armies to increasingly private or commercial bands of warlords, child soldiers and mercenaries; from pitched battles to protracted conflicts in which there is often little fighting and most of the violence is directed against civilians (Munkler, 2004). Furthermore, Munkler argues that unlike old wars, new wars are not primarily about political power; rather they are caused by a combination of State and private interests of warlords, drug or arm dealers. Supporting Munkler’s opinion, Mary Kaldor, added that contemporary types of warfare are distinct from the classic modern forms of

warfare based on nation-States. New wars are part of a globalised war economy underpinned by transnational ethnicities, globalised arms markets and internationalised Western-global interventions. She asserts that the new type of warfare is a predatory social condition that damages the economies of neighbouring regions as well as the zone of conflict itself, spreading refugees, identity-based politics and illegal trade (Kaldor 2006: 17). It is also characterised by new forms of violence such as systematic murder of “others,” forced population expulsion and rendering areas uninhabitable, using militaries, paramilitary groups, self-defense units, mercenaries and international troops funded by remittances, diaspora fundraising, external government assistance and the diversion of international humanitarian aid. Kaldor argues that about 80 percent of victims of war in the last decades were soldiers. It is estimated that 80 percent of victims in contemporary wars are civilians. This new form of warfare is a political rather than a military challenge, and involves the breakdown of legitimacy, leading to unimaginable human suffering (Kaldor, 2006: 24).

The contemporary argument against new war theory is that most elements of new wars are also present in the earlier wars. For example, it is argued that States still play a central role in both new and old wars. However, Kaldor disagrees with this view and explains: “*the new wars can be contrasted with earlier wars in terms of their goals, the methods of warfare and how they are financed*” (Kaldor, 2006: 6). This implies that although States remain principal actors in both new and old wars, the mechanism of new wars has changed in terms of targets. A number of policy makers have acknowledged the shift in the mode of warfare, despite the fact that traditional threats such as terrorism and nuclear proliferation continue to challenge the international community. For example the UN Secretary General in a statement in 2010 said that, “*we now face a new constellation of modern threats*” (Ban Ki-moon, 2010).

Relating new war theory to the central topic of this thesis, I argue that the indiscriminate use of economic sanctions as a coercive measure or tool of economic warfare fits the argument of new war theorists. The invisible presence of soldiers, the civilian targets and humanitarian consequences points to the dimension of new war strategy. Economic sanctions are imposed in place of warfare, yet they produce almost the same magnitude of casualties. Denis Halliday, who served as UN Assistant Secretary General and the UN humanitarian coordinator of the Oil-for-Food program in Iraq, reveals that economic sanctions are as deadly as war. Halliday states that, *“Between 1 million and 1.5 million Iraqis have died from malnutrition or inadequate health care resulting from economic sanctions”* (Siegal, 1999). He further expressed his dissatisfaction when he asserts thusly: *“for me what is tragic, in addition to the tragedy of Iraq itself, is the fact that the United Nations Security Council member States [...] are maintaining a program of economic sanctions deliberately, knowingly killing thousands of Iraqis each month and that definition fits genocide”* (Siegal, 1999). The above statement from Denis Halliday, clearly shows that economic sanctions categorically fits new forms of war because they target civilians rather than old wars that target combatant soldiers. In view of the issues raised above, it has become ever more important for States and the international community to review their conflict transformation approach and particularly their sanctions policy.

2.3.10. Imperialism theory

Imperialism theory explains the domination of impoverished States and territories by industrialized countries as the consequence of different economic and technological levels and unequal power potential resulting from differences in economic growth (Galtung, 1971: 81). Galtung contends that the development of industrial capitalistic societies created pressure for expansion and led to military or political acquisition and maintained the economic

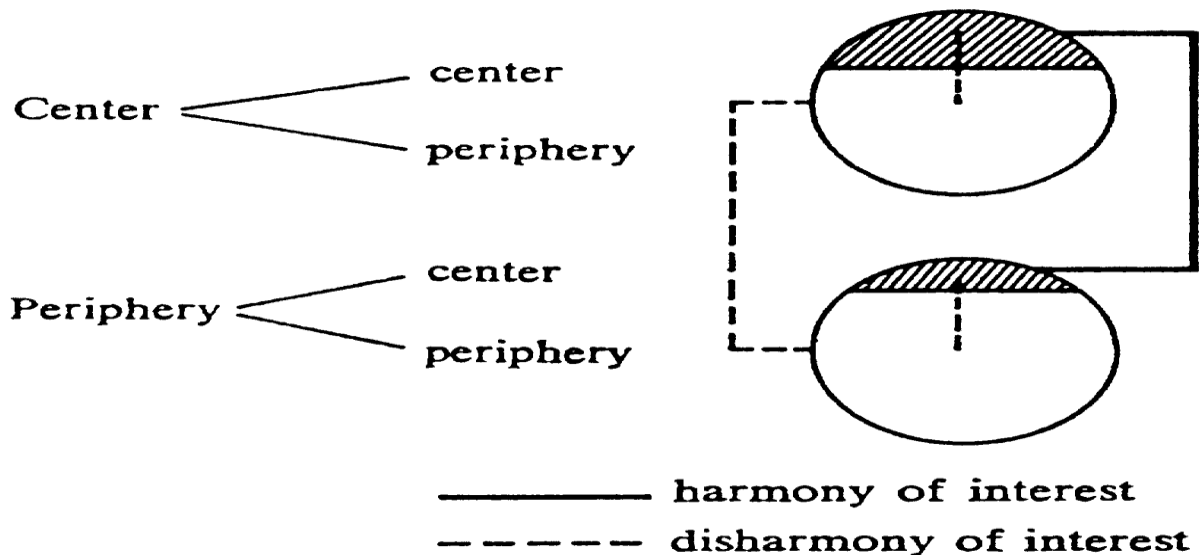
dependence of developing countries. Hans J. Morgenthau (1948: 5) defines imperialism as a national foreign policy aimed at acquiring more power than the state actually has, through a reversal of existing power relations or, in other words, a favourable change in power status. Thus, imperialism as a national foreign policy is in contrast to *status quo* foreign policy and a foreign policy of prestige. Galtung (1971) writes that the policy of imperialism assumes the classical realist theory perspective of analysis at the unit level in international relations. This leads to asymmetry relationship patterns between economically powerful and economically poor countries and as a consequence of resource drain, leaves the later impoverished. Also, imperialism is sometimes used to describe loose or indirect political or economic influence or control of weak States by more powerful ones (Johnston, 2000: 375).

The key element of the theory is that it emphasizes the creation and/or maintenance of asymmetric economic, cultural, and territorial relationships, usually between States and often in the form of an empire, based on domination and subordination (Galtung, 1971). Some scholars such as Edward Said argue that imperialism is primarily a Western undertaking that employs expansionist, mercantilist policies. According to Said imperialism involves “*the practice, the theory and the attitudes of a dominating metropolitan centre ruling a distant territory*” (Said, 1993: 8). Robert Young supports this thinking as he puts forward that imperialism operates from the centre; it is a state policy developed for ideological as well as financial reasons (Crosby, 2004).

According to Johan Galtung imperialism is a process by which the Centre nation has power over the Periphery nation, so as to bring about a condition of disharmony of interest between them (Galtung, 1971: 82). In addition, he asserts that imperialism is a relation between a Centre and a Periphery nation so that:

- There is harmony of interest between the centre in the Centre nation and the centre in the Periphery nation.
- There is more disharmony of interest within the Periphery nation than within the Centre nations.
- There is disharmony of interest between the periphery in the Centre nation and the periphery in the Periphery nation (Galtung, 1971: 84). Diagrammatically, it could be illustrated thus:

Figure 3: The structure of imperialism



Source: <http://bev.berkeley.edu/ipe/readings/Galtung.pdf> | A Structural Theory of Imperialism, *Journal of Peace Research* (1971), Vol. 8, No. 2

In summary, imperialism creates poverty in the so-called developing countries because of the interaction pattern. Developed nations produce goods beyond the needs of their internal market, and in order to sell the excess, new markets are established in developing countries. This destroys the indigenous production and their market. In any case, the interaction pattern of imperialism creates unemployment and poverty in developing

countries due to their local production and market are hampered and they rely on production from developed countries. Johan Galtung refers to this dynamic as classical imperialism.

In view of our case topic economic sanctions, I argue that imperialism may be a reason and motivation for imposing economic sanctions against impoverished nations by rich industrialised nations. The quest to control other States politically and economically could be a motive for imposing sanctions. The implied theory of economic sanctions is to destroy the economy of the sanctioned State or territory (Davidsson, 2002: 6). In this case, an imperialist may employ economic sanctions as a mechanism to destroy or contend the economic base of opposing nations and by doing so strengthen its own power and domination. Furthermore, the increase in the use of unilateral economic sanctions by the United States despite its poor track record in achieving set objectives provides an insight that they may be employed for the purpose of maintaining imperial power and subjugation of other nations.

2.3.11. Dependency theory

Dependency is an explanation of the economic development of a state in terms of the external influences, political, economic, and cultural on national development policies. It is a historical condition which shapes certain structures of the world economy such that it favours some countries to the detriment of others and limits the development possibilities of the subordinate economies; a situation in which the economy of a certain group of countries is conditioned by the development and expansion of another economy, to which their own is subjected (Fann and Hodges, 1971: 226).

Dependency theory emphasizes how developing and developed nations interact (Jaffee, 1998: 154). It was formulated in the 1950's, drawing on a Marxian analysis of the global economy and as a direct challenge to the free market economic policies of the Post-War era. Dependency is an economic condition stemming from the flow of economic surplus from least-developed countries (LDCs) to the industrialized countries of the West (Ferraro,

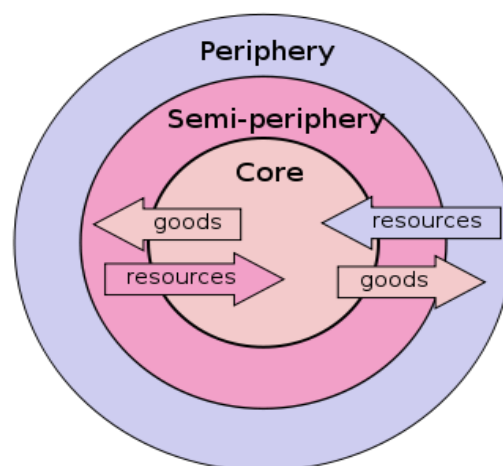
2008: 58). It is a component of the regional polarization of the global economy, which results in development in the core (Centre) and underdevelopment in the periphery countries.

The free market ideology argues that open markets and free trade benefit developing nations, enabling them eventually to join the global economy as equal players. This premise asserts that although some of the methods of market liberalization and opening may create economic difficulties in the short run, in the long run they firmly help to establish the economy and make the nation competitive at the global level (Galtung, 1971: 82-83). In contrast, Dependency theorists uphold that so called third-world and/or underdeveloped countries were not always poor, but became impoverished through colonial domination and forced incorporation into the world economy by expansionist first-world powers. Thus, third-world economies became geared more towards the needs of their first-world colonial masters rather than the domestic needs of their own societies. Galtung contends that relationships of dependency have continued even after formal colonization ended. Thus, the primary obstacles to autonomous development are seen as external rather than internal (Galtung, 1971: 85). Therefore, so-called third-world countries face a global economy dominated by rich industrial countries that hinder domestic development. In a study titled, "*Dependency Theory: An Introduction*," Ferraro (2008), argue that economic growth in advanced industrialized countries did not necessarily impact economic growth in the poorer countries; instead, the study suggests that economic activity in the richer countries often caused serious economic problems in the poorer countries.

Dependency theory also posits that the degree of dependency increases as time goes on. Wealthy countries are able to use their wealth to further influence developing nations into adopting policies that increase the wealth of the wealthy nations, even at their own expense. At the same time, they are able to protect themselves from being turned on by developing

nations, making their system more and more secure as time passes (Frank, 2005: 11). Huge amount of capital continues to flow from the developing nations to developed nations, causing the developing nations to experience lack of wealth. This situation forces these impoverished nations to take out larger loans from developed nations, further indebting them. Furthermore, Ferraro and Rosser (1994: 332) argue that developed nations actively keep developing nations in a subservient position, often through economic force by instituting sanctions. Again, they proscribe free trade policies attached to loans granted by MFI's, the World Bank and the International Monetary Fund, and as a result developed nations trump over developing nations who then become perpetually indebted to them.

Figure 4: Dependency Theory



Source: <https://sites.google.com/site/theoriesofdevelopment/stages-and-theories/dependency-theories> | Dependency theories in the neoliberal period: A Latin American perspective, *Institute of social studies* (2000), Vol. 16, No. 1.

In the diagram above, resources are transferred from Periphery States to Core States, while finished goods are moved from Core States to Periphery States. This transfer of raw

materials and receipt of finished goods accounts for underdevelopment of Periphery (third-world) States.

Having explained different views of dependency theory, I submit that the theory is anchored upon radical views, such as isolation of the developed nation's influence and ideas over the periphery States. While I agree that the dependency created by industrialised nations should be put to an end, I see the centre-periphery dichotomy as too simplistic. Periphery countries also need an integral approach that would bring change to these nations, but would consequently mean a less beneficial economic relationship with rich industrialised nations. Such actions include the establishment of strong institutions and independent anti-corruption agencies and also the development of traditional industries that will enhance domestic production, thereby relieving them of a dependency on goods from Core States.

Conclusions

Economic sanctions, probably the most widely known form of foreign pressure, seek to generate a policy or institutional change in the targeted countries by imposing costs on them. Yet, research reveals that when economic sanctions are imposed on authoritarian regimes, they are more likely to trigger domestic policy changes aimed at maximizing the regimes likelihood of retaining political power. Sanctions have been favourably used by so called advanced democracies to enforce their will on targets while it avoids the political backlash associated with the use of military force. The United States in particular has adopted economic sanctions as a foreign policy tool in advancing its economic and humanitarian policy goals abroad. Despite their humanitarian impact on civilians, the use of economic sanctions remains unfettered by international humanitarian laws. On the one hand, it may not be proper to challenge a State's right and/or decision to provide or withdraw economic benefits to another State. On the other hand, one may argue that international humanitarian laws did not foresee the humanitarian impact that may arise from the use of economic sanctions. Hence it is mute about the measure, were as it provided rules for the use of military force in war situation. The purpose of international humanitarian laws is to protect civilians from harm resulting from arbitrary military objectives during warfare (Reisman and Stevick, 1998: 94). In fact, they were designed to anticipate and contend any situation capable of inflicting harm on individuals during warfare. Therefore, all coercive measures should be adjudicated under international humanitarian law by their predictable and/or foreseeable effect and not merely by the mechanisms and/or method used for implementing them.

Consequently, the predictable humanitarian consequences of economic sanctions which are akin to those experienced during warfare makes it pertinent that economic sanctions should be treated like weapons of warfare and should be regulated as such under

the provisions of international humanitarian law. Obviously, the narrow legal perspective of international humanitarian law, which underestimates the arbitrary nature of economic sanctions and their deleterious effects on the population of a target, may be seen as neglect to the common purpose of humanitarian response to coercive actions on the civilian population. Though the thesis have provided some sections of international humanitarian law that may serve as deterrence to the use of economic sanctions, the instruments failed in providing concrete and clear pronouncement on their uses and/or implementation.

It is out of context that economic sanctions are adopted in lieu of military offensive; however, they can be as destructive as military offensive can be, and they can even cause more collateral damage than warfare. In view of this, I consider economic sanctions as an attack on civilians. Such human attacks should not elude legal consequences, particularly when they are considered as a humane policy tool of transforming international conflicts. Although sanctions have been applied for the most part against States and regimes whose actions and conduct violate international norms and/or shocks the conscience, we should not assume that morality is always on the side of the sanctioning State(s) and against the target State, individual or group (D'Amato, 1995: 150). The relation of morality to law is a contingent and not a necessary relation. Law can be utilized in the service of pseudo-morality or a false morality, as it was in Nazi Germany and in the apartheid regime of South Africa. Nevertheless, we have to be vigilant against slipping into a position where sanctions imposed against States and/or regimes that violate international norm turns into a popular conviction that sanctions are mechanisms for transforming international conflict and/or enforcing the moral standards of mankind. Instead, an understanding of their impact on the innocents will provide the much needed catalyst to review economic sanctions measure along the line of international humanitarian law and morality principles.

CHAPTER THREE: SANCTIONS FROM RHODESIA TO ZIMBABWE

3.1. Introduction

The belief or argument of those that impose sanctions is that a change in the behaviour of a targeted regime would benefit not only the citizens of the target State, but also other States and even the international community as a whole (Masaka, 2012: 54). That is to say, if a regime sanctioned for human rights violation changes its behaviour and improve on human rights policies and actions, then sanctions can be adjudged to be beneficial to the citizens of such State. In this regard, sanctions are perceived as a means to some good end, in that even though they may be ruthless, they are aimed at forcing the offending nation or individuals to comply with acceptable standards of behaviour that the sender of sanctions perceives to be useful (Masaka, 2012: 64). Thus, in the context of sanctions, the end justifies the means. This notion has been challenged by scholars such as Arne Tostensen and Beate Bull on the grounds that sanctions have proved incapable of bringing about the desired outcome on their own (Tostensen and Bull, 2002). One of the arguments raised by critics is that the leaders of a target State often look for ways to circumvent the negative impact of sanctions through, for example, smuggling and connivance with neighbouring or friendly nations to wither the effects of sanctions, particularly on their personal welfare and that of their families.

However, there are divergent opinions among scholars on the ability of targeted regimes to circumvent the effect of sanctions. Marinov (2005) argues that contrary to the common perception that economic sanctions are ineffective, at least they are effective in destabilizing the leaders they target. Furthermore, he notes, “*the leader of a government who comes under economic pressure [...] is more likely to lose office than a leader who does not*” (Marinov, 2005: 564). To some extent this argument may be accurate. After 8 years of US

and EU sanctions, Robert Mugabe almost lost the 2008 presidential election to the opposition party (Movement for Democratic Change) candidate Morgan Tsvangirai. This led to the formation of a Unity government between the ZANU-PF and the MDC in 2009 to avoid any possible conflict in the country. However, this view point is contestable. Some observers argue that sanctions has nothing to do with the near election loss faced by the ruling ZANU-PF in 2008 election, rather the main reason was that most Zimbabweans were fed up with Mugabe's long stay in office and needed a change in government. Whatever the case may be, it will not be wrong to suggest that the impact of US and EU sanctions on the citizens of Zimbabwe may have added to their disaffection with the Mugabe led government.

The US and the EU respectively refer to their sanctions on Zimbabwe as targeted and/or restrictive measures. According to Andreas (2005: 339), the main objective of targeted sanctions is to effectively cripple the targets, while at the same time limiting humanitarian damage on the civilian population. Furthermore, targeted sanctions tend to be a form of reformatory punishment; however, they often do not achieve this objective. As noted in chapter one, rather than softening the political stance of targeted individuals, sanctions in most cases make them to stick to the policies that led to sanctions (Masaka, 2012: 66). This could be true of the situation in Zimbabwe. Targeted sanctions may have harden rather than soften the stance of targeted individuals with respect to the fundamental issues that led to the imposition of sanctions, such as free and fair elections, democratic political transitions, the rule of law, press freedom and the land reform programme. Instead, it is the innocent citizens that are feeling the unpleasant consequences of the targeted sanctions, although they were supposed to be protected from them (Major and McGann, 2005: 337).

The regime in Zimbabwe and other political elites targeted by the US sanctions and the EU restrictive measures have manipulated the sanctions into a broad national problem

that requires everyone's attention. This complicates the effectiveness of targeted sanctions as a deterrent and reformative measure on those who are targeted by them. According to International Crisis Group (2012), *Africa Briefing* N° 86, instead of changing the behaviour of President Robert Mugabe and his associates, sanctions has provided them with a platform to present themselves as victims of external machinations, a propaganda narrative that reinforces the regime's anti-imperialist rhetoric.

This chapter is divided into four parts. The first part, "Southern Rhodesia: An "ideal" target of UN economic sanctions?" provides a brief history of Zimbabwe starting from colonial era when it was known as Southern Rhodesia to independence. The information provided includes a general but mostly historical overview of the colonial period, during the white minority rule. However, I have simplified the analysis to include only the most important historical events. The section contextualizes the reasons for imposing sanctions on Rhodesia from the perspective of threatening international peace and security or a mere experimentation of UN comprehensive economic sanctions. Also, it discusses the oppression of indigenous African population by the white elite minority prior to independence. Finally, it provides information about stages and time-line of the UN economic sanctions against Rhodesia after the Unilateral Declaration Independence (UDI) from British rule.

The second part, "Towards democracy and independence" provides information about Zimbabwe's struggle for independence. It reviews the Matabeleland crisis that engulfed the country shortly after gaining independence and the political turmoil that followed. It analyses the Unity Accord of 1987 and recent developments since 2000. Information about foreign intervention and reactions to the political crisis between ZANU-PF and MDC since 2000 are also provided.

The third part, “Misconception and ambiguities: Overview of the US and the EU sanctions,” contextualizes the reasons advanced by the US and the EU for imposing sanctions on Zimbabwe. Furthermore, it seeks to explain the nature of US and EU sanctions on Zimbabwe. The focus here is to determine if the sanctions are targeted/smart, as posited by the US and the EU or if they are economic sanctions, as claimed by the government of Zimbabwe. To refresh our memory, targeted sanctions, often termed “smart sanctions,” are usually targeted at a small circle within the ruling elite of a given country. They were developed as an alternative to comprehensive sanctions that were characterized with negative humanitarian consequences. However, in some cases they may have a more devastating impact on the broader population than on those whose behaviours the sanctions intend to influence. Therefore, I consider it very important to examine the impact of the targeted sanctions and restrictive measures imposed on the regime of President Robert Mugabe and his affiliated businesses on the entire population. In my view, for anyone to engage the parties in this conflict (the US, the EU and the government of Zimbabwe) it is crucial to identify the nature of sanctions currently in place, and the means by which they are implemented. Hence, in this section, I analyse the strategies used to implement the US targeted sanctions and the EU restrictive measures in order to determine their nature.

Additionally, the section seeks to explain why unilateral sanctions are on the increase despite a huge backlash on civilian victims. In this section, I explain that unilateral sanctions are a political tool used by economically powerful States of the West against impoverished and economically poor countries of the South. I further explain that contrary to the claims of the United States and other Western countries that unilateral sanctions are imposed in the interest of the citizens of the State where they are imposed, they in fact serve the interest of the party that imposes them. Additionally, I argue in this section that unilateral sanctions are selective, and countries such as the United States and the EU employ these measures on the

basis of their political and economic interests. This explains why sanctions are imposed on one State while another is spared even when they commit the same act.

The fourth part, “General impact of sanctions on Zimbabwe and Zimbabweans” provides a general overview of the impact of sanctions. It provides analysis of the impact of sanctions on core human rights of Zimbabwean. Among the rights discussed are the right to quality healthcare, right to education and right to quality standard of living. Also, it reveals how the US and the EU sanctions affected projects funded by international donor organizations in key sectors of the economy, such as agriculture and transportation. Furthermore, it analyses how sanctions affect Zimbabwe’s ability to get funds and finances from multilateral financial institutions such as the IMF, the World Bank and the African Development Bank (AfDB) and the impact of all of the above on the general well-being of Zimbabweans. Finally, the section reviews Zimbabwe’s “looks East policy,” and its role in the adaptation of the economy and Zimbabwe’s economic future.

3.1.1. Southern Rhodesia: An “ideal” target of UN economic sanctions?

As cited in chapter one, the first UN comprehensive economic sanctions in history were imposed against Southern Rhodesia in 1966. This attempt by the UN to resolve conflict through sanctions instead of military intervention has been challenged by scholars and observers on different grounds. The main argument of critics is that the situation in Rhodesia as at the time did not merit the requirements of article 39 of the UN Charter. That is to say, the situation and/or conflict in Rhodesia did not portray any threat to international peace and security. According to Douglas G. Anglin, Rhodesia was not sanctioned because it posed any threat to the international peace and security. Rather, the country possessed perfect characteristics suitable for UN sanctions (Anglin, 1987: 23). Thus, Rhodesia was an “ideal target” to experiment UN economic sanctions. In any case, the concept of an ideal target does

not relate to the legal threshold that need to be met before sanctions are imposed; rather it has to do with other factors such as economic, social and geographical factors. An “ideal target” therefore, means a State that will not be able to sustain itself, should the UN impose economic measures against it. In other words, the State will be paralysed to the extent that it would have no other choice than to comply with the demands of the UN in order to survive. Though it is difficult to imagine a State that possessed such characteristics that will merit it as an ideal target for UN sanctions, Anglin (1987) however, asserts that Southern Rhodesia possessed certain features that made it an “ideal target” for UN economic sanctions. He based his argument on the fact that Rhodesia was a small, landlocked country, which was particularly vulnerable to external pressure. As such, its geographical position would make it more susceptible to the impact of economic sanctions. Furthermore, he opined that the theory of economic sanctions postulates a dual linkage between external trade and economic deprivation, and between economic deprivation and political change (Anglin, 1987: 33).

In the case of Southern Rhodesia, Anglin’s argument suggested that the economy was heavily reliant on a few trading partners, who themselves were not necessarily dependent on Rhodesia for survival. In addition, Rhodesia’s economy was hugely sustained by a few major exports. Going by this analysis, it is obvious that Rhodesia was susceptible to having its economy paralysed immediately by economic sanctions. Thus the question that comes to mind is: was Rhodesia an “ideal” and/or “perfect” target for UN sanctions? According to Johan Galtung, there are eight criteria that makes a State amenable to economic sanctions: (i) imports are necessary for key sectors of the economy of the sanctioned State; (ii) there is no internal substitute for those imports; (iii) a large percentage of the imports come from the sanctioning State(s); (iv) there is no external substitute for the imports which the sanctioned State can switch to; (v) the imports are either only a very small percentage of the sanctioning States exports or can be exported to another State; (vi) exports from the sanctioned State are

mainly sent to the sanctioning State(s); (vii) exports from the sanctioned State can be obtained elsewhere therefore causing little economic damage to the sanctioning State or in the alternative cannot be obtained elsewhere and this information is used by the sanctioning State to prove that it is willing to be deprived of the product rather than engage in economic interaction with the sanctioned State; and (viii) trade relations are visible and borders could potentially be controlled (Galtung, 1967: 384).

With above points in mind, it could be said that whilst Southern Rhodesia might not be described as the “perfect” and/or “ideal” target to experiment UN comprehensive economic sanctions, it could certainly be regarded as a State that should have been very responsive to economic sanctions. However, reality shows that Rhodesia was able to contend the difficulties and pressures arising from sanctions for more than a decade, thus diffusing the concept of an idea and/or perfect target. Put simply, every sanctioned government will always find a way to circumvent the impact on the regime while the ordinary citizens bear the brunt of the sanctions.

After more than a decade of maintaining its sanctions, the Security Council adopted Resolution 460 on December 21, 1979 to end economic sanctions on Rhodesia. At this point, the sanctions were adjudged to have achieved its aim and the sanctioned regime had made a commitment to comply with the wishes of the UN by changing to majority rule (Kennedy, 2006). Of course, economic sanctions themselves may not have been wholly responsible for the regime change in Southern Rhodesia and, in fact, given the period of time over which sanctions extended, it seems likely that there may have been many factors that ultimately contributed to the change (Baldwin, 1985; Minter and Schmidt, 1988). This does not, however, diminish the fact that economic sanctions prolonged the length of the crisis and may have contributed to resolving it.

3.1.2. A brief historical overview of Rhodesia

The colony of Rhodesia was born on September 13, 1890 with the arrival of Cecil John Rhodes and his British South Africa Company (BSAC) (McCrea and Pinchuck, 2000: 77). The arrival of BSAC represented years of European political manoeuvre and capital adventure in Africa, which was referred at the time as the “Scramble for Africa” (Michalopoulos and Papaioannou, 2011: 1). The arrival of Rhodes and his BSAC met resistance by the local and/or indigenous people, particularly the Monarch of Ama-Ndebele who was appalled with Mr. Rhodes and his associates. In order to secure a Royal Charter that would empower BSAC to occupy Mashonaland and extract minerals, Rhodes knew it was necessary for him to secure a treaty from the British government that will enable him to subdue the powerful local Ama-Ndebele Monarch.

Consequently, BASC, through its chief protagonist Charles Dunell Rudd, applied to the British Government requesting for a Royal Charter to be granted to the company to operate in Mashonaland. The application was granted by the British government in October 1889 and was referred to as the “Rudd Concession” (Zvobgo, 2009: 13). This document however, became the bedrock of the long and arduous colonial journey for Rhodesia spanning a century, from 1890 to 1980. The colonial era saw Rhodesia been developed by the British settlers into a colony with a racially segregated society with the white settlers occupying the upper affluent class while the indigenous inhabitants were forced into the underprivileged peasant class (Esterhuysen, 2004: 23). Following the abrogation of the Company’s Charter in 1923, Southern Rhodesia was given the option of being incorporated into the Union of South Africa or becoming a separate entity within the British Empire. The people rejected incorporation, and Southern Rhodesia was formally annexed by the United Kingdom. Southern Rhodesia was thus transformed into an internally self-governed colony

with its own legislature, civil service, armed forces and police. Upon attaining self-governance, Southern Rhodesia Legislative Assembly was formed and in 1930, the assembly passed the Land Apportionment Act, which allocated 51 percent of the land to white settlers, 30 percent was allocated to the indigenous black Africans and for private African purchase, while the remainder was unallocated (Esterhuysen, 2004: 23-24). This skewed distribution of land in favour of the white minority, coupled with rapid population growth rates, over time contributed to a high level of poverty amongst black Africans in the rural areas (Stocking, 1978: 133). According to some commentators, the land allocation policy and other agricultural policies was orchestrated to favour white settlers whilst they marginalised the black population (Machigaidze, 1991; Selby, 2006: 50-51).

The distinct class segregation of Rhodesian society was apparent from the collision of colonial imperialist political, legal, social, economic and religious structures and traditional norms, values and institutions. Till date, the most important aspect of history of colonialism in Zimbabwe has remained the issue of land ownership (Murphy, 2011). Ever since the colonizers lost hope to find mineral wealth in their new colony, land had become the primary interest of their politics. The legislative approach to land ownership was disguised by the white minority to enable them acquire and occupy vast agricultural land (Esterhuysen, 2004). Contrary to Western perception, the notion of legal property possession was alien to the local population and thus it makes little or no meaning to them. To black Rhodesians, possession of land by the white minority through legislative amendment was akin to land grab and/or occupation of their ancestral land.

In September 1953, the British protectorate of Northern Rhodesia and Nyasaland formed a multi-racial Central African Federation. This was an effort to pool resources and also to consolidate the market (Chinyamakobvu, 2011: 54). The federation recorded success

economically, but was opposed by the majority of the African population, mainly due to their scepticism that the structure of the federation would not guarantee them independence. The European electorate in Rhodesia, however, showed little willingness to accede to African demands for increased political participation.

3.1.3. The use of suppressive racist policies

After achieving federation status, the black population of Southern Rhodesia still faced a lot of challenges arising from brutal racist policies of their government. Although a 30 member parliament was elected in October 1923 to replace Southern Rhodesia's Legislative Council, the high property qualifications remained in place to ensure that the electorate would remain overwhelmingly white. As Esterhuysen (2004) notes, in 1951 the value of property required in order to participate in voting was increased to £500, while in the same period the annual wage rose to only £240, making it impossible for an average worker to be eligible to vote.

Scholarly reports show that the white population was about 5 percent of the population of Southern Rhodesia while the rest of the population was black Africans (Austin, 1975). Despite this huge disparity in population, by 1926, the black population had control of only 45,000 acres of land compared with 31,000,000 acres controlled by white European settlers (Wills, 1985; Murphy, 2011) while in the 1930 Land appropriation Act, 49,149,174 acres of land were reserved for the white population and 33,011 acres for the native population. In addition to this, most senior and sensitive positions in government parastatals and public service such as education, healthcare and social services were exclusively reserved for the white minority. Also property and educational qualifications were manipulated to make sure that the white minority had 95 percent of the votes in national elections until 1979 (Austin, 1975: 43).

Apart from land, other legislations enacted by parliament also had adverse effects on the native black population. For example, the Native Affairs Act of 1927 provided for the restriction of movement of the native population and required them to carry a pass whilst it provided authorities with arbitrary right to arrest and detain any African that is criticizing the government. Also the Land Apportionment Act of 1930 prohibited Africans from trespassing into areas exclusively designated for the white population while the Public Order Act banned the indigenous population from any form of nationalist movement and/or political activities. In addition, the Preventive Detention Act of 1959 empowered authorities to keep in custody any suspect for a period of ninety days without trial while the Law and Order (Maintenance) Act allowed the government through the office of the Minister for Internal Affairs to arrest and detain any person that violated any of the aforementioned act for a period of five years without possibility of appeal (Wilson, 1971; Murphy, 2011: 43). A combination of these and other factors in the mid-twentieth century resulted in huge disparity between the indigenous population of Southern Rhodesia and its white inhabitants. As time went on, it became increasingly unbearable for the native population to accept the injustices meted on them, particularly among some of the black population who has acquired Western education. This resulted in conflicts and violence across Rhodesia, creating tension and lawlessness within the Zimbabwean societies.

Table 1: Land classification according to the Land Apportionment Act, 1930

| Category | Square Miles | Acres | Percent of Country |
|---|---------------------|--------------|---------------------------|
| European Areas (including all urban areas) | 76,796 | 49,149,174 | 51% |
| “Native Reserves” | 33,011 | 21,127,040 | 22% |
| Unassigned Area (including game reserves/parks) | 27,802 | 17,793,300 | 18.5% |
| “Native Purchase” Area | 11,663 | 7,464,566 | 7.8% |
| Forest Area | 923 | 590,500 | 0.6% |
| Undetermined Area | 107 | 88,540 | 0.1% |

Source: <http://exploringafrica.matrix.msu.edu/teachers/curriculum/m30/activity3.php> |

Exploring Africa Matrix.

3.1.4. Unilateral declaration of independence (UDI); followed by sanctions

The administration of Southern Rhodesia witnessed a historic change in April 1964. The then Prime Minister, Winston Field, was replaced by his deputy Ian Smith as the Prime Minister (Mpofu, 2014). The ascension of Ian Smith to power as the Prime Minister brought new energy into the federation and resulted in a renewed call for independence from Britain. After unsuccessful negotiations with the British Government, on November 11, 1965, the

Prime Minister Ian Smith announced the Unilateral Declaration of Independence (UDI) from British rule (Mlambo, 2014: 155). In his speech, Ian Smith had this to say:

We Rhodesians have rejected the doctrinaire philosophy of appeasement and surrender. The decision which we have taken today is a refusal by Rhodesians to sell their birth right. And, even if we were to surrender, does anyone believe that Rhodesia would be the last target of the Communists in the Afro-Asian block? We have struck a blow for the preservation of justice, civilization, and Christianity; and in the spirit of this belief we have this day assumed our sovereign independence. God bless you all (Bailey, 1979: 128).

In response, the British government and the United Nations declared the UDI illegal. Consequently, the British government imposed a full range of economic sanctions against Rhodesia including the suspension of all British aid to and preferential treatment for Rhodesia, banning the importation of Rhodesian tobacco, asbestos, iron ore, chrome, meat, hides, skins and leather and recalling the British High Commissioner (Wood, 2012). The then British Prime Minister Harold Wilson went on to assure African States during the January 1966 Commonwealth Summit held in Lagos (Nigeria), that recently imposed sanctions would bring down the minority Rhodesian regime in weeks, not months (Minter and Schmidt, 1988: 207). Britain then made frantic effort to convince its allies within the Security Council to impose mandatory economic sanctions on Rhodesia. On December 16, 1966, the UN imposed its first comprehensive economic sanctions on Southern Rhodesia (Lung-chu, 2015: 364). However, hasty prediction by Mr Wilson that economic sanctions will bring down Rhodesia on her knees in weeks later became an implicit criterion to examine the success and/or failure of the sanctions.

3.1.5. The UN economic sanctions

The Security Council economic sanctions against Rhodesia were in two-folds. The first resolution invoking sanctions against Rhodesia was passed following the UDI and was not binding on all members States (UN Doc S/RES/217, 1965). The resolution condemned

the UDI and requested further action from the United Kingdom in order to put an end to the situation in Southern Rhodesia. Furthermore, it requested States not to recognise the declaration and to refrain from providing economic support or military equipment and materials to the “illegal” regime (UN Doc S/RES/217, 1965). Also it called for embargo on oil and other petroleum products. A year after the UDI, the Security Council imposed comprehensive or binding economic sanctions on Southern Rhodesia by adopting resolution 232 (UN Doc S/RES/232, 1966). The resolution requested all member States to desist from importation of Rhodesian products such as asbestos, chrome, pig-iron, sugar, iron ore, hides, skins and leathers, tobacco and copper into their territories. In fact the resolution prohibited member States from engaging in activities that would encourage transfer of cash and/or capital including financial or other economic aid to Rhodesia (Murphy, 2011). Also they were to refrain from providing transportation for goods that originated in Rhodesia. In addition, member States were required to checkmate activities of their citizens within their territories that may breach the sanctions (UN Doc S/RES/232, 1966).

Unfortunately, all member States did not adhere to resolution 232, and eighteen months later, the Security Council responded with further binding economic sanctions (UN Doc S/RES/253, 1968). The resolution adopting the sanctions reiterated most part of resolution 232, but this time member States were requested to avoid the importation of “all goods” originating from Southern Rhodesia. Also it prohibits member States from selling or supplying goods to Southern Rhodesia except on the basis of humanitarian exemptions. Member States were requested not to allow entry and/or transit into their territories any person(s) bearing Southern Rhodesia passport or any document issued under the UDI. It also urged member States to take every measure to discourage and/or prevent their citizens from travelling to Southern Rhodesia. Additionally, the resolution (UN Doc S/RES/253, 1968)

stressed on the need for member States to call back their diplomatic and/or consular representation to Southern Rhodesia.

Despite UN sanctions in place, on October 2, 1970, Ian Smith declared Rhodesia a Republic (Austin, 1975). The Security Council responded by adopting resolution 277 calling for harsher sanctions against Rhodesia. In the resolution, council urged members not to recognise the illegitimate republic and avoid any official State dealings with it. Drawing from article 41 of the UN Charter, the Security Council further requested member States to terminate any diplomatic, consular, trade, military and other relations they had with Rhodesia (Murphy, 2011: 59). Also it called on member States to suspend officials of the regime from any position they were holding under UN specialized agencies. It further suggested that Rhodesia must not be recognised or accepted by the UN or by other regional organisations, whilst it urged the Organization of African Unity (OAU) and other international agencies to accept and provide assistance to refugees from Southern Rhodesia (Murphy, 2011: 59-60).

Council sanctions were extended ones more in 1976 through the adoption of Resolution 388. The resolution called on member States to ensure that commodities from or reasonably believed to have originated from Southern Rhodesia were not insured in their territories or by person residing therein. Also they must not provide insurance cover to any commodity from or property in Rhodesia. In addition, the resolution stressed that States should ensure that franchise are not granted to any commercial, industrial or public entity operating in Southern Rhodesia by organization originating from or person(s) operating within their territories (UN Doc S/RES/388, 1976).

On May 27, 1977, the Security Country adopted yet another resolution, extending the sanctions (UN Doc S/RES/409, 1977). The resolution called on member States to prohibit any activity that will involve transfer of fund from its territory to the regime in Rhodesia.

Also member States must ensure that offices are not allocated, rented or leased to the regime or its agents in their territories except for pension purposes.

3.1.6. Self-determination in context

Article 1 (2) of the UN Charter establishes that one of the main purposes of the United Nations is respect for the principle of equal rights and self-determination of peoples. Antonio Cassese, defined it as a democratic principle calling for the consent of the governed in any sovereign State, which includes right to freely choose their own leaders. Also it entails freedom from external intervention such as colonial rule (Cassese, 1995: 109). Furthermore, Cassese explains that self-determination is a human right issue that is firmly entrenched in the corpus of international law: as an anti-colonialist standard; as a ban on foreign military oppression and occupation; and as a requirement that all racial groups be accorded full and legitimate access to government (Cassese, 1995: 110).

The United Nations General Assembly on December 14, 1960 passed resolution 1514 tagged: Declaration on the Granting of Independence to Colonial Countries and Peoples. The resolution emphasizes decolonization and self-determination of indigenous peoples (G.A Res 1514 (xv), 1960). It bemoaned colonialism as antithetical to human rights and an impediment to world peace. The resolution proclaimed that all indigenous peoples should be accorded the right to self-determination whilst independence should not be prolonged on the basis of inadequacy of political, economic, social or educational framework. Power should unconditionally be transferred to the indigenous peoples of non-self-governing and/or non-independent territories (G.A Res 1514 (xv), 1960).

The Unilateral Declaration of Independence by Ian Smith in 1965 was argued following the declarations made by the United Nations General Assembly resolution 1514. The white minority government argued that the UDI was an expression of their quest for self-

determination against a colonialist power (Murphy, 2011: 51). This argument was strengthened by the evidence that two other constituent parts of Rhodesia were granted independence after the Federation. Therefore, declaration of independence conforms with General Assembly declaration on the granting of independence to colonial countries and peoples. Ian Smith and the Rhodesian Front maintained that their action is legitimate, citing that they have the support of the black population. However, critics argue that African Chiefs who supported the declaration were all working in government establishments. Therefore, their allegiance to the UDI is compromised, because it did not represent the opinion of the African majority who on their part perceived the declaration as a scheme by white elites to protect their power and continue to subjugate the black majority (Kapungu, 1974). To critics, the UDI was antithesis of the requirement for self-determination. According to James Crawford, *“the minority government’s declaration of independence was and remained internationally a nullity, as a violation of the principle of self-determination”* (Crawford, 2006: 129). He added that instead of self-determination being an argument against sanctions imposed on the regime, it became the justification for the basis of for imposing economic sanctions. To Crawford, the Security Council sanctions against the UDI were an effort to deter the white minority and allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514.

3.1.7. Initial difficulties faced by sanctions

The UN sanctions against Rhodesia faced two main difficulties. The first difficulty came from sabotage and breach of the sanctions by countries such as Portugal, South Africa, the United Kingdom, the United States and Zambia. The second difficulty was that Southern Rhodesia’s economy was able to modify itself to avoid the worst effects of the sanctions (Murphy, 2011). Judging by the fact that the sanctions lasted more than a decade, it indicates

that at minimum they did not paralyse the economy of Southern Rhodesia and perhaps they could have been more effective.

3.1.7.1. Sanctions breaches by Portugal and South Africa

Right from the very time sanctions were proposed against Rhodesia, the duo of Portugal and South Africa expressed apathy for the measure. Consequently, the two countries consistently breached the sanctions when they were imposed. The decision of Portugal and South Africa were propelled by series of reasons such as trade and economic ties, proximity and common ideology at that time. (*Note that Mozambique was under Portuguese rule as at that time*). According to McKinnell (1969: 559), the relationship between Southern Rhodesia and her allies, South Africa and Portugal, was very cordial that Africa at the time was almost divided into two parallel lines; the black dominated north and the white colonialist south. It is believed that South Africa and Portugal breached the sanctions on grounds of expressing empathy for their ally. Some observers however, argue that the main reason why both countries breached the sanctions were because of fear that if sanctions succeed in Rhodesia they themselves may be subject of similar sanctions (Murphy, 2011).

The actions of Portugal and South Africa were criticised by the Security Council for failure to implement the sanctions while Council Resolution 320 expresses concern at their refusal to observe and/or implement the sanctions. Without doubt, the attitude of both countries towards the sanctions was perceived within the Security Council as a factor that contributed to the length of time it took for sanctions to take effect. One of the clearest examples of breach of sanctions by Portugal and South Africa was that when the supply of petroleum to Southern Rhodesia was cut off, it started to make use of alternative sources routed through Mozambique and South Africa (Jardim, 1978: 87). The petroleum breach was remarkable. Observers argue that the economy of Rhodesia could have been completely

paralysed if petroleum supply were completely boycotted particularly when we consider the impact it will have on manufacturing and transportation.

In addition, the regime in Southern Rhodesia established clandestine government corporations to coordinate trade in minerals, tobacco, petroleum and other products in South Africa and other parts of the world (Paul, 1979: 109). Through this approach, Rhodesia was able to amass profit that helped to sustain its economy. As profits were been made through these illegal channels, over time, they widened and became more efficient. For example, it was easy for international metal traders to negotiate secret contracts with Rhodesia and purchase illegitimate certificates of origin from South African firms engaged in the trade. In 1967 Japan reported that Rhodesia imports fell by 90 percent, but imports from South Africa, presumably of Rhodesian origin, increased by the same amount (Paul, 1979: 109-110).

Mozambique however, gained independence in 1975 from Portugal. Consequently, the Mozambique-Rhodesia border was closed in 1976. Additionally, in August 1976 South Africa pledged allegiance to the sanctions which compelled Rhodesia to accept the Kissinger formula for transition to majority rule (Wills, 1985: 436). As Anglin (1987: 39) notes, it was after Mozambique closed its Rhodesian border and South Africa pledged allegiance, that the sanctions hold a tighter grip on Southern Rhodesia's economy.

3.1.7.2. Sanctions breaches by the United States and the United Kingdom

Among the sabotage faced by the UN sanctions against Rhodesia, the most surprising of it all came from the United States and the United Kingdom. First and foremost, the United Kingdom was the first country to impose sanctions against Rhodesia after the Unilateral Declaration of Independence calling it illegal. Also Britain went further to convince its allies to impose similar sanctions on Rhodesia; therefore, it was unimaginable that Britain will breach the sanctions on its own or through proxy. Secondly, both the United States and the

United Kingdom are permanent members of the Security Council that passed resolution 232 on December 16, 1966 imposing comprehensive economic sanctions against Rhodesia. Reality however, shows that the United Kingdom breached the sanctions (Bailey, 1979). According to Murphy (2011), the United Kingdom prosecuted many individuals and organizations for breaching the sanctions; however, Britain did not persuade its companies to close down their subsidiaries in Rhodesia. Some commentators believed that Britain maintained its subsidiaries in Rhodesia due to fear that closing them will impact negatively on its economy.

Although Portugal and South Africa breached the oil boycott by allowing transportation of oil into Rhodesia through their borders, the United Kingdom through its subsidiary companies was responsible for the oil itself. Given that Southern Rhodesia had no oil reserves and required oil for day to day activities, sanctions had to be breached continuously in order to ensure that Southern Rhodesia had sufficient oil (Bailey, 1979). Thus, the five major oil companies in Rhodesia played a significant role in making sure that there was constant supply of oil and maintained their share of the market (Jardim, 1978). Among the five major oil companies in Rhodesia were Shell and BP. Ironically, 40 percent of these company shares were owned by British shareholders who benefited from the oil breach. In 1973 however, there were indications that British-owned companies and/or subsidiaries were supplying about 56 percent of the oil transported by rail through Mozambique to Southern Rhodesia (Bailey, 1979). Evidently, most of the breaches by the United Kingdom were committed largely by organisations rather than by the State itself. It has been argued that the UK was aware of potential breaches particularly of oil embargo, by British companies yet, the State failed to investigate these oil companies and possibly prosecute them (Drezner, 1999).

The United States on the other hand implemented certain policies and legislations that encouraged breach of the sanctions. For example, the Military Procurement Act of 1971 was amended by the US parliament to what became known as the “Rhodesian Chrome Statute” (Virginia Law Review, 1972). Rhodesian Chrome Statute allowed for the importation of material deemed “strategically” and “critically” important. Although the amendment was carefully orchestrated and avoided any mentioning of either Rhodesia or chrome, it remained clear that it was enacted to give way to the importation of Southern Rhodesian chrome into the United States (Murphy, 2011: 65). In addition, the amendment granted Ian Smith and other members of his regime entry into the United States even when they were placed under travel ban (UNSC Resolution 437, 1978). Obviously, the actions of the United States and the United Kingdom gave legitimacy to the breaches of the sanctions by both States and by other States.

3.1.7.3. Sanctions breaches by Zambia

Zambia, which was formerly known as Northern Rhodesia, had very close economic ties with Southern Rhodesia. It relied heavily on Southern Rhodesia in trade and certainly found it difficult to survive without the cooperation of Southern Rhodesia. Before sanctions were imposed on Southern Rhodesia, Zambia provided a market for more than 25 percent of exports from Southern Rhodesia (Murphy, 2011: 65). In addition, it relied on Southern Rhodesian railways to transport an estimated 65 percent of its imports while 95 percent of its exports activities were carried out from the same channel (Anglin, 1987: 29). Furthermore, Southern Rhodesia was the main source of electricity to Zambia while at the same time it served as its major supplier of oil and coal. Therefore, adhering to the sanctions and cutting economic ties with Southern Rhodesia seemed suicidal for Zambia; however, the country remained committed to the sanctions.

In reaction to Zambia attitude and in an attempt to force it to back off from the sanctions, Ian Smith government closed down its northern borders in 1973. Consequently, Zambia lost its profitable trade with Rhodesia and lacked Rhodesian coal to power the pumps to mine Zambian copper (Paul, 1979: 109-114). The blockade almost forced Zambia into economic depression. Under a very tough economic situation which some observers referred as “threat of starvation,” Zambia breached the sanctions and its borders were reopened in 1978 (Murphy, 2011: 66). Conclusively, Zambia breached the sanctions because it needed economic ties with Southern Rhodesia to survive, in the absence of support from the international community.

3.1.8. Adaptation of the economy

Just like every other economic sanctions episode, the initial stage of the sanctions against Rhodesia affected the economy. Records show that Rhodesian exports declined by 3 percent after UN imposed comprehensive economic sanctions, while its imports rose to 11 percent. However, some report shows that sanctions had only partial effect on Rhodesia’s economic growth. According to Paul (1979), gross domestic product per capita went up by 5 percent from 1965 to 1970 and even higher in the following five years, an indication that Rhodesians enjoyed greater prosperity in the period. As Rhodesians aspired for new wealth and financial prosperity, they reinvested their wealth at home rather than abroad due to sanctions. Consequently, savings and capital formation increased up to 150 percent from 1965 to 1975 (Paul, 1979). Rhodesia therefore, was able to diversify its production from agriculture to mining and manufacturing of consumer products. Thus, the import restrictions resulting from sanctions triggered a minor industrial revolution. Joel R, Paul reported that about 400 new industries were opened in Rhodesia in 1968 alone and helped to reduce the country’s dependence on foreign imports. Although in 1967, Rhodesia’s economy

experienced huge deficits in its current account caused by the sharply increasing costs of foreign freight services; however, this deficit were balanced with surpluses in the capital account (Paul, 1979: 112-113). Thus, Rhodesia's quick recovery from deficit to surplus indicates a rigorous economy with remarkable resilience to adjust to a fast-changing economic situation.

Another factor that helped Rhodesian economy to adjust to sanctions was its decision to cease all forms of debt repayment. Being under British rule, Southern Rhodesia owed Britain a considerable amount in debt. In addition, it owed the World Bank and other creditors and by not repaying those debts it saved a lot of money that helped to reinvigorate the economy (Murphy, 2011: 71). As McKinnell (1969: 564) notes, "*the interruption of external payments from Britain was more than offset by the repudiation of all liability to service external debt.*" Taking into account Anthony Hawkins statistical analysis, Southern Rhodesia saved £8.8 million in 1966 by refusing to repay its debt (Hawkins, 1967: 58), and thus facilitated what (Bond, 2003: 252) referred as "dramatic economic restructuring." It is important to note that, although Rhodesia decided not to repay its debt to the United Kingdom within the period of sanctions, it does not mean that the debts were written off. Rather, the funds that would have been used for debt repayment in that period were channelled to other economic uses that helped diversify the economy and thus help the country to keep up with the effects of sanctions.

Another issue was the miscalculation of white elite reactions and their capability to adapt to the sanctions. A major calculation of proponents of sanctions against Southern Rhodesia was that the white population which was accustomed to a life of affluence and ease will be unwilling to suffer economic hardship. That is to say that if sanctions were imposed on Rhodesia, the white elites will immediately surrender and adhere to request of the

sanctioning party. However, records show that human beings whether white or black will always resist economic and political isolation to preserve their national character when faced with economic difficulties particularly from foreign interference. The experience of the Germans and the British during the Second World War, and the European settlers in Rhodesia from 1966 when economic sanctions were imposed on them demonstrates that even affluent Western societies can be very adaptive to economic challenges. To support this argument, I reproduce part of Johan Galtung's account on the reactions of the affluent white elites during the Rhodesia sanctions episode.

Question: How do you manage with so little petrol?

Answer: Oh, that is easy enough. You know, if a family has two cars and receives some petrol for both, to put one car in the garage is not very much of a sacrifice. Besides, some of us who live in the countryside and have offices in Salisbury join our rations and form a car pool and go in together. It is strange to see how much better friends one becomes with one's neighbours in such situations - we really did not know them before. And if even this should not work, this may be the great impetus that forces the city to develop adequate collective transportation, and if even that does not work, doctors are almost unanimous that walking is good for you (Galtung 1967: 394)

Question: But what about all kinds of luxury goods, or household appliances?

Answer: [...] as to luxury goods - we have been without them during two world wars when we helped Britain, the same Britain that attacks us today, and we can do without them again. Besides, one family has some and another family will borrow from it. That was also the pattern during the war (Galtung 1967: 394).

Going by the above illustration presented by Galtung, it became obvious that the UN sanctions against Rhodesia brought synergy and solidarity among the white population. Put simply, the white population of Southern Rhodesia was prepared to sacrifice as a reaction to what it perceived as unfair sanctions being imposed on them. The determination of the white

Rhodesian population justifies Galtung's assertion of "rally around the flag effect" (Galtung, 1967: 393)

Just as UN sanctions did not collapse Rhodesia's economy; it also failed to break the political will of the regime from the stand point of resisting external oppositions and pressures. Instead sanctions were perceived as unfair foreign interference which provoked white Rhodesian nationalism. Although Smith's regime has at last agreed to concede to majority rule, this apparent concession is arguably unrelated to the impact of sanctions on the regime and/or economy. As Joel R. Paul notes, the initial impact of sanctions has long worn off without the economy of Rhodesia collapsing. However, the intensifying violence and rage from the black community presented a new burden and challenge to the economy (Paul, 1979: 109). The violence disrupted economic activities because every male below the age of 57 was eligible to be drafted for military service. This situation presented a huge challenge to the economy which was faced with increasingly lack of skilled manpower. In addition, the growing number of casualties from the violence frightened many white settlers causing about 20,000 out of a total European population of 280,000 to migrate out of Rhodesia (Paul, 1979: 110). Whilst the effect of economic sanctions has receded, the increased level of violence posed a real threat to governance in terms of maintaining law and order and also managing an economy with a desperate shortage of skilled workers. All in all, one can argue that sanctions only played a partial role in resolving the conflict.

3.2. Towards democracy and independence

After almost 15 years of civil war coupled with economic sanctions, on March 3, 1978, Ian Smith administration signed the Internal Settlement agreement in Salisbury with Bishop Muzorewa, Rev. Sithole, and Chief Jeremiah Chirau (Collier, 2013: 336). The agreement called for majority rule and democratic elections, while at the same time it

provided platform and framework for the conduct of elections in the following year being 1979. The election was supervised by the Conservative Party of Britain through a five-man delegate led by Lord Boyd. The United African National Council (UANC) won the election, giving the opportunity for Bishop Muzorewa to assume office on June 1, 1978, as the first black Prime Minister of Zimbabwe-Rhodesia (Copson, 2006). On December 10, 1979, while preparing for recognition and transition to an officially recognized independent State, the “Zimbabwe-Rhodesia” reverted to de facto colonial status (Chikuhwa, 2004). After the reversion to a de facto British colony, on December 12, the same year, a British Governor, Lord Christopher Soames arrived in Salisbury and reasserted British authority over the colony. The action of Britain quickly propelled violence across the country until December 21, 1979, when the Lancaster agreement was signed (Chikuhwa, 2004) calling for a peaceful resolution of the conflict in the colony. The agreement addressed issues such as new elections, a transition period under British rule and a new constitution that implements a majority rule while protecting minority rights. Sequel to signing the Lancaster House Agreement, same day, the UN Security Council unanimously voted and asked member States to remove sanctions on Rhodesia. In March 1980, the British government conducted an election in Rhodesia. Robert Mugabe’s ZANU-PF party won the election and formed Zimbabwe’s first government (Primorac and Chan, 2007: 73).

It was after the election that Zimbabwe was formally granted independence on April 18, 1980. On that day, the United States opened its embassy in Harare and became the first State to establish a foreign mission in Zimbabwe. Following independence, Zimbabwe’s parliament convened for the first time on May 13, 1980, and the country became a member of the United Nations on August 25, 1980. At this time, the country embarked on reconstruction and development programs, including increased wage and land redistribution (US Department of State, 2010).

3.2.1. The Matabeleland crisis that lasted within 1982 to 1987

On assuming office as the Prime Minister of Zimbabwe on April 18, 1980, Robert Mugabe was faced with the responsibility of rebuilding a volatile nation and reconciling a country that had been under repressive racist rule for over 90 years. Outside the oppressive rule of the white European settlers, the country had experienced an increasing violent military activity, which facilitated the emancipation process of the black majority, but at the same time sow seed of discord within it (Catholic Commission for Justice and Peace in Zimbabwe, 1997). After independence, the country continued to experience constant outbreaks of violence and the guerrillas or ex-combatants were often accused of perpetrating the violence, which erupted from time to time in different locations across Zimbabwe particularly in the Matabeleland. Although such violence was experienced before independence, they continued unabated throughout the 1980's. The guerrillas comprises of ZANLA, ex-ZANU combatants and ZIPRA, ex-ZAPU combatants who were kept in camps referred as "assembly points" (APs), for the purpose of disarmament and official integration into the Zimbabwe military force (Catholic Commission for Justice and Peace in Zimbabwe, 1997). The ex-combatants continued to perpetrate violence against civilians and quite often against each other. Some observers argue that the violence was caused by the mentality of securing post war supremacy among the two factions.

As opinion varies, Terence M. Mashingaidze (2005), shares a different opinion and view about the main cause of the crisis. In his opinion, the major cause of the Matabeleland crisis was political intolerance of the ruling ZANU led by Robert Mugabe. Mashingaidze added that Africa's post-colonial nation building process was marred by political bigotry on the side of the ruling elites. Thus, the Matabeleland crisis that lasted within 1982 to 1987 was an outcome of the homogenous conceptualisation and practice of nation-building in Africa

(Mashingaidze, 2005: 78). The war, which was believed to be a spill-over from the nationalist politics of the 1960's and 1970's, caused the death of about 20,000 people (Alexander, McGregor and Ranger 2000). Alexander et.al, note that the escalation of violence between the two guerrilla armies' (ZANLA and ZIPRA) after the liberation war was propelled by a history of animosity and distrust between the two armies and their political leaders dating back to the 1970's (Alexander, McGregor and Ranger 2000: 112).

ZIPRA forces were dominated by Ndebele speakers from Matabeleland, while ZANLA was predominantly Shona-speaking. The formation of these two political armies along tribal lines had serious effects on individual political loyalties. Voting and political participation was largely based on ethnic and regional divisions, creating the possibility of conflict along these lines. Following ZANU's victory in the February 1980 elections, the party feared that ZAPU may use its combatants, which were deemed to be more sophisticated than ZANU fighters to obtain victory by other means. While ZANU was speculating on a potential coup by ZAPU, there were several assassination attempts on the Prime Minister, Robert Mugabe himself. He and others narrowly escaped an assassination attempt planned to coincide with Independence Day in 1980 (Alexander, McGregor and Ranger 2000: 112-113). In December 1981 he was a target of attack by South African agents who blew up the new ZANU headquarters with the intention of killing Mugabe, and later that year, there was yet another abortive attempt on his life, involving ex-ZIPRA combatants, when shots were fired at his residence in Harare (Alexander, McGregor and Ranger 2000: 113). The outcome of the unstable situation was that by mid-1982, Zimbabwe was faced with serious security issues in different parts of the country, particularly in the Western half, where civilians were frequently killed and property destroyed. The distrust between ZANU and ZAPU led to the removal of ZAPU leader, Joshua Nkomo, from the post of Minister of Home Affairs to

Minister without Portfolio (Alexander et al 2000). This action angered ZAPU and ZIPRA cadres who responded with violence (Mashingaidze, 2005: 83).

The violence resulted into a full brown war between members and supporters of ZANU and ZAPU. In response and/or preparation for the worst from ZAPU combatants, the government secretly initiated training of the notorious Fifth Brigade by 106 North Korean military instructors (Mashingaidze, 2005: 84). Then in February 1982, the government alleged that it had discovered arsenal of weapons on properties that belong to Nitram, a Company owned by ZAPU. In addition, the government claimed to have discovered another coach of arms in and around ZIPRA APs. Based on these findings and/or allegations as the case may be, the government confiscated the properties and sacked Nkomo and other ZAPU Ministers (Mashingaidze, 2005: 85). Consequently, the political environment of Zimbabwe became tensed and as a result, many ZAPU combatants who were already drafted into the Zimbabwe army left due to fear of persecution and took up arms. According to Alexander et al (2000):

The desertion in 1982 of thousands of armed former Zipras from the Zimbabwe National Army (ZNA) and their persecution at home led to a vast increase of dissident violence in Matabeleland. These dissidents were not the same as those of 1980. Their position was due to the deterioration of relations within the ZNA and targeting of former Zipras outside it, a situation that was to worsen dramatically with the deployment of the notorious Fifth Brigade to Matabeleland North in 1983 (Mashingaidze, 2005: 84 - 85).

Mashingaidze notes that the tension in Zimbabwe grew so high after February 1982 that there was no room for political reconciliation between ZANU and ZAPU (Mashingaidze, 2005: 83-86). Prime Minister Robert Mugabe concluded that the arms discovered in ZAPU owned property was clear evidence that ZAPU had always planned a coup. It was alleged that it had held back forces and cached weapons to fight in a final struggle to overthrow a ZANU government if it came to power (Alexander et al 2000: 181). Apart from the internal problem

between ZAPU and ZANU, the situation was exacerbated by South Africa's involvement. It was believed that South Africa played a role in fermenting the crisis. It is accused of recruiting and sponsoring insurgent groups in Zimbabwe and its army is linked to the sabotage of Inkomo Barracks in August 1981. Also there is a belief that it sponsored and/or facilitated an attack on Zimbabwe Air-force base located in Thornhill in July 1982 (Mashingaidze, 2005: 84). Another evidence of South Africa's involvement in the conflict was the killing of three soldiers of the South African Defence Forces (SADF) in a clash inside Zimbabwe in August 1982. That is to say, South Africa was not only sponsoring militia groups in Zimbabwe; their soldiers/troops were actually carrying out attacks inside Zimbabwe. According to available reports, towards the end of 1982, South Africa launched "Operation Drama" (Catholic Commission for Justice and Peace in Zimbabwe, 1997; Chiwome and Mguni, 2012: 40), with the task of recruiting, and arming a Zimbabwean insurgent group called Super ZAPU.

The action and/or involvement of South Africa made the ZANU government grew increasingly paranoid whilst it became more convinced that the crisis could only be solved by the use of military force. The government responded by deploying the Fifth Brigade to Matabeleland North in January 1983. Unlike the regular army, the Fifth Brigade was accountable only to the Prime Minister Robert Mugabe, and not to the normal military chain of command. The government went on to claim that the Fifth Brigade was to be used for internal defence purposes (Mashingaidze, 2005: 85). However, the Brigade's activity from 1983, when it was deployed in Matabeleland North until its withdrawal from Matabeleland South in late 1984, was marred with violence. It was accused of violence against leaders of opposition parties, civilians' at large, former ZIPRA combatants and anyone suspected of supporting ZAPU. Many people were tortured, raped, murdered, and maimed while those that

survived still bear the mental and physical scars of the Fifth Brigade's repression (Mashingaidze, 2005: 85).

Although opinion varies, some observers argue that the war was fought along ethnic lines. However, it is worth noting that though the Fifth Brigade was deployed in Matabeleland, they also attacked areas that were predominantly Shona speaking population. ZAPU supporters in Shona speaking areas such as Hurungwe, Gokwe and Mberengwa were perceived as dissidents and consequently attacked (Mashingaidze, 2005: 86). Absolutely, the Fifth Brigade and other State security units targeted mostly Ndebele people because of their support and commitment to ZAPU. However, according to Mashingaidze (2005: 86) the war was largely fought along political line and/or affiliation rather than ethnicity. The Matabeleland crisis continued until December 22, 1987 when the Unity Accord was signed.

3.2.2. The Unity Accord

The repressive policies of the Rhodesian racist colonial regime necessitated the formation of ZAPU. The party became the main nationalist party that challenged the racist policies of the ruling white minority. It was formed in 1961 with Joshua Nkomo as its first president (Msipa, 2013). In 1963, a splinter group comprising of Robert Mugabe and others broke away from ZAPU and formed ZANU. The breakaway was perceived as an act of rebellion by ZAPU leadership and it led to distrust among the two parties. Although there was love lost between ZAPU and ZANU, both parties however, remained committed to fighting a common enemy, Ian Smith and his Rhodesia Front (Msipa, 2013). The war waged by these two parties against the colonial regime facilitated Zimbabwe's independence in 1980. Ironically, attaining independence did not end the conflict as ex-combatants of the two parties continued to fight each other until December 22, 1987, when the Unity Accord was signed.

The Unity Accord therefore, is an agreement signed by Robert Mugabe and Joshua Nkomo on behalf of ZANU-PF and PF ZAPU on December 22, 1987 in Harare (Msipa, 2013). The Accord stated that both parties have irrevocably committed themselves to unite under one political party, the Zimbabwe African National Union- Patriotic Front (ZANU-PF). In any case, PF ZAPU was exterminated by the Unity Accord, whilst ZANU-PF became the only political party in Zimbabwe. Speaking after signing the agreement, Robert Mugabe had this to say:

Today is a great day. It is great because we have seen the coming together in body, mind and spirit of our two parties. What we are witnessing is a tremendous blow to the forces of negation, the forces of division, the forces of destruction [...] let them be murdered and laid to rest for eternity (The Glasgow Herald, 1987).

On his part, Joshua Nkomo commented that the Accord was “*the beginning of unity, for unity is not just the signing of documents, unity is what follows*” (The Glasgow Herald, 1987). The accord therefore ushered in a new era of political development.

According to Terence M. Mashingaidze, the keyword in post-conflict reconstruction is reconciliation (Mashingaidze, 2005: 86) and the best way to bring peace and reconciliation in post conflict societies is through truth telling and a shared willingness to reconcile. Reconciliation therefore, should involve all the major actors in a conflict. The government, social and civil society organisations such as churches, mosques and in fact the entire population have to come to terms with the past in order to provide space for peace and reconciliation. In my opinion, the 1987 Unity Accord may have ended the war but it failed to bring peace and reconciliation. The Accord was elitist and embodied a top-down approach in which Robert Mugabe and Joshua Nkomo signed the Accord and then enforced it on the people. Such approach offers only temporary peace and may result in a bigger conflict in the future.

3.2.3. Shortfall of the 1987 Unity Accord

The foundation of reconciliation either in post conflict situation or in other circumstances is recognition of suffering and pain undergone by victims (Gatsheni-Ndlovu, 2003). Recognition of suffering differentiates reconciliation from what could ordinarily be perceived as political negotiation and compromises. It is usually accompanied by measures of compensation and redress which benefit the victims. Thus, recognition is undoubtedly a major factor that guarantees peace, dignity and justice in post conflict societies. The effectiveness of the 1987 United Accord is not in any way in question here as it did bring an end to hostilities in the Zimbabwean society. However, my concern is that it did not bring the much needed peace, unity and justice. As Mashingaidze (2005: 87) notes, victims of the Matabeleland crisis and other violent conflicts in Zimbabwe have not been identified and compensated. Neither have the perpetrators of the violence been brought to justice nor have they apologised for their actions and sought the forgiveness of their victims. As a result, the Unity Accord has been associated with many loopholes. In line with Mashingaidze (2005: 86-87) I the Accord had a poor post conflict peace building framework, because it failed to incorporate the following core elements needed to establish durable peace.

- It did not offer platform for political freedom and democratic rebuilding of the society. That is to say, it failed to provide a framework that will eradicate fear among citizens, and enhance accountability, transparency, legitimacy, human security, and social peace among Zimbabweans.
- One of the major imperatives of post conflict reintegration of victims into the communities is psychological rebuilding and/or rehabilitation. A report by the Catholic Commission for Justice and Peace (CCJP) supported this view point when it noted that *“part of the process of psychological healing for any victim of abuse is*

being given the opportunity to recount that suffering to a supportive, non-judgmental audience” (CCJP Report, 1997: 16). The Unity Accord was credited for successfully curbing the conflict; however, it did not encompass this all important element needed to avert future crisis or revenge. The Accord is supposed to include a recount of victims experiences that the national leadership need to hear and take account of, if they wish to achieve positive peace. Apart from victims, the process should have compelled perpetrators of the violence to acknowledge their wrongdoing. In addition, an atmosphere of truth telling was necessary, which would have enabled perpetrators and victims to purge themselves of their memories of events. Some sort of national exorcism would have been crucial. As the CCPJ notes: “One of the most painful aspects of the 1980’s conflict for its victims is their perception that their plight is unacknowledged. Officially, the State continues to deny any serious culpability for events during that period, and refuses to allow open dialogue on the issue. In effect, there is a significant chunk of Zimbabwean history, which is largely unknown, except to those who experienced it first-hand. All Zimbabweans, both present and future, should be allowed access to history” (CCJP Report, 1997: 15).

- A key factor of post conflict reconciliation is compensation of victims. According to international law, victims have a right to material compensation. Zimbabwe’s Unity Accord and its post-conflict development paradigm did not embrace this approach (Mashingaidze, 2005: 89). Although some parts of Zimbabwe experienced infrastructural development after the Unity Accord was signed, the Matabeleland and some parts of the Midlands Provinces did not benefit. The Accord should have pursued and/or included massive infrastructural development and rehabilitation of Zimbabwe in general but particularly the people and the areas that were mostly affected by the crisis. Unfortunately, the people of Matabeleland that suffered brunch

of the crisis did not benefit from either infrastructural development nor receive personal compensation and the people feel alienated from national development processes. The feeling of neglect has continued to fuel apathy in the people of Matabeleland against ZANU-PF (Mashingaidze, 2005: 89-90). This could be deduced from a statement credited to one Dumiso Dabengwa, a contestant of the 2000 parliamentary election under ZANU-PF when he commented thus: “the people have rejected us not only as candidates, but also as ruling party ZANU-PF now. The reason is that since the signing of the Unity Accord in December 1987, the people of Bulawayo feel they have not gained anything. The people have been saying; what is the need of supporting ZANU-PF and its candidates?” (Mashingaidze, 2005: 89). Obviously, a key message passed by the people of Bulawayo is that they are discontented with the ruling party.

The Zimbabwean Unity Accord glossed over recognition of victims, truth telling, reconciliation and compensation, which are integral components of achieving durable peace in post conflict societies.

3.2.4. Crisis and challenges of the 1990's

Zimbabwe witnessed economic difficulties and political crisis in the 1990's (Dansereau and Zamponi, 2004: 28). In the period, the International Monetary Fund (IMF) proposed the disastrous Structural Adjustment Programmes (SAPs) to the Zimbabwean government. Just like many other developing countries that fall victim of this unfortunate economic scheme, the Zimbabwean government was convinced that introducing SAP would help the country reduce its balance of payment deficit and growing inflation rate. Thus, SAP was intended to bring macro-economic stability to the country (Bond, 1998). Ironically, introduction of SAP instead led to economic stagnation while unemployment rate increased

rapidly. Consequently, the economic and social situations became appalling while the government struggled to revive the economy. Joblessness and hopelessness that followed created tension throughout Zimbabwe and helped to sustain apathy against the regime. This was evident in low political participation in terms of voting throughout the 1990's. Consequently, there was a boom and wide spread of civil society groups in the absence of a strong opposition party (Laakso 2003: 126).

Increase in the activities of civil society groups led to the formation of an opposition party, the Movement for Democratic Change (MDC) in September 1999 with Morgan Tsvangirai as its leader (Maroleng, 2004: 19), bringing an end to Zimbabwe de facto one party State. The newly formed party provided a platform for increased political participation and competition that eroded the Zimbabwean political landscape for the most part of the 1990's (Mair 2002: 62). Being a party that abhors opposition, the ruling ZANU-PF did not perceived MDC's entrance into Zimbabwean politics in a good light and soon a political tug of war ensued between the two political parties. The President, Robert Mugabe was resolute to his own ideology, which is anchored on African nationalism (Grebe, 2010: 11), authoritarian belief and the specific command structure that mainly delegitimizes both individual and political opposition (Mair 2002). As Chikuhwa (2004) notes, Mugabe's ideological behavioural patterns, which are mainly focused on retaining political power at all cost, dominate the actions of the regime throughout the current crisis. Thus, intimidation and blackmail became a necessary tool to exterminate opposition.

3.2.5. Developments since 2000

After the MDC came on board in 1999, the political landscape of Zimbabwe quickly took a dramatic change. In the 2000 parliamentary elections, the party secured 57 out of 120 seats in parliament and thus brought an end to ZANU-PF one party parliament (Grebe, 2010:

7). The party also made a significant impact in the 2002 presidential election while it won a notable number of seats in the 2005 parliamentary elections despite widespread intimidation from the regime. The success recorded by MDC, however, complicated the political situation (Schwersensky and Traub-Merz, 2005). With MDC making political progress, the constitutional reform and/or amendment proposed by the regime met stiff resistance. The Mugabe regime had proposed a “home-grown” constitution that will replace the 20 years old Lancaster House Constitution (Vollan, 2013). The opposition, however, alleged that the draft constitution failed to incorporate the will of the people; instead it allocated more power to the office of the president (Grebe, 2010: 19). In addition, the draft constitution had more to do with land reform and provided the government with immunity to acquire land for resettlement without hindrance or payment of any form of compensation. Other contending issues in the draft constitution included the introduction of compulsory military service, condemnation and outright prohibition of same-sex marriages and a call for Britain to pay compensation to farmers (Dzinesa, 2013: 4).

The draft was put to a national referendum on February 2000. ZANU-PF campaigned vigorously for an endorsing “Yes” vote while the MDC orchestrated a “No” campaign. The MDC in its “No” campaign argue that the draft constitution neglected the provincial committee reports that had been submitted, and particularly people’s views on the need to limit the powers of the executive and rather ensure a balance of power between the legislative, judicial and executive arms of government (Dorman, 2003: 853). According to Chenjerai Chisaka, *“the majority of those consulted clearly wanted a governmental system that was accountable to them through elected representatives in parliament [...] but this was denied them by the Commission”* (Chisaka, 2000: 19). The outcome of the referendum was a wholly 54.31 percent “No” vote, signifying a majority rejection of the draft constitution (Hatchard 2001: 213; Chikuhwa, 2013). Mugabe’s failure to successfully implement his

changes to the constitution gave the regime the impression that they were losing grip of both parliament and the Zimbabwean population. The regime's stability was threatened, and Mugabe decided to pay significant pensions to war veterans so as to secure their loyalty (Chikuhwa, 2013: 7). Since the draft constitution that would have enabled the government to finally redistribute the white-owned farmland was rejected in a national referendum, the regime opted to achieve its aim through other means. Consequently, there were mass invasion of white-owned farmlands by ex-combatants, war veterans and ZANU-PF youth groups (Grebe, 2010: 12-13).

Another factor that heightened the tension in the country to a crisis level was the 2008 presidential election. The atmosphere was characterized by severe economic meltdown, hyperinflation and high level of political intolerance and violence, as well as by a mass exodus of Zimbabweans, who sort for greener pastures abroad. The outcome of the election was devastating on ZANU-PF; the result was very close that it called for a run-off election (Badza, 2009). Before the run-off was conducted, MDC candidate Morgan Tsvangirai withdrew his candidacy from the election, accusing ZANU-PF and the regime of manipulating the process. Mugabe however declared victory in the election.

The outcome of the election added a twist to the long political backlash in Zimbabwe. In fact opinions were divided between West and South. Some Western countries such as the EU member States and the United States alleged that the election process was marred by violence and irregularities and it did not meet criteria for a democratic election. Whilst African observers on ground during the election adjudged the election process to be free and fair, the US and the EU with no observer present condemned the elections from afar as fraudulent (Elich, 2007). The rejection of the outcome of the election has prompted an array of opinion, as to why the EU and the US took such stance. On one hand, the regime in

Zimbabwe and scholars such as Gregory Elich (2007) claim that the duo of the EU and the US are only witch hunting Mugabe for his ill-fated land reform policies. On the other hand, the EU and the US insist that they rejected the outcome of the election because Robert Mugabe manipulated the election process. Be it as it may, the truth remain that the US was dissatisfied with the political situation in Zimbabwe even before the election. For instance, prior to the presidential run-off election, the State Department issued a statement where it expressed deep concern on how the regime in Zimbabwe was hoarding several ballot boxes in the weeks after the main election (Ploch, 2008: 11; under foot note). The statement continued that the department does not believe that the conditions on ground would allow for a free and fair runoff.

By issuing the above statement, the US may have justified their rejection of the outcome of the election. The process was not free and fair. Apart from the statement issued by the State department, the then US Assistant Secretary of State, Jendayi Frazer before the election accused Mugabe of trying to steal the election and urged him to do the honourable thing and step down (Ploch, 2008: 16). However, Bernard Kouchner, the Foreign Minister of France, on July 1, 2008, during a press interview, said that the European Union would “*accept no government in Zimbabwe other than a government led by Mr Tsvangirai*” (Reuters, 2008). With such apologetic statement, one can argue that the EU and the US may have rejected the election result, not necessarily because of irregularities in the election process; rather they were not comfortable with the incumbent remaining in power. In essence, rejecting the outcome of the election may be perceived merely as a protest against Mugabe’s long stay in office. According to Gregory Elich, Western condemnation of the election result was prompted by the uncomfortable realization that a different outcome could not be achieved in the election (Elich, 2007).

Following barrage of condemnation from Western countries and MDC's disagreement with the outcome of the election, the regime was forced to sort political dialogue and compromises. There were series of meetings, negotiations and dialogue between Robert Mugabe and Morgan Tsvangirai in the months that followed. In February 2009, under the mediation of Arthur Mutambara, the two party leaders were able to reach an agreement and established a unity government under the Global Political Agreement (Grebe, 2010). Whether the unity government is a success or a failure remains an issue that needs to be explored further.

3.2.6. Foreign intervention

The pattern of reaction from the EU and the US were completely different when crisis erupted in Zimbabwe in the year 2000. The EU tried to gain political influence over the situation through the Cotonou Agreement (Grebe, 2010). The Cotonou Agreement is a treaty between the European Union and the African, Caribbean and Pacific Group of States (ACP). It was adopted in June 2000 in Cotonou, Republic of Benin, by fifteen member countries of the EU as at then and by 78 ACP countries, (European Commission, 2008) with the exception of Cuba. It replaced the Lome Convention, which had been the basis for EU-ACP development cooperation since 1975. The Agreement aimed at giving a stronger political foundation to EU-ACP development cooperation. As a result, political dialogue was incorporated as an integral part of the agreement. In addition, it addresses other issues which had previously been perceived to be outside the scope of development cooperation, such as peace and security, arms trade and migration.

Based on the provisions of Article 96 of the Lome Agreement, the EU tried to mediate the crisis to avoid a total breakdown of rules and order. The EU requested Mugabe and his government to end all politically motivated violence and grant unlimited access to neutral

election observers, protect the right to freedom of the press, establish an independent judiciary and end all manner of land invasions and reallocation. However, the attempt made by the EU was characterised by a “political and diplomatic tug-of-war” (Weiland, 2003: 127; Grebe, 2010: 9) between the EU and the Zimbabwean government. The regime accused the EU of behaving like a superior partner and as such will not yield to their dictates. Consequently, the EU election-observer chief, Pierre Schori was denied entry into Zimbabwe during the 2002 parliamentary elections. This incident led to the initial implementation of targeted sanctions by the EU against Mugabe and twenty other top members of his regime (Stubig, 2007).

The US however, responded differently to the situation. Rather than exploring diplomacy through in-depth negotiation with the Zimbabwean regime, they acted mainly through the 2001 enacted Zimbabwe Democracy and Economic Recovery Act (ZIDERA). Detailed analysis of ZIDERA would be provided in a later part of this chapter.

3.3. Misconceptions and ambiguities: Overview of the US and the EU sanctions

Perhaps the most reasonable question to ask is why did the United States and the European Union impose sanctions on Zimbabwe? The reasons for sanctions against Zimbabwe have been marred with controversy from both the perspective of the sanctioning party and the sanctioned (Chingono, 2010: 67). Prior to the imposition of sanctions and even presently, the regime in Zimbabwe has been identified with internal repression of its citizens. The government of President Robert Mugabe is characterized with brutality and being hypersensitive to opposition. The regime abhors human rights values and the rule of law; also, press freedom is never considered in the regime’s agenda. In addition, the regime has been in power for too long, starting from independence in 1980, thereby making it one of the longest serving regimes in the world. In 2001, the United States imposed targeted sanctions

on the regime through the enactment of the Zimbabwe Democracy and Economic Recovery Act (Chingono, 2010: 66). Also in 2002, the EU imposed sanctions on the regime, which it refers to as restrictive measures (ibid). The reasons advanced by the US and the EU for imposing sanctions on Zimbabwe were to establish democratic principles; to institutionalize real democracy and political emancipation of the people of Zimbabwe; and to improve human rights and restore the rule of law. However, the regime and the political ruling class in Zimbabwe (ZANU-PF) allege that the sanctions against the country are a new form of colonialism (Masaka, 2012). The regime claims that the sanctions have nothing to do with democracy and argue instead that they were imposed because of the land reform policy of the government. The US and the EU believes that sanctions against the government of Zimbabwe will pressure the regime to change its behaviour and restore democracy in the country according to Western modern standards of democracy. On the contrary, the government of Zimbabwe perceives the use of sanctions as an illegal tool meant to destabilize the internal political affairs of the country, particularly the land reform exercise (Chingono, 2010: 66). Furthermore, the regime claims that sanctions against them contradict the UN Charter and principle of non-interference in the internal political matters of a sovereign State (Chingono, 2010: 66). The differences in interpreting the causal factors that led to sanctions against Zimbabwe have prompted inherent questions regarding the exact nature of these sanctions. Despite identifying an array of factors, the fundamental question remains: What underlying factors have shaped the two parties' understanding of the actual reasons for the sanctions? Exploring these underlying factors helps us not only to understand the nature of the sanctions against Zimbabwe from the points of view of the involved parties, but it also acts as a key driver to understanding the prospects for resolving the conflict and most importantly, the appropriate strategy for re-engagement. Furthermore, the legality of the sanctions against Zimbabwe has generated a huge debate even among the sanctioning party and the sanctioned

party with the later out-rightly calling it illegal and an aberration of international law (Chingono, 2010: 72).

In my opinion, the focus on legality and illegality of sanctions against Zimbabwe is distracting and misleading, as it does not get at the heart of the matter. Instead, I approach this sanctions dilemma differently and shift the argument away from a juridical cul-de-sac, which leaves very little room for conflict transformation, to the international “logic” and conceptualization of sanctions. Perhaps the right questions to ask is: are sanctions a wise conflict management tool and do they and have they achieved their target objectives? The objective of the US and the EU for imposing sanctions on Zimbabwe is to influence a positive change in the behaviour of the regime, in a manner that will be beneficial to the citizens. For example, the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) of 2001 was enacted by the Senate and House of Representatives of the United States of America in Congress “*to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law*” (Masaka, 2012: 58). Such statements contained in the ZIDERA are commendable and provide hope for Zimbabweans. The EU on their part issued a statement in 2004 explaining its position on the sanctions against Zimbabwe when stated thus:

The objective of these restricted measures is to encourage the persons targeted to reject policies that lead to the suppression of human rights, of the freedom of expression and of good governance (Council Common Position 2004/161/CFSP: 2).

In any case, the primary goal of EU sanctions and/or restrictive measures is to change the politics and the behaviour of the targeted persons and not a regime change as argued by the Mugabe government. Nevertheless, the Prime Minister of the United Kingdom Tony Blair in June 2004, made a glaring revelation of Britain’s intention in Zimbabwe when he had this to say:

We work closely with the MDC on the measures that we should take in respect of Zimbabwe, although I am afraid that these measures and sanctions, although we have them in place, are of limited effect on the Mugabe regime. We must be realistic about that. It is still important that we give every chance to, and make every effort to try to help, those in South Africa- the southern part of Africa- to put pressure for change on the Mugabe regime, because there is no salvation for the people of Zimbabwe until that regime is changed (UK Parliament, 14 June 2004, Column 523).

Apart from Mr Blair, I reproduce a statement accredited to the then Foreign Minister of France, Bernard Kouchner, who said that the European Union would “*accept no government in Zimbabwe, other than a government led by Mr Tsvangirai*” (Reuters, 2008). In view of the above statements made by these two leaders, sanctions against Zimbabwe may have a hidden agenda: to remove Mugabe and his ZANU-PF from office, instead of to modify his behaviour towards the people of Zimbabwe. The US and the EU strategy in Zimbabwe raise two crucial questions. First, can sanctions stop a regime from oppressing its citizens? Second, can sanctions in any way provide remedy to a population facing repression from its government? The present economic and humanitarian situation in Zimbabwe evidently shows that sanctions are not a solution. Trevor Ncube (2005) argues in with the above statement when he notes that, Western sanctions against Zimbabwe are not meeting the objectives for which they are imposed. Ncube continued by saying that sanctions have failed to address the political conflicts in Zimbabwe or improve the well-being of the population. In addition, he concluded that Western sanctions against Zimbabwe are vague and problematic to understand because they were imposed out of emotional rather than practical reasons (Ncube, 2005).

A more complicated issue about Western sanctions against Zimbabwe is that instead of focusing on personal finances and businesses of the targeted individuals, they target the regime’s access to finances without recourse to the consequences of such action on the entire population the sanctions intend to help. Consequently, many Zimbabweans particularly

government officials believe that the US and the EU sanctions were imposed specifically to destabilize the government (Chingono, 2010: 3-5). Gideon Gono of the Governor Reserve Bank of Zimbabwe argues in the same line when he notes:

Before the Land Reforms in Zimbabwe, the world was literally silent about the imbalances that existed in the ownership and distribution of national wealth. The prevailing situation was instead, passively preserved, and in the process, breeding what could have degenerated into a chaotic state of affairs in the country's socio-geo-political landscape (Gono, 2007: 1).

In a situation such as this, where the parties could not agree on the underlying reasons for imposing sanctions, it is problematic for anyone to accept any of the reasons advanced by either party. Perhaps an important question that could guide us in addressing this issue is why did the US and the EU impose sanctions on Zimbabwe for not adopting a Western model of democracy, while countries such as China, Bahrain and Saudi Arabia and others with questionable human rights and democratic record remain allies of the United States and the EU? This type of logic raises doubt on the actual intentions of the sanctions imposed against Zimbabwe.

In my opinion, the US and the EU should not base their quest to establish democracy globally on scapegoating. For example there are many countries in Africa and around the world with long serving governments like Zimbabwe. Many of these leaders (HM Sheikh Hamadibn Isa Al Khalifa of Bahrain, Yoweri Museveni of Uganda, Ali Bongo Ondimba of Gabon, Jose Eduardo Dos Santos of Angola, Teodoro Obiang Nguema Mbasogo of Equatorial Guinea, Denis Sassou Nguesso of the Republic of the Congo and many others) are allergic to democracy and hypersensitive to opposition (real or imagined), yet they enjoy friendly relationships with the US and the EU. Therefore, I query the United States and the European Union motive for singling out the regime in Zimbabwe for sanctions.

Furthermore, I acknowledge that the reasons presented by the US and the EU for imposing sanctions on Zimbabwe are reasonable and will be of benefit to Zimbabweans if they are achieved. However, employing economic sanctions to achieve these objectives is unacceptable. Also the difficulty of parties involved in the sanctions to agree on the type of sanctions in place in Zimbabwe is worrisome. After more-than a decade, sanctions have failed to deter Robert Mugabe and his ZANU-PF party, who continue to dominate the political landscape of Zimbabwe. Instead, sanctions are hitting most strongly on ordinary Zimbabweans and civil society groups. These and related considerations demonstrate, in my view, that the sanctions are not wise and hence are counterproductive.

All in all sanctions have added to the burden of the civilian population in Zimbabwe. The well-being of the population has deteriorated since sanctions were imposed (Chigono, 2010: 1-6). Apart from that, sanctions create other problems that may be difficult to root out even after they are lifted. For example, pressures from sanctions on the targeted individuals may lead to unintended consequences such as smuggling of commodities by those targeted and their allies. The impact of smuggling on the wider society may be such that sustains the wealth and fortunes of sanctioned individuals and entities at the expense of ordinary citizens (Masaka, 2012: 66). Thus, a scenario of uneven wealth distribution between the ruling elite who are targeted by sanctions and their sympathizers on the one hand, and the ordinary citizens on the other, becomes more visible (Masaka, 2012: 66). Also Peter Andreas notes, sanctions may *“create an economic opportunity structure that privileges those best positioned in the underground economy, enhancing the value of their smuggling skills and connections and such criminal endeavours [...] may even be celebrated as patriotic”* (Andreas, 2005: 336). Andreas stated further that, sanctions may lead to the legitimization and acceptance of corrupt and immoral economic policies and practices, as long as they proffer avenues to bust the sanctions while at the same time provide economic benefit to the

targeted individuals and the country in general (Andreas, 2005: 336). For this reason, I submit that Western sanctions against Zimbabwe are only adding to the difficulty faced by ordinary Zimbabweans whom they are meant to protect.

3.3.1. Determination of US sanctions on Zimbabwe: Economic or Targeted sanctions?

As defined in chapter one, smart or targeted sanctions impose coercive measures on specific individuals and entities. It places restrictions on selected products or activities while minimizing unintended economic and social consequences on innocents and bystanders (Cortright and Lopez, 2002: 2). Smart sanctions are intended to target specific political elites espousing policies and committing actions deemed reprehensible by the international community. Secondly, they are supposed to protect innocent social groups such as children, women, the elderly and the sick from so-called collateral damage (Tostensen and Bull, 2002: 373). This brand of sanctions are expected to achieve their goals through actions such as travel bans, freezing of financial and capital assets, suspension of diplomatic relations and other kinds of embargoes on the leadership or specific individuals of a targeted State, region or organization.

Smart sanctions were introduced by the United Nations as an answer and solution to growing concerns over the negative humanitarian impact of comprehensive sanctions. In fact, they were considered to be a refinement of the conventional comprehensive sanctions (Cortright and Lopez, 2002: 3-5). Unlike comprehensive economic sanctions, smart/targeted sanctions are meant to strike only the “bad guys,” while minimizing the impact or negative consequences on third parties, such as civilians and neighbouring countries (Cortright and Lopez, 2002). In the case of Zimbabwe, the United States has insisted that its sanctions against the country are smart/ targeted. However, the Zimbabwe government argues that the US sanctions are comprehensive and economic in nature since they have adverse economic

costs both on the economy and on the civilian population. The government of Zimbabwe insists that the enactment of the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) by the United States in 2001 brought considerable economic difficulties to the country (Chingono, 2010: 3). According to Section 4(c) of ZIDERA titled, Multilateral Financial Restrictions, until the President of the United States makes the certification described in subsection 4(d), the Secretary of the Treasury Executive to each of the international financial institutions must oppose or vote against:

- An extension by the respective institutions of any loan, credit or guarantee to the Government of Zimbabwe or
- Any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution (Chingono, 2010: 70).

A simple explanation of the consequences of ZIDERA is that the International Monetary Fund (IMF), World Bank (WB) and the African Development Bank (AfDB) cannot provide loans or credit guarantees to the government of Zimbabwe, without direct approval from the president of the United States. According to Heather Chingono, since the enactment of ZIDERA, financial applications made by Zimbabwe to these international financial institutions have been blocked and frustrated by the United States (Chingono, 2010: 68). This accusation has been denied by the United States. In a roundtable discussion with journalists on February 24, 2010 in Harare, a United States diplomat, James Garry, dismissed the allegation, stressing, *“there is a wide spread misunderstanding that the US has some kind of veto at the IMF. It is not true”* (Guma, 2010). He further states that most decisions of the IMF are made from a majority vote and the voting strength of a member is determined by a country’s financial interest in the Fund (Zimbabwe News, 2010; Guma, 2010). However, this argument could not debunk the fact that the United States has more voting rights than any other member country of the IMF. Also Ozias Tungwarara, the director of Africa Governance

Monitoring and Advocacy Project (AfriMAP), states that there is no evidence to show that the veto provided for in ZIDERA has ever been exercised with respect to an application brought by Zimbabwe. However, he concedes that sanctions have curtailed Zimbabwe's ability to access international capital, and highlights that there is no conclusive evidence to suggest that they are the sole cause of the economic crisis in the country (Tungwarara, 2011: 113). No matter the disagreements on how the US sanctions affects Zimbabwe, the truth is that the country is unable to access loan or any form of financial support from any of the multilateral financial institutions since the enactment of ZIDERA in 2001. The implication of this being that Zimbabwe is experiencing a balance of payment deficit. It is against the short and long-term impact of ZIDERA that I argue that the enactment of ZIDERA subtly marks the beginning of economic sanctions on Zimbabwe. Furthermore, the cancellation of loans and grants by Multilateral Financial Institutions has more negative consequences on the civilian population than those targeted individuals who maintain vast material resources and foreign reserves.

Furthermore, after the enactment of ZIDERA, on March 7, 2003, President George W. Bush issued Executive Order 13288 imposing sanctions against specific individuals and entities in Zimbabwe. Additionally, on November 23, 2005, the President issued a new Executive Order superseding Executive Order 13288 (U.S. Department of Treasury, 2005). In the new Executive Order, President Bush expanded the list of Zimbabwean officials targeted by sanctions. The list includes immediate family members of the individual already designated in the previous sanctions list, as well as those persons providing assistance to any of sanctions target (U.S. Department of Treasury, 2005). The content of the new Executive Order reads as follows:

“[It] Prohibits U.S. persons, wherever located, or anyone in the United States from engaging in any transactions with any person, entity or organization found to

- Be undermining democratic institutions and processes in Zimbabwe.
- Have materially assisted, sponsored, or provided financial, material, or technological support to these entities.
- Be or have been an immediate family member of a sanctions target or
- Be owned, controlled or acting on behalf of a sanctions target.

Persons, entities and organizations referenced in Annex “A” of the Executive Order are all incorporated into the Office of Foreign Assets Control (OFAC) list of Specially Designated Nationals (SDNs). Furthermore, it prohibits transactions with persons or entities on the list. The prohibition includes exports (direct and indirect), imports (direct and indirect), trade brokering, financing and facilitation, as well as most financial transactions. Attempts to evade or avoid these sanctions are punishable. Also, these prohibitions extend to any person, organization or entity found to be owned, controlled or acting on behalf of any Zimbabwe entity whose name is on the SDN list (U.S. Department of Treasury, 2005). The Executive Order of 2005 went on to outline penalties for violators by stating thus:

Criminal fines for violating the Executive Order or regulations to be issued pursuant to the Executive Order may range up to the greater of \$500,000 or twice the pecuniary gain per violation for an organization, or up to the greater of \$250,000 or twice the pecuniary gain per violation for an individual. Individuals may also be imprisoned for up to 10 years for a criminal violation. Knowingly making false statements or falsifying or concealing material facts when dealing with OFAC in connection with matters under its jurisdiction is a criminal offense. In addition civil penalties of up to \$11,000 per violation may be imposed administratively (U.S. Department of Treasury, 2005).

The above content of the US president Executive Order of 2003 and 2005 provides support for the US argument that the sanctions are targeted on specific individuals and entities. Having explained the operational strategy of ZIDERA earlier, it is obvious that the

Executive Order of 2003 and 2005 are an additional effort to impair the life conditions of Zimbabweans. In as much as the Executive Order(s) appear(s) to be smart in nature, they cannot over-rule the disastrous consequences of ZIDERA, which contributes immensely to Zimbabwe's present economic woes. In such a scenario of apparent contradictions between the US and the government of Zimbabwe, one way out of this paradoxical situation is to refer to the Zimbabwe Democracy and Economic Recovery Act of 2001. ZIDERA (2001: 115, STAT. 963) states that it intends to influence change of behaviour in the government of Zimbabwe by instructing the IMF and International Development Association, among other international financial institutions, to suspend their support for Zimbabwe. Furthermore, the Act confirmed that in September 1999, the IMF suspended its support for Economic Structural Adjustment Programme (ESAP). In October 1999, the International Development Association (IDA) also "suspended all structural adjustment loans, credits, and guarantees to the government of Zimbabwe [...]. In May 2000, the IDA suspended all other new lending to the government of Zimbabwe and in September 2000, the IDA suspended disbursement of funds for on-going projects under previously-approved loans, credits, and guarantees to the government of Zimbabwe" (ZIDERA, 2001: 115, STAT. 963). In light of these pronouncements in the Act, I doubt whether the so-called targeted sanctions were really targeted at specific individuals, institutions, and business organizations that promoted an undemocratic system of governance and violations of human rights. Rather, it confirms that the US sanctions on Zimbabwe do have an economic element that inevitably contributes to the country's economic collapse.

3.3.2. The EU sanctions on Zimbabwe: Restrictive Measures or Economic sanctions?

On February 8, 2002, the EU imposed sanctions on Zimbabwe, which the EU officially referred to as "restrictive measures" (Chingono, 2010: 67). The reason for using the

term restrictive measures instead of sanctions by the EU remains unexplained. However, the reasons put forward by the EU for imposing the so-called restrictive measure are to ensure political and democratic stability in Zimbabwe and to enforce human rights and the rule of law (Tungwarara, 2011: 112). The EU imposed its restrictive measures on Zimbabwe three months prior to the general elections. The EU justified the use of sanctions at this time based on the fact that the forthcoming elections in Zimbabwe would not be free and fair, particularly when considering the prevailing political situation (Eriksson, 2007). In essence, the EU gave its verdict, even before the conduct of the election. Furthermore, the EU sanctions list contains 203 individual and 40 entities (Eriksson, 2007: 21). The individuals on the list are mostly government officials and the sanctions policy states:

Funds, financial assets or economic resources of the person listed for their engagement in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe will be frozen. Also no funds, financial assets or economic resources will be made directly or indirectly to the persons listed in the sanctions list (Eriksson, 2007: 21; Chingono, 2010: 72).

The EU argues that it enforces sanctions in order to improve the human rights record, foster the rule of law and to promote the conduct of free and fair elections in Zimbabwe. However, one major controversy surrounding the EU sanctions is the nature of the sanctions. Another problem is the euphemism used by the EU to address the sanctions. The EU refers to their sanctions on Zimbabwe as restrictive measures, while the regime in Zimbabwe calls them illegal economic sanctions. Thus, a dispute of a semantic nature has ensued between the EU and the government of Zimbabwe. Perhaps, I would argue that calling these sanctions “restrictive measures” is a well-conceived attempt by the EU to lessen the severity of these measures and at the same time make them appear acceptable to the public who would ordinarily query such measures. Additionally, such manipulation of euphemisms presents sanctions as a soft approach in international diplomacy. According to Weiss (1999: 500), one

of the reasons for manipulating sanctions euphemisms is that it offers the opportunity for a community of States to intrude in issues that were once off limits. Sanctions provide the opportunity for a State to intrude into the internal matters of another State. As Masaka (2012: 58) notes, sanctions are another indicator that State sovereignty is no longer sacrosanct. In my opinion, the EU is free to use any semantic connotation when referring to its sanctions against Zimbabwe. Whether they are referred to as restrictive measures or targeted sanctions is inconsequential because the terms restrictive measures and “sanctions can be used interchangeably. What is important is to reflect on the practical implications of the policies on Zimbabwe and most importantly their impact on the well-being of the civilian population. The restrictive measures include freezing of assets and bank accounts owned by senior government officials and other entities enlisted on the sanctions list.

Ironically, despite sanctioning Zimbabwean beef and tobacco exports into the EU, which is Zimbabwe’s largest export market, the EU continues to represent their action as nothing near sanctions in the traditional sense. The EU argues that their restrictive measures are solely directed at targeted individuals propagating obnoxious policies on the Zimbabwean masses. They support their argument by stating that, unlike other institutions such as the IMF and the World Bank, they still provide development funds directly to the Zimbabwean people to counter any casualties (Masaka, 2012: 58). This to me suggests that the EU perceives its action simply as a shift in the structures distributing developmental aid or assistance. The EU resorted to use non-governmental organizations to provide developmental aid, instead of providing aid directly to the government. As Heather Chingono notes, the motive behind this action is to apply all possible measures to restrict and minimize the government’s access to funds. Also, it aims to reduce corruption and mismanagement of funds (Chingono, 2010: 67). On the contrary, the Zimbabwean government argues that the use of the term restrictive

measures is a publicity stunt utilized to hide the devastating and catastrophic nature of economic sanctions imposed on Zimbabwe (Chingono, 2010: 67-68).

I would argue that by banning Zimbabwe's cocoa into the EU, the so called targeted sanctions or restrictive measure deviated from targeting a few individuals to ordinary civilians. EU ban on Zimbabwe cocoa deteriorated the country's export performance, thereby exacerbating the plight of the already struggling ordinary Zimbabwean citizens. Furthermore, it automatically decreases Zimbabwe's foreign earnings and invariably leads to a decline in the national income. It is important to note that most cocoa and livestock farmers in Zimbabwe are not government officials and their names are not enlisted in the EU sanctions list. However, they are indirectly targeted by sanctions as a result of EU bans on their products and means of livelihood. Sadly, the EU restrictive measures could not spare innocent Zimbabweans, not only because they have contributed in damaging the economy through suspension of project finances and cancellation of credit lines to Zimbabwe, but also because they have negatively affected the operations and activities of some key government institutions and business organizations that are crucial for the economic well-being of the country (Chingono 2010: 66-70). Therefore, the EU restrictive measures or targeted sanctions have ceased to be targeted, in that they have crossed the line and unfortunately drag the whole Zimbabwean populace into the targeted sanctions jigsaw (Masaka, 2012: 67). Such unfortunate realities undermine the utility of targeted sanctions. When targeted sanctions end up affecting the well-being of the civilian or unintended population, they cease to be targeted sanctions (Masaka, 2012: 67-68). It is against these points raised that I submit that the EU restrictive measures are in fact a comprehensive pack of economic sanctions.

However, on July 24, 2012 after a meeting of the EU Foreign Affairs Ministers in Brussels, the EU announced that they had lifted development aid restrictions imposed on

Zimbabwe a decade ago (Sibanda, 2012; Independent online News, 2012). Additionally, the EU pledged that it will send aid directly to Zimbabwe government starting from 2014, so as to improve living conditions of the Zimbabwean people (Matenga, 2012). Although the EU expressed magnanimity by pledging to support the population, yet there are discrepancies in understanding the terms used to refer its sanctions against Zimbabwe, bearing in mind the ultimate nature of the sanctions. The point here is that the lack of proper definition of its actions and measures against Zimbabwe has rendered the prospects for re-engagement (dialogue and resolution) unpromising. It is disheartening that the EU and the US governments consider their restrictive measures and targeted sanctions as the only means to enforce democracy and human rights in Zimbabwe. The government of Zimbabwe perceives itself as being penalized for a decent cause of land redistribution of their land amongst the once marginalized black population (Derman, 2006; Chingono, 2010: 66-70). This is not to deny the brutality of the regime in Zimbabwe or to suggest that the land reform agenda was done to bridge economic disparity between the Zimbabwean white farmers and their black counterparts, when it is well known that its purpose was to avenge what the regime regards as post-independence colonization of their lands. Even at that, Britain's response to the land reform policies, which includes imposing sanctions against Zimbabwe and rallying its allies to impose similar sanctions shows that Britain and its allies (the US and EU) are not necessarily concerned about the well-being of the Zimbabwean population, rather it cares about its own interest. Therefore, one can argue that the use of sanctions against Zimbabwe is a new form of legalized and continued colonization of the country. The Mugabe regime claims that sanctions imposed on them by Britain are purely out of witch-hunt resulting from the regime's land reform policy (Fowale 2010: 7). In making this claim, the government of Zimbabwe refers to a statement made by Howard French, who served as an ambassador of the United States to Zimbabwe between 2004 and 2007. In his comment, French states,

“Everyone felt that they had invested something to the success of Zimbabwe, so when it all started unraveling, everyone felt personally disappointed” (Fowale 2010: 9).

This statement is believed to be a great betrayal of the hidden agenda of Britain and the United States because it sheds light on the truth behind their sanctions on Zimbabwe. Based on the statement above, the government of Zimbabwe insists that Britain and its allies want to continue colonizing their country through unfair land allocation to white farmers at the expense of the black Zimbabwean population. In line with the regimes argument, Fowale notes, *“there is nothing that President Mugabe has done which is so strange in the continent; plunder, torture, corruption, ethnic politics, mismanagement, election rigging and state brutality thrives in the continent with the support of the same great powers of the West who cry foul over Zimbabwe”* (Fowale, 2010: 9). In summary, the EU sanctions against Zimbabwe possess elements of economic sanctions. The ban on the importation of Zimbabwean cocoa into the EU is an example of how the so-called restrictive measures affect the ordinary citizens whom they were supposed to remedy.

3.4. General Impact of economic sanctions on Zimbabwe and Zimbabweans

The economic situation of Zimbabwe has deteriorated to such an extent that one is forced to ask what has caused the shift in Zimbabwe’s once stable economy to a spectacular collapse. The US, the EU, scholars and political analysts have provided different reasons for the present economic nightmare in Zimbabwe. Among the issues cited are Mugabe’s land policies, endemic corruption, Zimbabwe’s involvement in the Democratic Republic of Congo (DRC) war, absence of the rule of law, and most importantly, ill-conceived economic policies (Hove, 2012: 74). Other reasons provided are President Mugabe’s political intolerance, electoral fraud and gross human rights abuses by the regime in Zimbabwe. Undoubtedly, each one of these often-cited factors contributes or provides an explanation to Zimbabwe’s

current economic woes. However, an important issue is missing, which I would argue has a significant contribution to Zimbabwe's present economic dilemma. Western countries, political/economic analysts and the media almost collectively ignore the implication of economic sanctions when assessing the country's economic collapse. In fact, economic sanctions imposed by the US, the EU, Canada and Australia against Zimbabwe are often a missing factor when addressing the causes of Zimbabwe's present economic situation. I consider it imprecise as well as misleading to exclude the impact of sanctions when analysing Zimbabwe's present economic demise.

As I stated earlier, the US and the EU often argue that their sanctions against Zimbabwe are not economic in nature; rather, they submit that they are smart sanctions, targeted specifically on ZANU-PF loyalists. This argument obscures the reality that Zimbabwe's economic woes are largely a result of a concerted and systematic campaign to effect regime change through an economic implosion. As Chenga (2009: 6) notes, the general perception of members of ZANU-PF is that sanctions were designed to induce suffering on Zimbabweans so that they would turn against their government, particularly through the ballot box, thereby bringing about a change of government. Arguments upholding that Mugabe is evil, brutal and a dictator who needs to be removed from office are not in question here. However, I do put into question and problematize removing him from office by precipitating the collapse of Zimbabwe's economy through economic sanctions. As noted earlier, through the enactment of ZIDERA, Zimbabwe's access to finance and credit facilities within the multilateral financial institutions were effectively incinerated (Chingono, 2010: 66).

The suggestion that Zimbabwe's economy is what it is because of mismanagement is partly true, but at the same time misleading. Scholars such as Tungwarara (2011: 112) and

Western politicians often retort that Zimbabwe's ability to borrow from the IMF and the World Bank was restricted due to the country's inability to pay-up previous loans from these institutions. This argument is however disingenuous as it ignores the other more vicious consequences of the Zimbabwe Democracy and Economic Recovery Act on the economy of Zimbabwe. It is not disputed here that Zimbabwe should pay its debts, including money that it owes the IMF. However, taking into consideration the circumstances of Zimbabwe's financial crisis, it is immoral for the IMF to insist on the payment of its debt or face expulsion from the institution for non-payment. Furthermore, Zimbabwe is in an economic limbo with critical foreign currency shortages, high unemployment levels and crippling inflation rates. Sanctions on Zimbabwe have not incited the people to force the regime out of power. Instead, they have become a propaganda tool for the regime to draw sympathy within and outside Zimbabwe. Thus it reinvigorates "rally around the flag" effect (Galtung, 1967: 393). Galtung uses the term "rally around the flag" in effect to argue that leaders in target nations could use the economic pain caused by sanctions to rally their population in opposition to those that impose sanctions on them. In order to convey my findings, I utilize graphical illustrations. The use of graphs and tables is an analytical method that allows me to provide explicit and critical analysis of the impact of sanctions on different sectors and areas of Zimbabwe's economy.

3.4.1. Effects of sanctions on Zimbabwe's economy and rights of civilians

Thus far, I have argued that economic sanctions have adverse effects on the civilian population of a target State or territory. However, the degree of effect depends on the survival capability of the individual, which in most cases has to do with their social class. Although sanctions imposing countries or organizations claim not to target the entire population, reality shows that sanctions often cross their limit. In line with the above proposition, former US

Secretary of State Madeleine Albright asserts that, *“When the United Nations or the United States imposes sanctions against a regime; it does not intend to create unnecessary hardships for the innocent people, especially children and infants. Good intentions, however, do not automatically translate into good results”* (Albright, 2000: 155).

In spite of the fact that the use of economic sanctions has been challenged by scholars such as Mary Kaldor, David Cortright and many others, there is as yet no empirical strategy to measure accurately the magnitude of its humanitarian consequences. The Unilateral Declarations of Human Rights (United Nations, 1948), the Charter of the United Nations (United Nations, 1945) and other international covenants guarantee and attempt to protect the basic rights of every individual, such as the right to life and good quality of life, right to quality healthcare, right to education and other basic needs. However, international human rights laws have not significantly challenged economic sanctions as a means of violating human rights. Although agreements in the Charter of the United Nations and the Unilateral Declarations of Human Rights specify limits to the use and permissible impact of economic sanctions, these limits are hampered by a lack of data on the manner and degree to which sanctions affect the core human rights and as a result this thesis intends to explore this gap in information in this chapter.

As Richard Garfield notes, against the provision of humanitarian exemption for basic needs such as food and medicine, all economic sanctions episodes are characterized by capital shortages and a subsequent limitation in the importation of consumption and investment goods (Garfield, 1999). It is thus entirely not possible to isolate the sum of the effects of economic sanctions on health and nutrition from its effects on the economy as a whole. This is because transportation, energy, and inflation affect access to food, health services and other essential goods. In the specific case of Zimbabwe presented below, I

examine the effects of economic sanctions on the human rights of Zimbabweans, also their impact on different sectors of Zimbabwe's economy and by extension, their impact on the well-being of the civilian population.

3.4.1.1. Right to healthcare

Economic collapse over the past decade has precipitated a growing exodus of professionals from Zimbabwe to other countries, particularly South Africa, Europe and the Americas in search of better economic opportunities (Feltoe, 2009: 6). Although the impact of migration is felt by other sectors of the Zimbabwean economy, the health sector is the most affected (Gutsa and Choguya, 2012: 442). Most professionals and semi-skilled workers in the health sector have migrated in search of better employment opportunities. In 2002, the United Kingdom alone issued 2,346 work permits to nurses from Zimbabwe. Thus, Zimbabwe is the fourth largest supplier of overseas nurses to the United Kingdom, after the Philippines, India and South Africa (Chikanda, 2005: 1). A research conducted by the Southern African Migration Project (SAMP) on health professionals leaving Zimbabwe in 2002 reveals that 54 percent of the respondent cited economic factors as a major reason for leaving Zimbabwe (Feltoe, 2009: 6-8). As of December 2008, the overall vacancy rate in Zimbabwe's public health sector was 32 percent, while general medical practitioners, medical equipment engineers, environmental health officers and healthcare programmers stands at 60 percent, 48 percent, 79 percent and 79 percent respectively (International Organization for Migration, 2009: 8). A report published in December 2008 by the Ministry of Health and Child Welfare shows that Zimbabwe has 1.7 health workers per 1000 people. This is far below the World Health Organization (WHO) Africa regional average of 2.6 per 1000 people. The shortage of staff gives a gloomy picture of Zimbabwe's doctor patient ratio of 0.16 doctors per 1000 people compared to 0.22 doctors per 1000 patients in Africa on

average (Gutsa and Choguya, 2012: 445). As of January 2009, the University of Zimbabwe, College of Health Sciences had an average vacancy rate of 50 percent, while the National University of Science and Technology's medical school had an average vacancy rate of 51 percent (International Organization for Migration, 2009: 8). As a result, the range of courses offered at the two institutions has reduced, suggesting that the quality of education received by Zimbabwean medical professionals has been compromised. In March 2009, the Government of Zimbabwe published a document entitled, "The Short Term Emergency Recovery Programme" (STERP), with the theme "Getting Zimbabwe Moving Again." The document acknowledged the many problems bedeviling the health sector. They include a sharp decrease in funding for the health sector, leading to loss of experienced health professionals and deterioration of infrastructures, shortages of drugs and a drastic decline in the quality of public health services (Government of Zimbabwe (2009: 24). STERP notes that high vacancy rates in the health sector leads to overburdening of remaining staff in the sector and thus it compromises the quality of service rendered to patients. Consequently, there is a rising challenge in dealing with diseases such as malaria, cholera, tuberculosis and particularly HIV/AIDS which has the highest mortality rate in Zimbabwe (Government of Zimbabwe, 2009: 24).

In a situation such as the one in Zimbabwe, there are some pertinent questions to ask: first, how did Zimbabwe's healthcare sector deteriorate to its present condition. Second, what factor(s) prompted the present collapse of the health sector? After independence, providing adequate healthcare services to the population was among the major policy goals of the Zimbabwean government. Consequently, the government developed a road map or framework to achieve what it termed "health for all by year 2000" (Duri; Stray-Pedersen and Muller, 2013: 16). It started with the construction of more than 240 new health centers and renovation of about 500 already existing centers. The government approach and strategy

became very successful that about 85 percent of the population lived within 10 kilometers of a health care facility (Duri; Stray-Pedersen and Muller, 2013: 16-17). As a result, life expectancy, maternal and infant mortalities improved significantly. Unfortunately, these achievements were short-lived due to economic challenges arising mostly from sanctions. Maternal mortality rate went up from 283 in 1994 to 960 deaths per 100000 live births in 2010 (Musizvingoza, 2014: 4). Infant mortality rate increased from 50 per 1000 live births recorded in 1990 to 57 per 1000 in 2010, while mortality rate among adults shoot up from 286 per 1,000 in 1990 to 751 per 1000 in 2006 (Duri; Stray-Pedersen and Muller, 2013: 17). Obviously, this dramatic decline in health statistics was as a result of diminished access to healthcare services, brain-drain resulting from migration of medical professionals, closures of government funded hospitals and outrageous medical costs associated with foreign currency shortages. More worrisome is the substantial decline of the average life expectancy at birth from 60 years in 1990 to about 40 years in 2006 (Musizvingoza, 2014: 3-4). Malnutrition resulting from food insecurities and HIV prevalence are the major factors that precipitated the decline of life expectancy. Sadly, the impact of economic sanctions has made it impossible to checkmate these anomalies. With about 15 percent of the population living with HIV (World-bulletin, 2015), Zimbabwe is being ravaged by one of the most deadly epidemics in the world. Therefore, the country deserves support and assistance from donor agencies at-least for the sake of saving humanity.

Unfortunately, Zimbabwe has been unable to access funds needed for prevention and treatment of HIV from the Global Fund. On November 28, 2004, the Kaiser Networks' Daily Reports and AFP News Agency reported that Zimbabwe's grant application for funding its HIV/AIDS programmes were denied for political reasons. In the backdrop of the aforementioned, Zimbabweans have found it increasingly more difficult to access affordable healthcare services; particularly antiretroviral drugs for HIV/AIDS patients. This situation

was confirmed during my interview. According to a HIV patient who identified himself simply as Garikai:

[...] initially I was getting antiretroviral drugs in the government hospital in Gokwe, but it is no longer possible. I was told there are no drugs available. I was referred to a private pharmacy here in Harare where I can buy the drugs. Imagine I paid \$34 for the drugs apart from my transportation fare. Since I have no job, it is certain that I will stop my medication in the near future unless the drugs are made available again in my district hospital [...] (interview with Garikai in Harare, on 14th July, 2014).

In addition, sanctions had led to the suspension and in some cases an outright cancellation of partnership and/or support programs from international donor agencies to the Zimbabwean healthcare sector. The action taken by these donor agencies which is prompted by sanctions has put the health of the population in dire condition. For example, in April 1997, the Swedish Government founded a health initiative through “The Health Sector Support Programme” and funded to the tune of SEK 50 million, equivalent of US\$6.4 million (Gono, 2012: 5). The objective of the programme was to improve water and sanitation, to improve education and living condition of disabled people in Zimbabwe society and also to prevent the spread of HIV and other related diseases. As a result of the EU sanctions on Zimbabwe, in 2002 the Swedish government suspended the fund (Gono, 2012: 14). Ordinary citizens, who did not in any way contribute to the reasons for the sanctions, suffered the consequences of the suspension. Also, the Danish International Development Agency (DANIDA) suspended its Health Sector Support Programme valued at DKK 235 million (US\$ 29.7 million). The programme was established in May 2000 to support healthcare services in rural areas through the Ministry of Health and Child Welfare (MOHCW). The programme aimed to integrate Zimbabwe Essential Drugs Action Program (ZEDAP) to national laboratories and also to establish a Health Information System and Health Services Fund Transport Management. The Danish Government suspended this programme without

providing any other programme to replace it (Gono, 2012: 14). I am not suggesting that it is the responsibility of any State to provide support or aid to another, however history have shown that States depend on each other's support and partnership for development and growth. Obviously, it is the responsibility of every State to provide basic healthcare services to its population and Zimbabwe is not an exemption. My point here is that sanctions have denied the population of the health benefits they initially enjoyed from healthcare programmes sponsored by donor agencies and unfortunately at a time when the government is unable to provide a replacement or alternative. Conclusively, sanctions have "tied the hands" of the government in providing quality healthcare to the population and as a result their right to quality healthcare has been breached. Apart from rights violation, Hove (2012: 80) notes that, sanctions became Zimbabwe's major barrier to meeting the 2010 Millennium Development Goals (MDGs) which aimed at combating HIV/AIDS, tuberculosis, malaria and ensuring improvement in maternal health and decline in child mortality rate.

3.4.1.2. Right to education

Education is a fundamental right; it is a road to the accomplishment of an individual's ambition as well as a medium for socialization of societal norms and values from one generation to the next. Furthermore, education is the nerve centre for community and economic development of the country. Schools remain the fundamental systems for the provision of access to education therefore any meddling in their running disrupts the discharge of their responsibilities (Hove, 2012: 80).

Owing to the imposition of sanctions, the Zimbabwean government could barely fund its public schools registered under the Ministry of Education, Sports, Arts and Culture. Consequently educational environment, teaching and learning facilities and mostly teachers' conditions of service deteriorated alarmingly (Hove, 2012: 80). Many of the teachers' abandoned the public schools for private ones, while others migrated to other countries mostly to neighboring Botswana and South Africa looking for better opportunities. As of

January 2009, only 6 percent of public schools in the rural areas were open (Hove, 2012: 80). Considering that primary education is compulsory and free according to UNESCO recommendation, however, the closure of most of the public primary schools in rural parts of Zimbabwe have denied a segment of the population the opportunity to acquire education. In my opinion, the situation mentioned above imposes restriction on the personal mobility of the affected pupil and also violate their rights to education. The gap created by the government's inability to sustain a broad education system in the formal institutions has been filled by individual businessmen who provide alternative private schools. The upsurge of unequipped private schools across Zimbabwe has become a big challenge to quality education. These "unofficial learning establishments" as the Zimbabwean government chose to call them are mostly organised in private homes, churches and town halls (Hove, 2012: 80). Despite their disapproval by the government, the fact is that private schools are trending in Zimbabwe simply because they are filling a gap created by inordinate policies of the government and the impact of sanctions. Going by Mediel Hove's account, there used to 524 registered independent training colleges in Zimbabwe but thousands had sprouted over the last few years (Hove, 2012: 80-81). The obvious concern about Zimbabwe's growing unofficial learning establishments is that the quality of education they offer is questionable.

Another factor affecting education is massive migration caused by the unprecedented levels of unemployment and instability in the educational sector (Hove, 2012: 83). Mass exodus of teachers from public schools, caused by poor numeration and unpaid salary arrears has endangered the opportunity of kids from poor homes and family background to gain education, since they cannot afford to join private schools or to go abroad for education. From what I saw on ground in Zimbabwe, I will add that, sanctions contributed to the present plight of Zimbabweans, where education is gradually becoming something that only the rich can afford. Apart from that, Zimbabwean societies are unwittingly divided into affluent rich

population that can afford education and enjoy better opportunities in the future and poor uneducated population whose chances and opportunities of being successful is limited and dicey.

Furthermore, the high rate of inflation has added to the problems and challenges faced by the population in getting education. In January 2009, the government suspended the Zimbabwean Dollar due to it became worthless and replaced it with US Dollar and South African Rand (Noko, 2011: 349). Unfortunately, Zimbabweans living in the rural villages did not have access to these foreign currencies. As a result, people who live in the rural areas engaged in trade by barter as a means of exchange. One of the respondents during my interview confirmed that in some villages, “*students had to pay their school enrolment and fees in kind using valuables other than cash such as sugar beans, cows, goats, fowl, wheat, maize and other household items*” (interview with Kudakwashe, Tofara in Gwai-Matabeleland on 24th July, 2014). Such a situation is unimaginable in the 21st century, particularly when the people are engaging in this practice as a result of a situation to which they never subscribed.

Furthermore, sanctions have also affected support programmes provided by foreign donors to Zimbabwe’s educational sector. For example, the Swedish government in 1996 established the Education Sector Support Programme, which was funded to the tune of SEK 95 million (US\$13.9 million) by the Swedish government (Hove, 2012: 80). The programme supplied textbooks and other educational materials to Zimbabwe schools. Also, it constructed school buildings and promoted gender equality in educational systems in Zimbabwe. After the EU imposed sanctions on Zimbabwe, the Swedish government withdrew funding for this project (Gono, 2007: 105-106). The suspension of this project by the Swedish government has created more hardship for families who will now provide school materials for their

children even under terrible economic situations prevailing in their country. Also, the US and the EU sanctions against Zimbabwe have a negative impact on the accessibility of technology in the universities and other institutions of higher learning within Zimbabwe. As Gideon Gono, Governor of the Reserve Bank of Zimbabwe notes, *“The sanctions imposed on Zimbabwe by the West, has thus spilled over to the country’s institutions of higher learning, by affecting their ability to procure modern technology, critical for learning purposes”* (Gono, 2007: 104). Thus, the situation in Zimbabwe as of the time of writing this thesis shows that the population’s rights to education have been violated whilst education has become a preserve of the rich. Given this scenario, my submission will be that though Western sanctions do affect the targeted group, it is the civilian population that is hit hardest as their basic rights are terribly violated.

3.4.1.3. Right to life and quality of life

On August 27, 2012 the World Food Programme (WFP) released its report on Zimbabwe Vulnerability Assessment (ZimVAC). ZimVAC is an annual study conducted by the Government of Zimbabwe in collaboration with UN agencies and non-governmental organizations in order to estimate national food insecurity levels. The report states that in 2013, over 1.6 million Zimbabweans will need food assistance (OCHA, 2012: 1). In response to the food insecurity in Zimbabwe, the UN agency launched a food aid operation in conjunction with the government and other stakeholders to provide a combination of food distribution and the provision of other relief materials. The WFP budget estimates that it would cost approximately \$119 million to tackle food shortages in Zimbabwe between January and March 2014 alone (OCHA, 2012: 1). This is problematic and ironic considering that Zimbabwe used to be the food basket of Africa. The inability of Zimbabwe to access foreign finances from multilateral financial institutions, coupled with suspension of

agricultural projects financed by EU member States contributed immensely to Zimbabwe's shift from a high agricultural production country to a situation of food insecurity and dependency (Gono, 2007: 95). According to Gideon Gono, the government of Zimbabwe inability to access necessary finances from the IMF, the World Bank and African Development Bank to finance its agricultural sector is due to the US sanctions imposed through the enactment of ZIDERA (Gono, 2007: 95). Also, drought experienced in some parts of Zimbabwe within the last decade added to the problem. Another important factor that added to this problem is the land reform policy of the Zimbabwean government. The land reform policy enabled the government to re-allocate farmlands to black farmers that lack the financial capacity to utilize the farmlands allocated to them. Unfortunately, the government was unable to provide loans to these farmers due to shortage of funds availability to the government. The inability of the government to get foreign financing or new lines of credit exacerbated the situations. Thus, Zimbabwe switched from Africa's food basket to one of the world's food aid recipients. It is unfair that today many Zimbabweans survive by begging or waiting for food distributions from donor agencies.

Following the controversial land reform programme of the regime, Zimbabwe's agricultural sector suffered a huge set back owing to the fact that most foreign partnership and international support programmes that assisted the agricultural sector were suspended. Thus, the government became solely responsible for providing support and finance to the sector and farmers in general. Consequently, the government implemented changes in its agricultural policies. For example, the Reserve Bank of Zimbabwe (RBZ) became responsible for providing finance for sourcing inputs and mechanisation equipment while policy on grains shifted to State controlled markets (Gono, 2007). The government argued that State controlled markets will ensure and/or guarantee food self-sufficiency while keeping prices low for consumers. Other interventionist policies of the government include the

reconstitution of Grain Marketing Act, which made private grain trade illegal and thus led to the suspension of the Zimbabwe Agricultural Commodity Exchange (Kapoor; Mugwara and Chidavaenzi, 1997: 26). This paradigm shift from market liberalisation policy to market control dispensation played a role in reversing the gains made in the agricultural sector (Anseeuw; Kapuya and Saruchera, 2012: 25). Apart from grains, similar controls were extended to other agricultural products such as beef and tobacco.

Nonetheless, despite corruption, mismanagement and bad policies of the government, the suspension of aid by donor agencies had a significant impact on the agricultural sector and invariably the quality of life of the ordinary citizens that benefited from these projects (Gono, 2007: 110). The agricultural sector prior to sanctions had received support from donor agencies. Although foreign support or aid cannot substitute the role of government in building its economy, however, they contributed to the growth experienced in agricultural production in Zimbabwe prior to sanctions. An example is the Agricultural Sector Programme financed by the Danish International Development Agency (DANIDA). The project was established in the 1990's and funded by Danish government to the tune of DKK 98.6 million an equivalent of US\$ 15.4 million (Gono, 2007: 103). Its objectives were to improve forestry extension services, development of a market information system in Zimbabwe, improvement of household income through direct farming support, establishment of an agricultural policy and provisions of irrigation to smallholder or peasant farmers (Gono, 2007: 103-104). The agricultural sector programme of DANIDA became a success by providing funding and agricultural materials such as pesticide and fertilizer to rural farmers. Most significant is the financial and material support the project provided for rural women. The soft loan programme of DANIDA provided the opportunity for women to engage in livestock and food crop production (Gono, 2007: 103). This boosted food production in the rural areas to the extent that most rural populations were sufficient with the crops and

livestock's they produce and even exported part of their harvest to external markets and consumers. Furthermore, the agricultural sector programme of DANIDA made it possible for women to have access to farm lands, which were initially allocated to the men alone. In essence, DANIDA agricultural sector programmes in Zimbabwe provided an opportunity for social and economic integration of women in Zimbabwe. Thus these donor programmes improved the quality of lives of the rural women by offering them empowerment packages and incentives. Additionally, it combated food insecurity and reduced rural poverty (Gono, 2007: 104). Consequently, Zimbabwe moved from an internal consumption economy to a market economy. Unfortunately, this programme was suspended due to sanctions, resulting in a lost opportunity to enhance food security.

In my opinion, the struggle for survival, growing poverty and hardship resulting from the collapse or near collapse of Zimbabwe's agricultural sector cannot be blamed on sanctions alone. Instead, a combination of bad government policies and decisions, corruption and mismanagement, lack of agricultural loan and support from MFI's and the suspension of aid by Western donors contributed in one way or another to the present state of the sector. Therefore, I would argue that sanctions played a major role in the present food insecurities that threaten the quality of life of Zimbabweans. The impact and/or outcomes of sanctions as detailed above have complicated the living conditions of the population that it was meant to alleviate. Although persistent droughts in parts of Zimbabwe played a role in food shortages in the country, however, lack of foreign finances and support particularly of the MFI's made it impossible for the government to initiate mitigation measures. Thus, sanctions glaringly threaten the right to quality of life of Zimbabweans

3.4.1.3.1. Inflation

The economy of Zimbabwe has experienced high rates of inflation since 2006. The cancellation of loans and other forms of finances by the IMF, the World Bank and the African Development Bank resulted in the inability of the government to satisfy demands for finances. Consequently, the government was pressured by a rapid growing domestic demand for finances. In an effort to curtail this pressure and to solve domestic financial needs, the Reserve Bank of Zimbabwe printed Zimbabwean dollars excessively, thus leading to high currency circulation within the economy. Consequently, the country was ravaged by inflation, the situation gradually deteriorated, until in 2008 when the country hyper inflated (Hanke, 2008). Inflation rates in Zimbabwe recorded 50 percent per month in 2007 (ibid). By the end of 2008, the Zimbabwean dollar had become worthless (Hyman, 2011). Despite all this, the extent of inflation was still unclear, due to the absence of official data concerning money supply and inflation rates. The situation left analysts overwhelmed, as there was no official data to analyse the extent of the inflation. In an attempt to solve this myth, Steve Hanke of the Cato Institute developed the “Hanke Hyperinflation Index for Zimbabwe” (HHIZ) in 2008. Hanke used metrics derived from market-based price data for the period of January 2007 to November 2008 to explain the inflation rate in Zimbabwe. In Hanke’s analysis, Zimbabwe’s daily inflation rate stands at 98.0 percent while the prices of goods doubled every 24.7 hours in late 2008 (Hanke, 2008). He concluded that Zimbabwe’s annual inflation rate was 89.7 Sextillion percent. Thus, Zimbabwe became the first country to hyper inflate in the 21st century (Hanke and Kwok, 2009: 353). As noted earlier, due to the high level of inflation, the government of Zimbabwe suspended the use of the Zimbabwean dollar and declared the US dollar and the South African Rand as the official legal tender. The impact of inflation and the consequent suspension of the Zimbabwean dollar have created a striking problem for many people that live in the rural areas. The nonchalant attitude of the government in making

available the US dollar and South African Rand to people living in the rural areas have made exchange of goods and services extremely difficult, whilst trade by barter became available alternative.

In a situation such as this, where the civilian populations are experiencing untold hardships due to a lack of means of exchange, it is difficult to exonerate the vicious impact and/or contribution of the US and the EU sanctions from such regretful challenges faced by the population, mostly by the poor and the vulnerable. It is accurate to argue that Zimbabwe's economy is being ravaged by inflation due to ill-conceived policies by the government and the Reserve Bank of Zimbabwe. However, I would point out that it is important for us to acknowledge that the government decision to print money was an effort to solve a problem created by sanctions. Therefore, sanctions against Zimbabwe partly contributed to the inflation ravaging the economy. Unfortunately, inflation has no capacity to distinguish between the individuals sanctioned and the ordinary Zimbabwean, instead it has complicated the living standard and condition of the entire population. Today Zimbabweans are hit by drought, HIV/AIDS and economic meltdown while hunger and poverty are a daily reality for majority of the population.

3.4.2. Multilateral financial institutions funding and their impact on well-being

Due to the US and the EU sanctions on Zimbabwe, multilateral financial institutions have isolated the country. Since 2002, it has been impossible for the country to access funds or financial leverage from these multilateral financial institutions (Chingono, 2010). In compliance with the Zimbabwe Democracy and Economic Recovery Act (ZIDERA), multilateral institutions cancelled their balance of payment (BOP) support for Zimbabwe (Gono, 2008: 95). In addition, the MFI's suspended all technical assistance to Zimbabwe. Furthermore, the IMF disfranchised the country and also declared it ineligible to access

financial resources from the fund (Chingono, 2010: 67). Table 2 below illustrates cash flow from multilateral institutions to Zimbabwe from 1980 through 2010. The table demonstrates that since 2001, multilateral financial institutions (the IMF, World Bank and African Development Bank) have not disbursed any finances to the government of Zimbabwe. A situation such as this is problematic because the government will not be able to finance its domestic projects or even provide basic needs for its citizens. My main argument here is, by not providing finances to Zimbabwe, it is difficult to accept that the US sanctions are targeted, particularly when ZIDERA states that all multilateral financial institutions (MFI's) should sever all forms of financial assistance and support to the government of Zimbabwe. Additionally, a scenario such as this one can be manipulated and used by the government to vindicate itself from bad economic policies. This is possible when we consider the fact that a government of an economically poor country like Zimbabwe can hardly perform or provide for its citizens without foreign finances and support. In order to provide a clearer explanation, I analyse the consequences of lack of finances, loans and guarantee from each of these MFI's to Zimbabwe.

Table 2: Cash flow from multilateral institutions into Zimbabwe

| YEAR | IMF | WORLD BANK | AFDB |
|-------------|------------|-------------------|---------------|
| 1980 | 0 | 0 | 0 |
| 1981 | 0 | 104,917,535.8 | 0 |
| 1982 | 0 | 45,478,573.51 | 25,342,914.53 |
| 1983 | 0 | 133,760,761.05 | 57,22,913.63 |

| | | | |
|------|----------------|----------------|----------------|
| 1984 | 2,058,441.00 | 36,467,113.09 | 0 |
| 1985 | 0 | 9,668,219.07 | 67,768,983.37 |
| 1986 | 0 | 10,000,000.0 | 0 |
| 1987 | 0 | 0 | 0 |
| 1988 | 0 | 130,121,817.97 | 28,612,977.32 |
| 1989 | 0 | 0 | 19,286,995.95 |
| 1990 | 0 | 127,243,010.98 | 145,027,034.56 |
| 1991 | 0 | 62,386,243.86 | 15,218,604.29 |
| 1992 | 216,150,000.00 | 299,592,641.86 | 180,428,222.49 |
| 1993 | 65,656,168.00 | 226,810,152.15 | 3,966,823.47 |
| 1994 | 76,642,125.00 | 0 | 11,090,644.2 |
| 1995 | 75,492,900.00 | 0 | 11,686,232.22 |
| 1996 | 0 | 323,99,074.25 | 0 |
| 1997 | 0 | 4,037,287.79 | 1,940,910,99 |
| 1998 | 53,802,392.00 | 5,796,928.56 | 39,074.27 |
| 1999 | 32,233,993.40 | 88,856,697.27 | 0 |
| 2000 | 0 | 0 | 0 |

| | | | |
|--------------|----------------------|-------------------------|-----------------------|
| 2001 | 0 | 30,526,725.67 | 0 |
| 2002 | 0 | 0 | 0 |
| 2003 | 0 | 0 | 0 |
| 2004 | 0 | 0 | 0 |
| 2005 | 0 | 0 | 0 |
| 2006 | 0 | 0 | 0 |
| 2007 | 0 | 0 | 0 |
| 2008 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 0 |
| 2010 | 0 | 0 | 0 |
| TOTAL | 522,036,019.4 | 1,348,062,782.39 | 524,789,416.76 |

Source: Reserve Bank of Zimbabwe (RBZ) and Ministry of Finance and Gono 2007: 86

3.4.2.1. African Development Bank (AfDB)

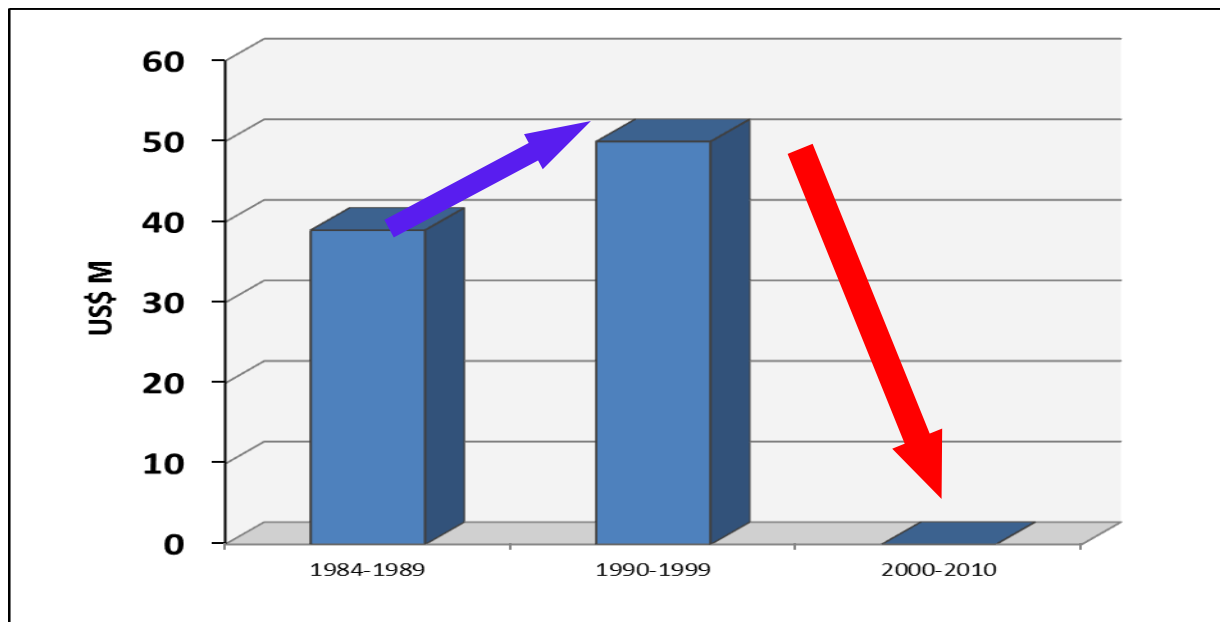
The African Development Bank was established in 1964 with a mandate to promote economic and social development in Africa. The bank provides loans and grants to African governments and private companies investing in the regional member countries (RMCs) in Africa (Fahim, 2010: 146). The bank has four principal functions. First, it provides investment loans and equity to regional member countries to enhance their economic and social growth. Second, it supports member countries with technical assistance required for

project development and execution. Third, it provides and promotes investment of public and private capital for development purposes. Fourth, it coordinates development policies and plans of RMCs (Bala, 2012: 119-123). Furthermore, the AfDB is required to give special attention to national and multinational projects and programs that promote regional integration (ibid).

Based on its responsibility, the AfDB commenced operations in Zimbabwe in 1982, shortly after the country's independence from Britain. Since then, it has approved and carried out a total of 24 development projects in Zimbabwe (see Figure 4). On May 2001, the bank issued a statement that it was suspending all lending operations to Zimbabwe. The reason cited was Zimbabwe's debt to the bank. However, the AfDB specified that they will suspend normal lending operations, but will give support to Zimbabwe through capacity building activities (Gono, 2007). This decision of the AfDB to suspend lending operations to Zimbabwe has created a considerable amount of debate and disagreement among scholars and analysts. The government of Zimbabwe, ZANU-PF and some other political analysts argue that the suspension of lending operations to Zimbabwe by the AfDB is unconnected to debt. They support this argument by highlighting the fact that other countries that owe arrears to the bank are not sanctioned as is Zimbabwe. Despite the disagreement of the reason why AfDB suspended its lending operation to Zimbabwe, I would argue that the suspension of lending operations to Zimbabwe by the AfDB has had its own toll on the country's economic and development collapse. According to Robertson (2003: 17), before sanctions against Zimbabwe the country experienced an increase in loan inflows from an average of US\$134.3 million in the 1980's to US\$480.3 million in the 1990's, thereby providing opportunity for economic growth. As a result of the US and the EU sanctions on Zimbabwe, loan inflows to the country declined to an average of US\$49.3 million between 2000 and 2010. Consequently, Zimbabwe's industries find it extremely difficult to access funds from the

international financial market or even to access lines of credit from companies abroad. The effect of this on Zimbabwean businesses is that they have to pay cash before they can import goods or raw materials. In addition, it forces private companies in Zimbabwe to secure offshore funds at prohibitively high interest rates due to a perceived risk premium (Robertson, 2003: 17-18). The resultant effect is that many Zimbabwean companies have to liquidate and this resulted in high unemployment level. Unarguably, unemployment creates poverty, while poverty affects the well-being of the people. In addition, the AfDB loan cancellation to Zimbabwe has had an impact on the country's agricultural sector. As detailed in the previous section of this chapter, Zimbabwe's agricultural sector and production suffers serious setbacks due to lack of funds required for improved or large scale productions. The diagram (figure 5) below shows that Zimbabwe received huge financial support from the African Development Bank in the 1980's and 1990's. In this period the country experienced considerable boosts in its agricultural productivity (Gono, 2007: 90). The AfDB made funds available that were used to develop the agricultural sector and provide loans to farmers. As a result of the US sanctions, AfDB has not disbursed any funds to Zimbabwe since 2000, thus putting the country's agricultural sector and the people's well-being in stagnant danger.

Figure 5: Average Annual AfDB Disbursements



Source: Reserve Bank of Zimbabwe

3.4.2.2. The International Monetary Fund (IMF)

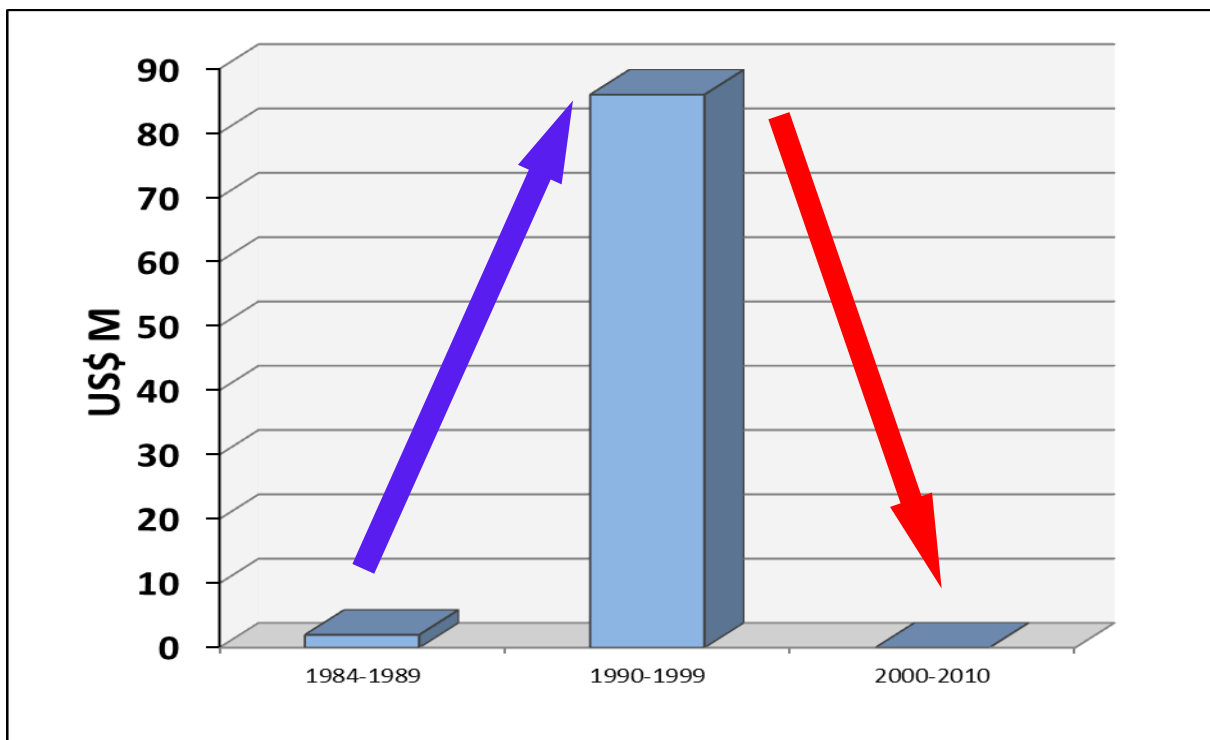
Due to Zimbabwe's debt payment overdue, the IMF suspended technical assistance to Zimbabwe on grounds of non-cooperation on June 14, 2001 (Gono, 2007: 87). Subsequently, on September 25, 2001, the country was declared ineligible to borrow funds from the IMF. Despite these difficulties resulting directly from IMF actions, the IMF suspended Zimbabwe's voting rights on June 6, 2003 (IMF, 2003). At the same time, it threatened to suspend outright the country from the fund, thus exacerbating the country's economic situation. In response to the threat and other difficulties resulting from the IMF actions, Zimbabwe managed to clear most of its debt with the IMF, valued at US\$193 million in February 2006 (The Zimbabwean Pundit, 2006; Gono, 2007: 87). Unfortunately, after repayment of the debt, which was the main reason cited for the IMF sanctions against the country, the IMF maintained its sanctions against Zimbabwe (Gono, 2007: 88).

Additionally, in 2009, the G20 group of countries decided that the IMF should create and allocate US\$290 billion amongst the IMF's 186 member countries. Zimbabwe's share was US\$520 million. Out of this amount, US\$420 million was deposited into Zimbabwe's account at the IMF. The IMF holds a further US\$100 million in trust until Zimbabwe's arrears to other international organizations are cleared (BBC, 2009; Ghana Pundit, 2009). Of the US\$420 million, the Zimbabwean government withdrew US\$150 million while the rest of the fund remains with the IMF. In an effort to have access to their balance, the government of Zimbabwe through the Finance Minister Tendai Biti informed the IMF on August 2011, to deduct the remaining US\$270 million it owes the fund and make available the balance of US\$100 million to the government (Sandu, 2011). Sadly, the IMF deducted the US\$270 million owed by Zimbabwe, but refused to release the balance of US\$100 to the government of Zimbabwe.

The reason cited by the IMF for refusing to release the balance were the arrears owed to the World Bank and the African Development Bank by Zimbabwe. In my opinion this is "realpolitik" at work. Obviously, the IMF, the World Bank and the African Development bank are different financial institutions with different administrative strategies, policies and modes of operation. In addition, they do not share a common pulse. By citing arrears owed by Zimbabwe to other MFI's for not releasing their balance, the IMF is exercising its powers unfairly on Zimbabwe. This action by the IMF raises a couple of questions for me. First, is the IMF insinuating that other MFI's such as the World Bank and AfDB are incapable of drawing their own debts? Second, has the IMF turned to a debt recovery agency for other MFI's? The decision of the IMF on Zimbabwe is very regretful, particularly when we consider that the main objective for establishing the IMF is to provide financial support to countries going through financial and economic difficulties. The action of the IMF has made it impossible for Zimbabwe to attain a positive balance of payment and as a result, the

government has abandoned most of its development and welfare programmes due to incapacity to finance them (Gono, 2007). Most importantly, it is now extremely difficult for Zimbabwe to access finances necessary for domestic capacity building. Below (figure 6) is a graphical illustration of the IMF fund disbursement to Zimbabwe between 1984 and 2010. The diagram reveals that Zimbabwe received a huge amount of financial support from the IMF in the 1990's. In this period, Zimbabwe experienced economic growth and infrastructural development. However, since 2000 the IMF has stopped disbursing funds to the country, thereby hampering economic development. Obviously, it is the ordinary Zimbabwean citizens that bear the difficulties arising from the decision and action of the IMF.

Figure 6: Average Annual IMF Disbursements (US\$M)



Source: Reserve Bank of Zimbabwe and Gono, 2007: 87.

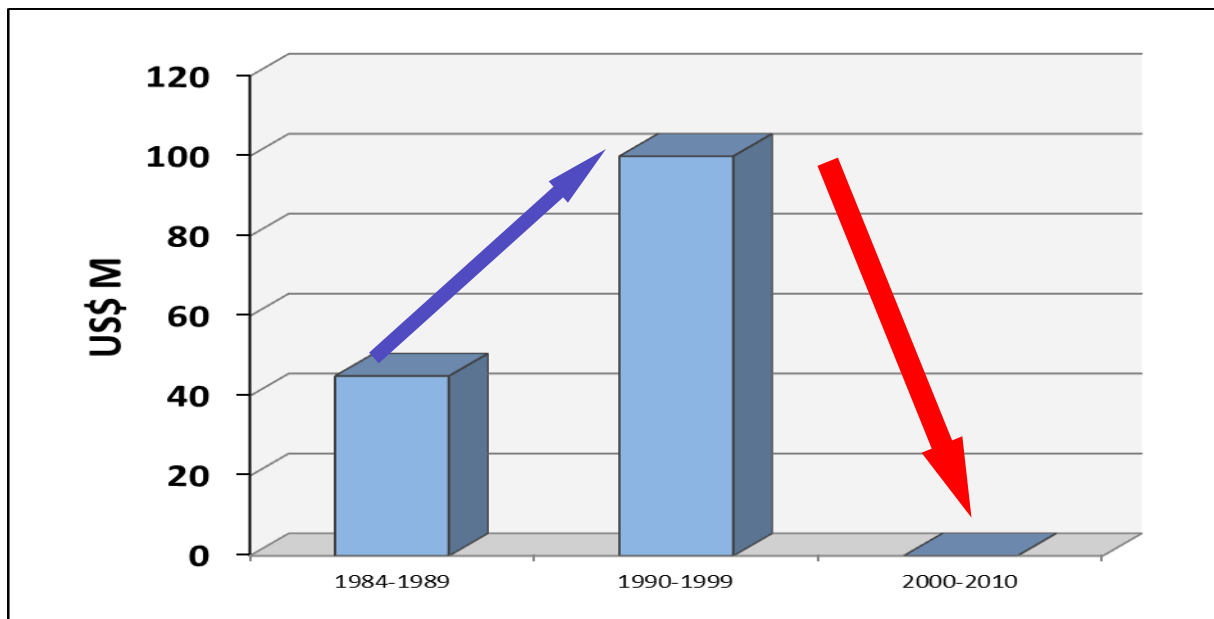
3.4.2.3. World Bank

Zimbabwe's past economic progress has been possible due to massive economic support from the World Bank (Gono, 2007: 88). The World Bank has provided in total 19 loan batches to Zimbabwe. They include 5 International Bank of Reconstruction and Development (IBRD) loan and another 14 International Development Association (IDA) loans, totaling about 1.55 billion (Gono, 2007: 88). However, after the enactment of ZIDERA by the US Congress in 2001, the bank suspended financial support to Zimbabwe. As noted earlier, ZIDERA requires the approval and permission of the President of the United States before the World Bank can grant any financial assistance to Zimbabwe. Consequently, the World Bank lending programme on Zimbabwe has become inactive and all IBRD loans and IDA credits are placed under non-accrual status (Gono, 2012: 14). Although the World Bank is not providing loans to Zimbabwe, it does provide technical assistance, focusing on food securities and microeconomic policies. By cancelling all loans and other financial assistance to Zimbabwe, it becomes evident that the World Bank joined the sanctions against Zimbabwe. The World Bank suspended its grants and infrastructural development flows to both the government of Zimbabwe and the private sector (Gono, 2012: 8). The decision of the IMF and the World Bank to refuse to disburse funds to the government of Zimbabwe deters the government from engaging in any significant development projects that will benefit its citizens. The impact on the macro-economic level is lethal to the entire population.

One of the consequences of the action of the World Bank is that Zimbabwe's Balance of Payment (BOP) presently suffers a capital flight (Gono, 2012: 7-11). This means that the economy is running at a deficit and cannot provide any capital or development project to its citizens. Apart from this challenge, the action of the Word Bank has broad implications for the country's ability to find fund sources elsewhere as it affects the decisions of other

bilateral creditors (Gono, 2012: 8). Donors such as the Paris Club followed suit by either scaling down or suspending disbursements on existing loans for both the Government and private businesses. Consequently, Zimbabwe lost almost all foreign financial leverage, thus making the country prone to an economic meltdown. The implication of this is that the government of Zimbabwe now finds it difficult to address its domestic responsibilities including payments of wages and salaries of workers. In my opinion, this may partly explain why many Zimbabwean professionals migrate out of the country for fear of not receiving their salaries. When we reflect on the purpose of establishing Multilateral Financial Institutions (MFIs) such as the International Monetary Fund (IMF) and the World Bank in 1945, it is evident that these institutions have deviated from their founding mandate. The MFI's were essentially established to ensure international financial stability, through the provision of bridging finances to countries experiencing temporary Balance of Payments (BOP) difficulties. If we put into cognizance their actions on Zimbabwe, it becomes obvious that they have strayed from their core business and mandate. Below (figure 7) is a graphical illustration of the World Bank fund disbursement to Zimbabwe from 1984 to 2010. The diagram reveals that Zimbabwe received a significant amount of fund disbursement from the World Bank in the 1990's. This period Zimbabwe experienced an economic boom. However, since the year 2000, the World Bank has not disbursed any funds to Zimbabwe. This type of situation raises doubts as to the real targets of the US and the EU sanctions.

Figure 7: Average Annual World Bank Disbursements (US\$M)



Source: Reserve Bank of Zimbabwe and Gono, 2007: 89.

3.4.5. A Paradigm shift, Zimbabwe's "looks East Policy"

As a result of sanctions, almost all financial corridors were locked against Zimbabwe. There was no access to international finance, most partnership between the Zimbabwean government and Western countries and cooperation particularly; the US and the EU were severed while all forms of aid to the country were effectively cancelled (Gono, 2010). As a counterstrategy to the action of the US and the EU, Zimbabwe adopts the "Look East Policy" (Stiftung, 2004: 2). The policy is an alternative way of attracting funding and investment to Zimbabwe by focusing on Eastern countries such as China, India, Malaysia, Russia and others (i Stiftung, 2004: 2-3). During Zimbabwe's 25th independence anniversary, President Robert Mugabe made a significant comment that marked a shift in Zimbabwe's economic paradigm in the following statement:

To this day we bear the lasting scars of that dark encounter with colonialism, often described in the West as civilizing. [...] and today we have turned east

where the sun rises, and given our backs to the West, where the sun sets (Meldrum, 2005; Malone, 2008).

Since this announcement, Zimbabwe has been making concerted efforts to build trade and economic partnerships with Eastern countries. In turn, these countries have not been imposing sanctions on other States, making them attractive alternatives to Western countries (Mbanje and Mahuku, 2011: 1). Eastern countries, such as China, offer a tremendous amount of assistance to Zimbabwe in an effort to help the latter recover from its economic collapse. The assistance given by China, unlike Western countries, is provided without direct interference in Zimbabwe's internal affairs; in addition, aid is provided without conditions (Blanchard and Rajagopalan, 2014). By this gesture of unconditional aid, China seems to have positioned itself as a suitable alternative to Western "tied" aid (Mbanje and Mahuku, 2011: 2). Mbanje and Mahuku note that, against liberal-humanitarian principles of foreign aid, Western countries such as the US and the EU always pursue national interests when providing aid, which often impairs development in the receiving country (Mbanje and Mahuku, 2011: 5-6). It is important to state here that I am not in any way implying that China's aid and/or assistance to Zimbabwe and other African countries is without vested interest. Obviously, China's business interest is rooted in profit maximization and this feature is paramount in its relationship, partnership and other forms of financial assistance all over Africa (Junbo, 2007: 1). However, China's interest is limited to business and profit maximization. The country avoids interfering in domestic politics and keep away from dictating or imposing a political framework on African nations (Aidoo and Hess, 2015: 108). My position here is that whether aid is from the East or West, it will not be able to solve the economic problems facing Zimbabwe.

The reason for sanctions against Zimbabwe is to promote democracy and the rule of law. In any case, Western democracy tends to mean a political system that practices good

governance and upholds human rights and the rule of law, but does not challenge the rule of capitalist corporations (Mbanje and Mahuku, 2011: 9). In as much as I support democracy, subjecting a country to such a brutal economic situation as Zimbabwe in order to promote democracy and human rights is contradictory and unacceptable. Looking at the horrific consequences of US and EU sanctions on the population of Zimbabwe, I argue that the conditions and strategic interests appeal more to US and EU interests than to the aspirations and needs of the Zimbabwean people. As noted earlier, in 2002 alone, United Kingdom issued 2,346 work permits to Zimbabwean nurses (Chikanda, 2005: 1) who are now working and servicing the British health care system while the health care system of Zimbabwe is in comatose. Also, Pasura (2008) note that, the population of Zimbabwean in Britain increased from 47,158 in 2001, to an estimated 200,000 in 2008. Apart from the United Kingdom, the adoption of the US dollar as the official currency by the government of Zimbabwe is a plus to the US exchange market. Dollarisation in Zimbabwe has made the country to lose its ability to directly influence its economy, including its right to administer monetary policy and any form of exchange rate regime (Noko, 2011: 349-351). According to Margaret Doxey, governments for obvious reasons prefer to assert ethical grounds for their foreign policy behaviour. They will say that they are imposing sanctions to defend legitimate, worthy and general interests, rather than advancing particular interests of their own (Doxey, 1996). I wish to emphasise that am not in any way insinuating that the US and the EU imposed sanctions on Zimbabwe, with the intensions to boost their own economy from the outcome of the sanctions. However, available facts show that both the US and the EU have benefited in one way or another from the sanctions.

Zimbabwe refers to its strategic partnership with China as a “win-win” principle rather than “winner takes all” principle of the West, which has made Africa a continent that continues to depend on foreign assistance (Mbanje and Mahuku, 2011: 9). However the ‘win-

win' principle is also questionable as seen in the high degree of asymmetry in trade between China and Zimbabwe (Mbanje and Mahuku, 2011: 9). Also China's policy of non-interference and unconditional stance has been questioned. Western critics argue that they are counterproductive because they sabotage democracy and the rule of law. In addition, China's decision not to interfere in the domestic activities of other States even when the regime is autocratic is tantamount to complicity.

I support the argument projected by critics. By providing funds to a dictator, he/she will have access to recourses to finance his/her political machineries and also to remain in power. However, when we examine the terrible economic situation in Zimbabwe, it becomes obvious that the Zimbabwean population needs help despite whether their leader is a dictator or not. In view of the above criticisms about China's strategy in Zimbabwe and Africa in general, Adama Gaye challenges the argument of critics, stating that, "*they are inconsistent and not found on truth*" (Gaye, 2008: 12). Gaye argues that the US and the EU foreign policies are marked by gaps between "claims and realities." They preach democracy and at the same time they support dictators or keep a blind eye to them in other African countries such as Uganda, Cameroon, Angola and Gabon (Gaye, 2008; emphasis mine). Nevertheless, from the perspective of realists, whether East or West, States tend to pursue their own selfish interests. China is by no means an exception within this ideological conception of State relations.

All in all, China's trade and aid policy seems to be simple and attractive to African countries and Zimbabwe to be precise. Michael Frith in his 2006 article, *Beijing in major bid to woo Africa*, states:

Many African countries are now fed up with the intrusiveness of the European Union fussing about corruption, good governance and the rule of law. Zimbabwe embraced the 'Look East' policy because Chinese aid and that of

other Eastern countries comes with no strings attached to it (Sunday Times, 2006: 9).

According to Flower (1987), when an economic measure is taken against a country, the natural reaction is for the government to look elsewhere for alternative assistance. Therefore, Zimbabwe's look east policy is a natural reaction aimed at curtailing the worst impact of sanctions. Although Europe remains Zimbabwe's major trade and aid partner, because of its colonial history, aid from the EU to Zimbabwe has gone down, whereas aid from China has increased (Mbanje and Mahuku, 2011: 9). Thus, the "look East policy" can be analysed on the following assumption. It is a policy implemented from a grand strategy that aims to rehabilitate and overhaul the entire sector of Zimbabwe (economic, cultural, social and political needs). As Atuanene-Gima (2008) frames it, the "look East policy" aims at reviving and sustaining the economy of Zimbabwe, which was collapsing under the so-called Western "targeted" sanctions. To the government of Zimbabwe, it is important that their economy does not collapse completely, thereby adopting the "look East policy." By looking east, Zimbabwe manages to avoid complete isolation within the international system (Mbanje and Mahuku, 2011: 9). China is now Zimbabwe's largest export market for tobacco. The total trade between China and Zimbabwe was about \$500 million in 2007 (Shinn, 2008: 1). Although this figure is low when compared with China's trade with other African countries that export oil and other minerals, it is a considerable change for Zimbabwe, considering the present economic situation in the country. Additionally, Sinosteel, a Chinese company bought a stake in the holding company for Zimbabwe's largest ferrochrome producer in 2007 (Shinn, 2008: 1). Apart from that, China is now investing in gold and platinum mining in Zimbabwe, which will hopefully boost trade between the two countries, thus bringing economic growth to Zimbabwe. China also opened a Confucius Institute at the University of Zimbabwe in 2007. The look east policy of Zimbabwe has not been able to

solve all the problems facing the country, but gradually it is making a positive impact on the economic situation of the country.

Finally, I submit that the “look East policy” of Zimbabwe could pressure Western countries, particularly the EU, to realize that it is losing out to Eastern investors and that a continued standoff between it and Zimbabwe will not pay off in the end. The reality is that China’s economic interests are fuelling Africa’s economic leverage (Alden, 2005). This should be a major concern for the EU simply because China is encroaching and gradually dominating what has traditionally been an area of interest and influence for the European powers. With China making inroads into Africa, Zimbabwe and other African countries realize that it is not in their best interests to depend solely on the West as development or economic partners. I am not arguing that Zimbabwe’s partnership with Eastern countries is the best for the country. In fact, the partnership raises serious issues, particularly with China. The question is whether or not China’s aid assistance to Zimbabwe will translate into economic development and stabilization. According to Mbanje and Mahuku (2011: 10) China will not provide the panacea for Zimbabwe’s development challenges; rather, it is the responsibility of government and other local institutions to ensure that regulatory frameworks are established to monitor good governance. I conclude that the government of Zimbabwe must push its development agenda by taking advantage of its partnership with China and other Eastern countries. It must ensure that the relationship translates into viable development practices, which are not as exploitative as previously experienced.

Conclusions

The controversies surrounding sanctions discourse in Zimbabwe has assumed a number of paradoxical dimensions. On the one hand, the regime in Zimbabwe sees them as a Western machination against the regime, which is aimed at weakening the government. On the other hand, the US and the EU perceive them as an important measure needed to curtail the excesses of the regime. Ironically, the sanctions have provided some sort of political leverage to the regime in Zimbabwe, who apparently uses them as a propaganda tool to rally political support by presenting itself as a victim of Western oppression. The government of Zimbabwe maintains that it is being oppressed by the US and the EU because of their land reform policies, which enables it to re-allocate lands that were forcefully taken from the indigenous black people of Zimbabwe by white settlers. Meanwhile, the US and the EU try to avoid linking their sanctions to Zimbabwe's land reform or re-allocation policy and instead cite lack of democratic process, human rights abuses and absence of the rule of law as primary reasons for imposing targeted sanctions on President Mugabe and some of his ZANU-PF members. This lack of common understanding between the senders and targets on what caused the sanctions has provided a loophole for the government of Zimbabwe, who use it as an "escape route" from taking responsibility, partly for the collapse of Zimbabwe's economy. Considering the situation at hand, I would add that sanctions lack the capacity to resolve the conflict in Zimbabwe and instead create more suffering for the general population. Sanctions against Zimbabwe have violated the rights of the same people that they are purportedly intended to save from a repressive regime. Therefore, they are counterproductive. Although sanctions have been imposed with good intentions, for example, to strengthen democracy, to promote human rights and to establish the rule of law, they have not been able to significantly achieve any of these objectives. Instead, they contributed to the present economic and social decay in Zimbabwe. Thus, the sanctions have failed the senders

who believed it would change the behaviour of the regime and also the Zimbabwean population who may have hoped that sanctions would pressure their government to stop repression against them.

Evidently, sanctions contributed to a high rate of inflation and a high level of unemployment in the formal sectors of Zimbabwe. In order to survive the difficult economic situation, families have to devise strategies to survive. This includes the sale of family assets, reduction of household expenses on food and the decision of families to cancel the school enrolment of their children. In some cases, children drop out of school to join street begging and prostitution. Such actions lead to increases in social crimes (child abuse, illegal smuggling and child abandonment). I do not pretend to argue that such situations do not exist in other countries. However, my main point is that the level of social vices has increased due economic implosion caused by sanctions. The truth is that the Zimbabwean crisis remains unsolved despite sanctions and Mugabe still seems to lack interest in making real progress towards a democratic and economic renewal of Zimbabwe. That notwithstanding, numerous States and other actors have expressed concern over the deteriorating situation in Zimbabwe and called upon the EU and the US to lift their sanctions in order to help solve the political and economic crisis. In 2010, the Southern African Development Community (SADC) urged both the US and the EU to lift their sanctions against Zimbabwe in order to help the unity government. Instead of withdrawing the measures, the EU and the US maintained their sanctions and even extended them on the claim that Zimbabwe's human rights situation and democratic performance have not improved (Grebe 2010: 23-24). The decision of the US and the EU to maintain its sanctions against Zimbabwe is worrisome, even when available empirical data expresses serious doubts about the effectiveness of the so called targeted sanctions. The general effectiveness of the sanctions remains doubtful. Political violence, intimidation of opposition and the general population remain unabated despite sanctions.

Also, the democratic process and human rights situation has not been improved by the measures. Instead, Zimbabwe remains tense as both economic breakdown and political crisis continues to escalate. Thus, the primary objectives of the sanctions have not been satisfied whilst their effectiveness is absolutely questionable. Having given an overview of individual and social situations in Zimbabwe, I have provided support for the conclusion that sanctions against Zimbabwe infringe upon the rights and well-being of ordinary citizens who in no way contributed to the actions that led to sanctions.

Finally, I would point out that this chapter is not intended to disparage the US and the EU sanctions on Zimbabwe in such a way that no benefits came out of the sanctions. On the contrary, though with reservations, I would say that the sanctions led to the destabilization of Robert Mugabe's political structure, whilst it provided the MDC with a propaganda tool and opportunity to sell itself to the people of Zimbabwe, who are clamouring for change. However, despite political gains and compromises achieved through sanctions, which may include forming a unity government, this thesis is concerned with the humanitarian consequences of the measures on the civilian population, which supersede whatever political gain that may come from them.

CHAPTER FOUR: THE CHALLENGES OF ECONOMIC SANCTIONS AGAINST IRAN AND A REVIEW OF SELECTED CASES OF NUCLEAR DETERANCE THROUGH SANCTIONS

4.1. Introduction

Since the treaty on the Non-Proliferation of Nuclear Weapons, commonly known as the Non-Proliferation Treaty (NPT), entered into force in 1970 (Sokolski, 2010, 26), economic sanctions have been occasionally used against countries aspiring to acquire nuclear weapons. However, the use of economic sanctions as a mechanism to stop and/or deter a country from acquiring a nuclear weapon has had varying degrees of impact depending on the extent of the sanctions and the underlying economic and political conditions in the target country.

The reason for employing economic sanctions as a measure to deter countries from developing nuclear weapon may be summarised as follows: to weaken and/or cripple the target country economic capability and thus, increase the cost of developing such weapons. Since developing nuclear weapons requires huge amount of finance, economic sanctions can potentially yield positive results by substantially and/or effectively curtail the amount of funds available to the target regime, thereby making it difficult for the regime to continue with its nuclear program and/or policy (U.S. State Department, 2010).

Just like Zimbabwe, Iran has a history of sanctions. In fact the country could be adjudged as the most sanctioned country in the world having been targeted with more than thirty-two different rounds of sanctions by the US, the EU and the UN between 1979 and 2012 (Kattan, 2013: 1). According to the Centre for Arms Control and Non-Proliferation report of 2013, the US has slammed not less than twenty-four rounds of economic sanctions on Iran between 1979 and 2012 (Kattan, 2013: 1). Most of the sanctions were imposed through Presidential Executive Order. Also, the EU has imposed four rounds of economic

sanctions against Iran between 2010 and 2012, while the UN on her part has imposed four rounds of economic sanctions on Iran between 2006 and 2010. Although the US has been maintaining economic sanctions against Iran's nuclear program since the past two decades, these sanctions however, gained a boost in the last decade, after the International Atomic Energy Agency (IAEA) Board of Governors concluded in 2005 that Iran's nuclear programme had not complied with its safeguards agreement (Tariq and Kelley, 2015: 1). Consequently, the United Nations Security Council imposed several rounds of economic sanctions on Iran with the aim of forcing the regime to comply with IAEA standard on uranium enrichment.

The idea of Iran acquiring nuclear weapon is very delicate. The US and the EU speculate that if Iran becomes a nuclear power, the country might become even more aggressive towards its neighbours and destabilize the balance of power in the Middle East. This might in turn lead to a nuclear proliferation race in the region. In order to stop Iran from becoming a "nuclear monster," economic sanctions seem to be the only available antidote that can stop the country from developing a nuclear weapon that may eventually be used against Israel and other countries in the Middle East. According to the US Department of State, the unprecedented sanctions against Iran, is a response to Iran's "continued illicit nuclear activities" (Philpott, 2015: 146). The sanctions aim to "*censure Iran and prevent its further progress in prohibited nuclear activities, as well as to persuade Tehran to address the international community's concerns about its nuclear program*" (Philpott, 2015: 147). Thus, the sanctions aim to bring about change in behaviour with respect to forcing the Iranian government to comply with international standards and set rules.

On November 2012, shortly after President Barack Obama was re-elected as the President of the United States, during a press conference, the president boasted of the severity of the sanctions against Iran through the following statement:

We have imposed the toughest sanctions in history. It is having an impact on Iran's economy. There should be a way in which they can enjoy peaceful nuclear power while still meeting their international obligations and providing clear assurances to the international community that they're not pursuing a nuclear weapon (International Crisis Group, 2013: 1).

In response, Iran's Supreme Leader Ayatollah Ali Khamenei, while denying US claim that his country is aspiring to produce a nuclear bomb, maintained that sanctions will not deter its "peaceful" nuclear program when he stated thus:

You impose in your own words crippling sanctions to paralyse the nation. Does this show good or ill intention [...]. They naively think that the nation has been exhausted by the sanctions and will therefore yearn for negotiations with the United States (The New York Times, 2013)

Obviously, the UN, the US and the EU and the regime in Tehran were at a crossroads with respect to using sanctions to force Iran to reconsider its nuclear programme. Nevertheless, Iran's economy without question is badly affected, particularly due to dramatic drop in oil exports and a near collapse in the value of its currency. In a situation such as this, the reasonable question to ask is: how much economic damage has sanctions caused to the economy of Iran and the well-being of its civilian population?

In the light of the above questions, this chapter of the thesis examines the extent to which economic sanctions against Iran influences the country's nuclear policy. Furthermore, it analyses the impact of sanctions on Iran's economy and the well-being of the civilian population. Although some other scholars may have analysed the impact of economic sanctions imposed against Iran's nuclear program, only a few have examined the sanctions from the perspective of rights violation and well-being of the civilian population. Therefore,

this chapter intends to fill this information gap by analysing US, EU and UN economic sanctions against Iran, in relations to their impact on the core human rights and well-being of the entire population.

4.1.1. Historical overview of Iran

The history of Iran is very vast and dated back to about 5000 years ago. It is very difficult to put up a chronological analysis of the history of the country. Therefore, this thesis will only provide a brief historical overview of Iran. The Iranians are an Indo-European people. Sometime, probably in the early second millennium B.C.E, a people calling themselves Aryans migrated from north of the Black Sea southwest towards Iran and Afghanistan. The bulk of the population were nomads. One group, the Indo-Aryans, went southeast into north-western India, where they apparently conquered the native population. Another group, the Iranians, moved southwest into Iran, eventually settling a region including much of Afghanistan, Iran, and the area east of the Caspian (Walbridge, 2002).

In the seventh century B.C.E, one of the Iranian allies of the Medes, Cyrus II the Great of Persis in south-western Iran, overthrew his master and went on to conquer a vast empire, which eventually stretched from Libya to the gates of India and from the Bosphorus to the Indian Ocean and formed what is known in history as Persian or Achaemenid Empire. The empire was so properly administered that its efficient administrative pattern were used throughout the Middle East for centuries. Apart from running a well structured and highly articulate pattern of administration, the king of the Persian Empire extended his influence outside his territory. He restored the temple in Jerusalem and conveyed Iranian culture and religious ideas to the Mediterranean world (Walbridge, 2002).

In 334 B.C.E, the Persian Empire became victim of Alexander the Great's invasion and the empire was defeated and conquered. However, Alexander himself died before he

could establish his dynasty, thus the empire was divided among his generals. This division made Iran to fall under the leadership of the descendants of Seleucus, who also ruled Iraq and Syria. But then, in the second century C.E, Iranians residing near the south-eastern corner of the Caspian formed a dynasty and the new dynasty went on to defeat the Seleucids. The dynasty was known to the West as the Parthians, while they refer to themselves as the Arsacids (Walbridge, 2002). Just like the Seleucus, in the third century C.E. the Parthians were overthrown by a local dynasty of Fars, who then formed the Sasanian Empire. The Sasanian Empire ran a well-coordinated and centralized administration. At their high point in the early seventh century, they were able to occupy much of the Byzantine Empire and besieged Constantinople itself. The achievements of the Sasanian Empire accorded the Sasanian kings high level of acceptance by their subjects, and thus the king remained a well known figure in many aspects of Iranian culture: literature, statecraft, art, and folklore (Walbridge, 2002).

One factor that continually played a significant role in the history of Iran is religion. In the years when Prophet Muhammad was preaching his new religion and establishing a Muslim State in Medina and north-western Arabia, the Sasanian Empire was facing civil unrest. So when the Arabs invaded Sasanian Empire, there was little resistance and the empire could not repel the invaders (Walbridge, 2002). The provincial nobility failed to unite to support the central government against the invaders. Thus, the Arabs were soon able to occupy both Iraq and Iran. Yazdegerd III, the fugitive Sasanian emperor, was killed in Marv, in the far north-eastern corner of his empire. Subsequently, Iran was ruled first from Medina and later from Damascus (Walbridge, 2002).

In this period, Persians played a significant role in the Islamic State. The Arab invaders and/or occupiers depended highly on Persians to administer the old Sasanian

provinces; as a result, Persian became the official language of administration in the eastern part of the Islamic world throughout the seventh century. By the end of the century, considerable population of Persians had converted to Islam. However, a Shi`ite revolution in eastern Iran led to the overthrow of the Umayyad caliphs of Damascus and the Abbasids became the new caliphs. The Abbasids continued to run a decentralised pattern of government, but the government became weak and by the end of the ninth century, the Abbasid caliphs in Baghdad could no longer exercise full control over their jurisdictions. The weakness of the Abbasid caliphs to exercise control over its territory led to the formation of the Safavid dynasty that ruled between 1502 and 1736 (Walbridge, 2002). The Safavid dynasty headed by Shah Ismail, restored internal order and established the Shi`ite sect of Islam as the State religion. The Safavid dynasty became very powerful and was able to push the Portuguese out of their colonies on the Persian Gulf. In addition, the leader Shah Ismail established trade relations with Great Britain and some other Western countries (The Columbia Electronic Encyclopedia, 2012). In 1722 however, Afghans invaded and defeated the Safavid dynasty, marking the beginning of Afghans rule from 1722 until 1736 when they were expelled by Nadir Shah who then formed the Afshar dynasty. The Afshar dynasty was succeeded by the Zand dynasty that ruled from 1750 to 1794 (The Columbia Electronic Encyclopedia, 2012). The founder of the dynasty, Karim Khan, established his capital at Shiraz and managed to restore peace and renewed prosperity in his territory. However, the country was again engulfed with unrest that lasted until a new leader known as Aga Muhammad Khan took over the mantle of leadership and formed the Qajar Dynasty.

According to Rashidvash (2012: 182-187), the Qajar Dynasty ruled from 1794 to 1925. The period saw Iran gradually losing territory to neighbouring countries and continuously pressured by European nations, particularly Russia. Within this period, Persian claims over the entire Caucasian area were utterly challenged by Russia leading to a

protracted conflict. In the end, Iran was forced to give up the Caucasian lands by signing the Treaty of Gulistan in 1813 and the Treaty of Turkmanchai in 1828 (Rashidvash, 2012: 182). In addition, it lost Herat, the rich city on the Hari Rud, which had been part of the ancient Persian Empire to Afghans. Attempts made by Iran to reclaim the land from Afghans ended with Britain intervening on-behalf of Afghanistan, resulting in the recognition of Afghanistan independence by Iran in 1857 (Rashidvash, 2012: 182-183).

The discovery of oil in the early 1900's however, escalated Western and/or foreign interest in Iran. In this period, the interest of Britain and Russia over Iran heightened and resulted to a struggle over who will control the affairs of Iran between these foreign countries. Apart from external pressure, 20th century Iran was characterised by a continuously growing constitutional movements resulting in the establishment of a constitutional parliament in 1906. At the same time, the British-Russian rivalry continued until August 31, 1907 when Russia and Britain signed the Anglo-Russian agreement in St. Petersburg (Dowling, 2015: 37). By signing the agreement, the governments of Great Britain and Russia agreed to respect the integrity and independence of Persia, and to maintain peace and encourage economic development throughout the country. However, during the First World War, Iran was occupied by both Britain and Russia whilst after the war Iran was admitted into the League of Nations as an original member.

In 1919, Iran signed a trade agreement with Great Britain in which the later formally reaffirmed Iran's independence but actually attempted to establish a complete protectorate over it (Mirza, 2012: 537). Then in 1921, a military officer named Reza Khan, masterminded a coup and established a military dictatorship. Subsequently, in 1925 Reza Khan was elected hereditary shah and he established the Pahlevi dynasty. The new leader abolished the Anglo-Persian agreement of 1919, which, if ratified, would have granted the British a paramount

position of control over the financial and military affairs of Iran. Also the leader introduced other reforms and encouraged industrial and educational development. But on August 1941, shortly after the German invasion of the USSR, British and Soviet forces again occupied Iran. Then on September 16, 1941 the shah abdicated his office in favour of his son Muhammad Reza Shah Pahlevi (Mirza, 2012: 538), and towards the end of that year, American troops entered into Iran.

In 1943, the Tehran Declaration was signed by the United States, Great Britain, and the USSR (Ro'i, 1974: 3). The agreement guaranteed the independence and territorial integrity of Iran. However, the USSR was dissatisfied by the refusal of the Iranian government to grant it oil concessions. Consequently, the USSR orchestrated a revolt in the northern part of Iran leading to the creation of the People's Republic of Azerbaijan and the Kurdish People's Republic in December 1945 (Hahnemann, 2014). At the expiration of wartime treaty in January 1946, that allowed foreign troops to remain in Iran, the government of Iran protested at the United Nations, demanding that all foreign troops should vacate its territory. Consequently, the Soviets withdrew their troops in May of the same year but after receiving a promise of oil concessions from Iran (Bill, 1988: 35). Upon withdrawing their troops in mid-1946, the Soviet established governments in the north were deposed by the Iranian army and subsequently, parliament rejected the oil concessions earlier given to USSR.

In 1951 however, Iran had what is considered its first democratic election that produced Mohammad Mosaddegh as the Prime Minister (Hahnemann, 2014). The government of Mosaddegh succeeded in nationalising the oil industry and established the National Iranian Oil Company (NIOC). The move by Iran to nationalise its oil industry did not go down well with Britain which had a major interest in Iran's oil. Consequently, the British imposed oil blockade against Iran which led to the virtual collapse of the oil industry

and caused serious internal economic troubles to the regime. Of important note is that the Shah, Mohammad Reza Pahlavi, was against the idea of nationalising the oil industry and openly criticised Mosaddegh's policies (Gasiorowski and Byrne, 2004). In 1952, Mosaddegh was ousted but he quickly regained power while the Shah fled Iran. In 1953, the Shah returned to Iran and with clandestine support of Western governments and domestic monarchist elements Mussadegh was ousted from office in August that year (Gasiorowski and Byrne, 2004).

Following the CIA masterminded coup, General Fazlollah Zahedi was appointed the Prime Minister of Iran. The resulted coup caused the renewal of Britain imperialism predominance over Iran (Mansoureh and Kamaruzaman, 2011: 205). In 1954, shortly after taking over power, General Zahedi recalled Western (British, American, French, and Dutch) oil companies to operate Iranian oil facilities. However, the General restored peace and order within Iran. In 1957, he abolished martial law and build close relationship with Western countries. He joined the Baghdad Pact popularly known as Central Treaty Organization and received huge amount of military and economic aid from the West, particularly from the United States. Between the 1960's and 1970's, the regime undertook a broad program designed to improve economic and social conditions. Top in the regime's agenda were land reforms (Mansoureh and Kamaruzaman, 2011: 206). Also, certain democratic reforms were carried out by the regime. For example, the Iran Novin party was formed, though critics allege that the party was a government backed political party and therefore it did not represent democracy. In addition, women were offered unprecedented right to vote in national elections. During the parliamentary election held in 1963, the Iran Novin party won majority of the seats in parliament (Vianna, 1979: 345), while women were allowed to participate in the election process.

Also in the period, 1960's and early 1970's, Iran's relations with Iraq degenerated due to conflict over the Shatt al Arab waterway even though the regime and the Shah established strong economic ties with communist countries particularly with the USSR (Jones, 2009: 10). The strained relationship between Iran and Iraq continued until April 1969 when Iran disregarded the 1937 accord with Iraq and demanded that the treaty be renegotiated (Bhanot and Lacayo, 2006: 8). For clarity, the 1937 accord gave Iraq virtual control of the water ways bordering its territory with Iran. In March 1973, Iran's foreign policy took a dramatic change. The Shah revoked the 1954 agreement that saw Western oil companies run and manage Iran's oil facilities and re-established NIOC's full control over all aspects of Iran's oil industry. Western oil companies were offered advisory role in return for long-term oil supply contracts while NIOC assumed total control and management of Iran oil. However, during the Arab-Israeli war in the later part of 1973, Iran refused to use oil as a weapon of war, hence it did not participate in the oil embargo against the United States, Europe, Japan, and Israel (The Columbia Electronic Encyclopedia, 2012: 5-6).

4.1.2. The Islamic revolution

Tehran, Iran's capital was engulfed by a popular uprising and revolt on January 19, 1979. Although the country experienced rapid growth of industrialization and modernization programs in this period, however, ostentatious private wealth among few elites became greatly resented by the bulk of the population, mainly in the overcrowded urban areas and among the rural poor. Also the population was against the Shah's use of secret police known as Savak, to checkmate dissidents and rule the country (Ghosh, 2012: 1). Owing to the Shah's high handedness and virtually intolerable attitude, an opposition emerged among his subjects. The opposition was led by Ayatollah Khomeini, who lived in exile in Iraq and later in France, where he continued to instigate apathy against the Shah through his loyalist. Although the

protest started in 1978 as a religious based protest, the Shah responded by declaring martial law in all major cities. Instead of quelling the demonstrations, it soon became apparent that the enactment of martial law intensified the uprising and caused demonstrations against the Shah's leadership. As governmental controls faltered, the Shah fled Iran on January 16, 1979, while Khomeini returned back from exile and led religious revolutionaries that finally overthrow the Shah's government on February 11, 1979 (Vasseghi, 2010: 1).

After defeating the Shah and sending him on exile, a new constitution was drafted to replace the 1906 constitution. On April 1, 1979 a national referendum was conducted and Iranians were offered the choice to choose whether to adopt an Islamic Republic or not. During the referendum, Iranians were offered one choice, Islamic Republic: Yes or No? (Paidar, 1995: 226). An overwhelming 99 percent voted in favour of the new constitution. Consequently, Ayatollah Khomeini declared an Islamic Republic with a new constitution reflecting his ideals of Islamic government (Alem, 2011). The new government represented a major shift toward conservatism. First, it nationalized industries and banks and revived Islamic traditions. Second, it made effort to eradicate Western presence and influence over the population by banning Western music and life style, while women were forced to return to traditional veiled dress (Alem, 2011). However, the regime's new constitution permitted a presidential system though Khomeini remained at the executive helm as the Supreme Leader. Thus, there was a change of designation from what was formerly known as the Shah to the Supreme Leader. Towards the end of 1979, young supporters of Khomeini, angered by United States long and overwhelming support for the exiled Shah stormed the US embassy in Tehran, taking 66 people hostage (McDermott, 2001). The hostage taking created a lot of tension within Iran and in November of 1979, the then Prime Minister Mehdi Bazargan resigned his position. Consequently, an election was held in 1980 and Abolhassan Beni Sadr was elected the president.

On September 22, 1980 Iraq invaded Iran over the disputed Shatt al Arab waterway and the war lasted for eight long years. The war crippled both nations economically, and led to an estimated five hundred thousand to one million casualties (Kurzman, 2013; Bhanot and Lacayo, 2006: 8). Then on January 20, 1981, the American hostages were released, after long negotiations, though there were speculations that the US paid ransom as well as supplied military equipment to Iran (Guerrero, 2016: 193). In June of that year, President Beni Sadr was removed from power by Ayatollah Khomeini and replaced by former Prime Minister Mohammad Ali Rajai. Unfortunately, President Mohammad Ali Rajai and his Prime Minister died in a bomb incident that happened on August 30, 1981 (Kihss, 1981).

Following the death of President Mohammad Ali Rajai, an election was conducted on October 1981 and Hojatoleslam Seyed Ali Khamenei was elected as the president. On June 1989 the Supreme Leader, Ayatollah Khomeini passed on. Consequently, Khamenei vacated the position of President and assumed the role of the supreme spiritual leader, while Hojatoleslam Ali Akbar Hashemi Rafsanjani was elected the president (The Columbia Electronic Encyclopedia, 2012: 9). When Iraq invaded Kuwait in August 1990, Iran was among the countries that enforced international sanctions against Iraq despite opposing the US led coalition forces against Iraq during the Persian Gulf War. However, the United States suspended all trade with Iran in 1995, accusing Iran of supporting terrorist groups and attempting to develop nuclear weapons (The Columbia Electronic Encyclopedia, 2012: 8-10).

4.1.3. The nuclear non-proliferation treaty

On August 6, 1945 during World War II, the United States deployed the world first atomic bomb over the Japanese cities of Hiroshima and Nagasaki. The bomb resulted in the death of approximately 170,000 people in both Hiroshima and Nagasaki (Lindee, 1994; Khan, 2012). Then in the 1960's, presidents, prime ministers, and arms-control analysts

predicted that about 25 to 30 countries would possess nuclear weapons by the end of 20th century (Kaplan, 2005). The world soon became petrified by an impending devastation from nuclear weapons. Therefore, an alternative ideology was imperative for the sake of mankind. Consequently, in 1968, the United Nations drafted the Nuclear Non- Proliferation Treaty (NPT) and States were obliged to sign and be part of the treaty in order to promote peaceful nuclear use. At the time of writing this thesis, the NPT has been ratified by 189 countries. About 3 or 4 countries have acquired nuclear weapon since the treaty came into force outside the original five nuclear powers.

Although we cannot claim that the NPT is the only reason or factor restraining countries from pursuing nuclear technology; however, it is an undeniable fact that it played a role and thus it reinforces other deterring factors. As noted earlier, at the time of signing the treaty on March 5, 1970, there were five nuclear weapon States: China, France, the United Kingdom, the United States, and the USSR (Alonso, 2012: 424). However, since the time of signing the NPT, India, Israel, and Pakistan have developed nuclear weapons while North Korea developed a nuclear explosive capability (Joyner, 2011; Gardner, 1994). Among these four countries that later developed nuclear weapon and/or capability, India, Israel, and Pakistan were not signatory to the treaty, while North Korea ratified the treaty but later withdrew from the agreement.

The NPT in my opinion has three main clauses that could be summarised in the following: First, States seeking to be part of the treaty would agree to promote and also make efforts towards non-proliferation. That is to say, nuclear weapon States would agree not to transfer nuclear weapon devices or technology to non-nuclear weapon States. Besides, nuclear weapon States have to consent not to assist, influence, encourage, coerce or induce a non-nuclear weapon States to acquire nuclear weapons.

The second main clause deals with disarmament. The treaty states that consenting nations would have to, “in good faith,” make efforts in disarming and liquidating existing nuclear weapons and make efforts toward an eventual withdrawal from the nuclear arms race. This means that countries currently having nuclear weapons or nuclear capability will be required to destroy or get rid of their weapons.

The third main clause in the agreement is that it permitted the use of nuclear technology solely for peaceful purposes. The implication of this clause is that nuclear technology can be transferred or traded between nuclear weapon States and non-nuclear weapon States as long as it is indicated that the technology will be used in a peaceful manner. In addition, a country that is aspiring to acquire nuclear technology and eventually developing a nuclear program must be able to prove that the technology will be limited to peaceful purposes only.

Arguably, the world is a better place because of the Non-Proliferation Treaty. Nonetheless, the treaty has some flaws. Referencing the third clause identified above, the treaty permits nation States to pursue nuclear program as long as they are doing so for peaceful purposes. Article V of the treaty, went on to state that: the technology will be provided, “on a non-discriminatory basis” at a price “as low as possible” and exclude any charge for research and development. The inherent danger in this assertion is that the technology for producing nuclear energy is the same as the technology for producing nuclear weapons. Enquiry from my physicist friends reveals that to produce a bomb from a supposedly peaceful nuclear program takes only enriching the uranium or reprocessing the fuel rods into plutonium. It is believed that the drafters of the treaty knew this impending danger; instead they ignored it and counted on two impediments. First, the drafters’ relied on using a “watchdog” as a mechanism to checkmate any derailment. The treaty specifies that

the recipients of nuclear technology must allow international inspectors to monitor their nuclear facilities in order to make sure that they complied with IAEA standards. Second, at the time the NPT was drafted, it was perceived to be very difficult for a recipient country to deviate (Kaplan, 2005). However, reality has proved contrarily to the assumptions of the drafters of the NPT. The spread of science and the continuously growing ingenuity of black marketers have made it possible that a country can clandestinely learn how to enrich uranium. In addition, the difficulty to access information or carry out intensive intelligence monitoring, especially in closed societies, pose serious challenges because such a country can clandestinely build nuclear facilities, whilst at the same time elude inspectors.

Another challenge facing the treaty is in the lack of interest by the original five nuclear weapon States to adhere to the recommendation of the treaty by relinquishing their nuclear weapons. The apparent expression of interest by these countries to keep and/or safeguard their nuclear weapons has sparked the interest of other countries that aspire to acquire their own nuclear capability. For example, India that has never signed or observed the nuclear non-proliferation treaty argues that: *“it is unfair for already nuclear nations to impose limiting sanctions on nuclear weapon development while they observe no signs of disarmament and liquidation of nuclear stockpiles from the nuclear States”* (Khan, 2012). Therefore one can argue that the lack of political will among the original nuclear weapon States to relinquish their nuclear weapons is a factor that may propel other countries to pursue a nuclear program with the hope of balancing power.

In the year 2000, during the NPT Review Conference, all member States agreed on nuclear weapons disarmament. Consequently, 13 practical steps were outlined for the systematic and progressive disarmament of the world’s nuclear weapons (Kerr; Nikitin; Woolf and Medalia, 2010: 5). However, at the 2005 Review Conference, States parties could

not agree on a final document. After five weeks of deliberation, the conference ended without State parties signing any document that will serve as a working plan. Analyst dubbed the conference a failure. Then again in 2010, States parties adopted a 64 point action plan in order to move forward (Kerr et al., 2010: 5-6). Unfortunately, till date there has not been any significant and/or concrete step taken towards disarming the nuclear States of their weapons.

4.1.4. The US sanctions against Iran.

The objectives of US sanctions against Iran have evolved over time. In the 1980's and 1990's, the US imposed sanctions on Iran with the aim or intention to compel Iran to cease support for acts of terrorism and most importantly to limit Iran's strategic power in the Middle East (Kenneth, 2016: 1). However, since the mid 2000's, US sanctions have focused intently on compelling Iran to abandon its nuclear program or even to limit the scope of its nuclear program to a level that may be considered "peaceful" to the international community. Given the fact that the US has imposed series of sanctions on Iran, it will be useful to review these sanctions by breaking them up into smaller time spans. Therefore, I divided the US sanctions against Iran into six categories or groups, starting from 1979 until the time of writing this thesis. By doing so, I relied on my own research and also a list provided by the Centre for Arms Control and Non-Proliferation on US sanctions against Iran. Then, relying on data from the United Nations, I presented a chronology of UN sanctions against Iran. Finally, I provide a brief overview of EU imposed sanctions against Iran.

4.1.4.1. Sanctions imposed between 1979 and 1991

Sanctions have become a regular feature of US policy towards Iran for more than three decades (Kenneth, 2015: 1). Washington imposed the first sanctions against Iran in 1979. Nine months after the Islamic revolution, precisely on November 4, 1979, angry young Islamic revolutionaries attacked the US Embassy in Tehran, taking more than 60 Americans

hostage. The hostages remained in captivity from November 4, 1979 until January 20, 1981, when they were released. In this period, the US employed several approaches to secure the release of the hostages, including launching a military rescue operation, “Operation Eagle Claw”, which failed, and unfortunately caused the deaths of eight servicemen (Radvanyi, 2000: 1). Owing to the failure of military operation, the US opted to use economic pressure and imposed economic sanctions against Iran.

First, the sanctions started with a ban on Iranian oil imports, followed by freezing of all assets of the government of Iran in the United States and under the control of US banks, businesses and individuals outside the United States. Consequently, Iran was deprived of the use of more than \$12 billion in bank deposits, gold and other property (Caswell, 1981: 247). In addition, the US banned most export and other transactions with Iran and requested the UN Security Council to impose similar sanctions against Iran. The US proposal seeking UN sanctions against Iran was blocked by a Soviet veto on January 13, 1980; however, some Western nations gradually reduced their trade and commerce with Iran as a way of expressing their dissatisfaction with Tehran (Caswell, 1981: 247). The sanctions remained in place until January 20, 1981 when Algiers Declaration/Accord was reached between the US and Iran. Consequent upon reaching an accord, Iran released the hostages while the US was expected to unfreeze Iran’s assets. Although, one cannot state precisely why Iran decided after 14 months to agree to the Algiers Declarations and release the American hostages, one thing for sure was that Iran’s economy was gradually withering due to a combination of economic sanctions and war with Iraq.

After the hostage crisis sanctions, the US imposed another round of economic sanctions on Iran in 1984. Following the 1983 bombing of US Marine peacekeepers in Lebanon, which caused the deaths of 161 Americans, (Friedman, 1983) the US, imposed

stringent economic sanctions on Iran. President Ronald Reagan's administration accused Tehran of sponsoring terrorism by providing support for the group that carried out the attack which later became Hezbollah. Consequently, Iran was designated a "state sponsor of terrorism" by the US State Department on January 23, 1984 (Katzman, 2015: 3). Reagan's administration invoked section 505 of the International Security and Development Act, banning trade relations between the US and Iran. In addition to that, Washington banned all forms of arms and ammunition sales, export of dual-use technologies, and foreign assistance to Iran. Furthermore, the US effectively opposed and blocked Iran's loan applications to the World Bank. Then following a resolution passed by congress and signed into law on October 29, 1987, President Reagan issued Executive Order 12613, and imposed total embargo on the importation of Iran's oil into the US. In addition, there was a ban on the export of goods that could be used for military purposes from the US to Iran (Katzman, 2015: 3-4).

Since then onwards, Washington has perceived Iran as a potential threat to the US and its allies. Even recently, the US State Department still considers Iran the world's "most active State sponsor of terrorism", while relationship between Washington and Tehran has remained tensed. According to Bruno (2011), US officials continue to allege that, "*Iran provides funding, weapons, training, and sanctuary to numerous terrorist groups, most notably in Iraq, Afghanistan, and Lebanon [...] posing a security concern to the international community.*" Thus, the US perception of Iran is in twofold: a State sponsor of terrorism and a potential nuclear terrorist. As a result, serious actions need to be taken in order to curtail the excesses of Iran.

4.1.4.2. Sanctions imposed between 1992 and 1995

On April 8, 1992, the US Congress believing that Iran was aspiring to produce a nuclear weapon adopted the Iran-Iraq Arms Non-proliferation Act (IIANA). The bill, which

was sponsored by Senator John McCain, seeks to extend the restrictions of the Iraq Sanctions Act of 1990 to Iran. Thus, the bill seeks to “*prevent the transfer of certain goods or technology to Iraq or Iran and for other purposes*” (U.S. Congress Report, 1992). Additionally, the act imposed sanctions on foreign entities that provide nuclear technology to Iran or any form of assistance that will facilitate Iran’s development of a nuclear weapon.

In 1994, the United States accused Iran of sourcing uranium from Kazakhstan. Washington claimed that it has discovered and successfully block a uranium deal between Iran and Kazakhstan. Consequently, the United States started to take more and more drastic measures to halt Iran’s nuclear program. Numerous additional economic sanctions were imposed on Iran’s key energy sector with the aim of weakening its economy and capability to continue with the nuclear program. In 1995, President Clinton issued Executive Order 12957 and declared Iran an “extraordinary national security threat” and called for national emergency to deal with it (Kattan, 2013). Since then onwards, the President of the United States is permitted at all times to regulate trade with countries considered an “extraordinary threat.” Thereupon, the president issued Executive Order 12959 in May 6, 1995 placing a comprehensive ban on US trade with, and investment in Iran, whilst excluding food and medical products. Additionally, the US Senate in the same year passed the Iran Foreign Oil Sanctions Act that set limit at \$40 million which a foreign company can invest in the Iranian oil and gas industries, above which will be penalised (Kattan, 2013).

4.1.4.3. Sanctions imposed between 1996 and 2000

On June 18, 1996 the US House of Representatives, following the footsteps of the Senate passed their own version of Iran Foreign Oil Sanctions Act by extending the sanctions imposed on Libya’s oil industry to Iran. The act was named Iran and Libya Sanctions Act (ILSA). It imposed sanctions on persons “*exporting certain goods or technology that would*

enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes" (Katzman, 2006). In addition, ILSA prohibited entities from investing an amount more than \$20 million in Iranian energy. In essence, the act is intended to strangle Iran's energy sector by sanctioning and/or deterring entities who wish to invest hugely in the industry. ILSA is remarkable because according to congress, the sanctions will remain in force until a time when Iran is certified to have given up its aspiration to acquire nuclear weapon and a point when it is no longer considered a significant threat to the US or its allies (Kattan, 2013).

Furthermore, on August 19, 1997 President Bill Clinton issued Executive Order 13059, preventing US companies from deliberately exporting goods to a third country that will eventually re-export them to Iran. While in the middle of the same year, the two houses of congress passed the Iran Missile Proliferation Sanctions Act (Congressional Record: 1998: 13312). The act, opposed export licenses to ship weapons to Iran and cancel US aid to any country reasonably believed to be assisting Iran produce a nuclear weapon. Then on March 14, 2000 the President signed Iran "Non-proliferation Act into law." The act empowers the President, to impose sanctions on countries and organizations helping Iran to develop weapons of mass destruction (Congressional Record: 1998: 13312- 13313).

However, despite all the sanctions imposed by the US, Iran's nuclear program is on-going and has become an issue of international concern and debate. Some observers however, believe that the US sanctions on Iran is part of Washington's doctrine of establishing "full spectrum dominance" around the world. According to Eric Sommer, the US is antagonising Iran because of love lost between the two countries. The US doctrine is to "*allow only countries firmly allied to its government to acquire nuclear weapons or to even develop the capacity to do so. Israel is widely believed to possess nuclear weapons. Yet there is no call*

for sanctions or investigations of them. The reason is simple: They are a US ally” (Sommer, 2010). Whatever be the case, countries should endeavour to adhere to treaties they signed, while justice should be served equally.

4.1.4.4. Sanctions imposed between 2001 and 2005

On September 23, 2001 President George W. Bush issued Executive Order 13224, sanctioning entities that support terrorism (Katzman, 2016: 4). The order prohibited American entities from having any financial transactions with organizations and persons believed to be supporting terrorism. Primarily, the order was targeting entities that provide support for al-Qaeda; however, it began by targeting Iranian firms and other entities. Also in the same 2001, the US Congress voted in favour of renewing the ILSA for another five years, while in 2002, the US successfully blocked Iran from joining the World Trade Organization (Clawson and Rubin, 2005: 153). Then on June 28, 2005 the president imposed yet another sanctions through Executive Order 13382. The order empowered the president to seize the assets of entities that support WMD proliferators and to ban those entities’ financial transactions with American entities. Consequently, in June 2006, the US Treasury Department seized assets belonging to four Chinese companies that were accused of assisting Iran’s ballistic-missile programs. Apart from seizing there assets, US citizens and entities were banned from doing business with these companies. Two months later, two other companies with Russian origin were sanctioned for supplying Iran with materials and/or constituents that could be used in making unconventional weapons. On September 2006, President Bush, through the Treasury Department, banned “U-turn transactions,” or indirect transactions with Iranian Bank Saderat. Washington accused the bank of facilitating terrorism by transferring millions of dollars to terrorist groups including Hezbollah and Hamas (Katzman, 2016: 28). The imposed ban on financial transactions with Bank Saderat by US,

effectively limited financial transactions between Iranian businesses and the rest of the world (Ghaderi, 2015).

4.1.4.5. Sanctions imposed between 2006 and 2010

On September 28, 2006 congress adopted the “Iran Freedom and Support Act.” The act appropriated the sum of \$10 million to the President of the United States who will in-turn use the fund to support pro-democracy and human rights organizations in Iran (Katzman, 2011: 3). Critics however, allege that the act was a move by Washington to provide financial support to groups that oppose the Iranian government and thus, the bill was seen as indirect US-led propaganda coup against Tehran (Kattan, 2013). In my view, it is not proper for Washington to impose sanctions on Tehran, denying it access to international finance while at the same time provide financial support to local opposition groups, tagging them “pro-democracy.” Washington has continued to initiate new and even harsher sanctions against Iran. At the beginning of 2007, the US Treasury Department targeted another Iranian bank called Bank Sepah and banned all US banks from handling transactions with or on-behalf of the bank (Newcomb, 2008: 471).

On September 11, 2008 the Treasury Department banned US banks from handling financial transactions with the Iranian Maritime Carrier, the Islamic Republic of Iran Shipping Lines (IRISL) and 18 other affiliated entities (Mohammed and Somerville, 2008). Then on July 1, 2010 President Obama signed “the Comprehensive Iran Sanctions, Accountability, and Divestment Act” (CISADA) into law. The act expanded already existing sanctions on Iran’s energy sector by banning the sale of gasoline and gasoline production equipments to Iran (Wilcox, 2010: 645). In addition, CISADA expanded the sanctions contained in the 1996 Iran Sanctions Act by targeting banks that transact with the Iranian

Revolutionary Guard Corps (IRGC) and also blacklist individuals' accused of human rights violation during the 2009 presidential elections in Iran.

4.1.4.6. Sanctions imposed between 2011 and 2015

In May 2011, the US president issued Executive Order 13572. The order expanded the scope of the national emergency declared in Executive Order 13338 of May 11, 2004, which targeted the Islamic Revolutionary Guard Corps for their alleged involvement in human rights abuses in Syria (Liebman; Thomsen and Bartlett, 2012: 70). Then on June 23, 2011 the US Treasury Department, referring to presidential Executive Order 13382 of July 1, 2005 imposed sanctions on Tidewater for their alleged ownership by the Islamic Revolutionary Guard Corps (IRGC) (Katzman, 2015: 44). The US Treasury Department accused IRGC and the Iranian government of using Tidewater seaports to transport arms, ammunitions and related materials, in violation of United Nations Security Council resolutions. As a result, all assets belonging to Tidewater within US jurisdiction were effectively frozen. Additionally, US persons were prohibited from engaging in transactions and activities with or involving Tidewater.

Apart from Tidewater, Iran Air, the national carrier airline of Iran was also designated by the US Treasury Department for "*providing material and logistical support and services to the IRGC and Iran's Ministry of Defence and Armed Forces Logistics*" (U.S. Department of Treasury, 2007). Then on Oct 12, 2011 another Iranian commercial airline known as Mahan Air, was sanctioned for providing financial, material, logistical and technological support to the IRGC (U.S. Department of Treasury, 2016). On November 21, 2011 President Obama issued Executive Order 13590, and targeted Iran's energy sector. The order prohibited a US person from providing goods, services, technology or support for Iran's energy and petrochemical sector (Katzman, 2011: 4). Executive Order 13590 expanded on existing

energy-related sanctions to authorize sanctions against persons that knowingly provide goods, services, technology, or support above certain limited monetary thresholds (US\$ 5 million per annum) to Iran that could directly and significantly contribute to either the maintenance or enhancement of Iran's ability to develop petroleum resources located in Iran or to the maintenance or expansion of Iran's domestic production of petrochemical products (Katzman, 2011: 4). Thus, paralysing Iran energy sector seem to be the ultimate priority for Washington.

On November 21, 2011 the Department of Treasury invoked section 311 of the US Patriot Act and designated Iran as a "money laundering concern" (Mohammed and Lawder, 2011). Consequently, Iranian banks were only granted minimal access to the US financial market and/or sector. Then on the last day of 2011, specifically on the December 31, 2011, President Obama signed the yearly National Defence Authorization Act (NDAA) for the year 2012 (U.S. Department of Treasury, 2011). Section 1045 of the act imposed new sanctions on Iran. The section specified sanctions on foreign banks that still maintain financial transactions with Iran's Central Bank. Among the sanctions, is that foreign banks doing business with the Central Bank of Iran will be banned from opening accounts in the US, while concessions were given to importers of Iranian oil, encouraging them to reduce their purchases in order to get exemption from the sanctions established under the NDAA. However, in my opinion the clause pertaining to exemption from sanctions is tricky. This is because there is no specification as to how much reduction will be enough to merit exemption from the sanctions.

On February 5, 2012 President Obama issued Executive Order 13599, "blocking property of the government of Iran and Iranian financial institutions" (U.S Federal Register, 2012). Section one of the Executive Order read the following:

that the president of the United States hereby order “all property and interests in property of the government of Iran, including the Central Bank of Iran, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in (U.S Federal Register, 2013: 560.211).

In any case, Executive Order 13599 is an expansion of the 2012 National Defence Authorization Act to include a blockage of all property of Iranian government and those owned by the Central Bank of Iran.

Then on April 26, 2012 the US president issued Executive Order 13606, targeting the Iranian government for alleged human rights violations and abuses through information technology (Federal Register Archives, 2012). Consequently, all information technology companies were mandated to make sure that their products were not used by the regime in Tehran to carry out human rights abuses through network disruptions, monitoring, and other uses. Furthermore, the order blacklisted some government officials and bar them from entry into the United States for their alleged involvement in human rights violation using information technology platforms. On July 30, President Obama issued Executive Order 13622, targeting foreign entities and/or financial institutions that maintained trade relationship with the National Iranian Oil Company (NIOC) and Naftiran Intertrade Company by purchasing oil, petroleum, or petrochemical products from them (Federal Register Archives, 2012).

Thereafter, on August 10, 2012, President Obama signed into law, “the Iran Threat Reduction and Syria Human Rights Act” (ITRSHRA). The act significantly expanded the list of sanctions against foreign financial institutions cooperating with Iran’s energy sectors, as well as on entities involved with human rights abuses in Iran (Federal Register Archives, 2012). In addition, the act amended portions of the Iran Sanctions Act (ISA) of 1996, the

Comprehensive Iran Sanctions, Accountability and Divestment Act (CISADA) of 2010, and section 1245 of the 2012 National Defence Authorization Act (NDAA) to increase the pressure on Iran to withdraw from nuclear proliferation and relinquish its nuclear ambition. Among the amendments provided in the act is that foreign subsidiaries of US companies were banned from having any transaction with Iran (Federal Register Archives, 2012). It also established a requirement whereby companies issuing securities have to verify with the US Securities and Exchange Commission whether they or their affiliates knowingly engaged in activities that may warrant sanctions. In essence, the act significantly strengthened previous sanctions against Iran, and particularly those imposed on the oil and gas sector.

On October 9, 2012 the US president issued Executive Order 13628 (Federal Register Archives, 2012). The order significantly enhanced sanctions against Iran as well as provided a stronger enforcement mechanism for other laws prohibiting activity with or involving Iran. Most significantly, the order re-emphasized the sanctions contained in the Iranian Transactions Regulations (ITR) that prohibited US parent companies' owned or controlled non US subsidiaries from having any dealings with Iran and the Iranian government (Federal Register Archives, 2012). Consequently, on October 22, 2012, the Department of Treasury through Office of Foreign Assets Control (OFAC) renamed the Iran Transactions Regulations (ITR) to the Iranian Transactions and Sanctions Regulations (ITSR). However, the sanctions contained in the ITR were entirely re-imposed under ITSR. In addition, Executive Order 13628 allowed the US president through OFAC to freeze assets owned by entities determined to be involved with censorship within Iran (Federal Register Archives, 2012).

On January 2, 2013 President Obama signed into law the National Defence Authorization Act (NDAA) for the year 2013. The act significantly expanded existing US economic sanctions against Iran and targeted non US third parties that continued to do

business with Iran (Cordesman; Gold and Coughlin-Schulte, 2024: 4). In addition, it sanctioned entities that provide goods and services to Iran's energy, shipbuilding, shipping, and port sectors, as well as those that supply semi-finished metals and related products to Iran.

4.1.5. Sanctions against Iran's nuclear program by International Organizations

Apart from the US that has maintained sanctions against Iran's nuclear program since the 1990's; the UN has also imposed four rounds of economic sanctions against Iran on the same issue, to deter Iran from developing a nuclear bomb. The sanctions were imposed between 2006 and 2010 (Nakanishi, 2015: 26). Similarly, the EU on its part has imposed other sets of economic sanctions on Iran between 2010 and 2012 aimed at achieving same result as those imposed by the US and the UN (Nakanishi, 2015: 26-27). Despite all the sanctions imposed against Iran's nuclear program, there are a number of reasons why the country is aspiring to join the "nuclear club." First, Iranian leaders seem to believe that having a nuclear weapon will result in Iran's dominance in the Middle East (Hufbauer; Schott; Elliott and Oegg, 2007: 233) and thus it would increase the country's bargaining power in the region. Second, Iran feels uncomfortable with the fact that Israel may have acquired nuclear weapon. In that case, acquiring nuclear weapons will offer it protection from an attack from Israel and also restore balance of power in the region. Third, there is an ideological perception among Iranian leaders that having such advanced weapons would show off Iran's military and scientific dexterity to the rest of the world (Hufbauer; Schott; Elliott and Oegg, 2007: 233).

4.1.5.1. Sanctions imposed by the UN

In February 2003, The National Council of Resistance on Iran revealed that it has built nuclear facilities near Natanz and Arak, claiming it was using the technology for

peaceful purposes (Wright, 2010: 79). Consequently, the UN nuclear monitoring body, the International Atomic Energy Agency (IAEA), was mandated to inspect the facility and make recommendation based on the NPT agreement. Thereupon, the IAEA Board of Governors on September 12, 2003 adopted a resolution mandating Iran to cease all uranium enrichment, reprocessing of fuel rods and related activities (Davenport, 2015). The IAEA resolution requires Iran to declare all materials relevant to its uranium enrichment program on or before October 31, 2003 and also permit IAEA inspectors to investigate and/or scrutinize the facilities (U.S Congress report, 2003: 28900). However, the US alleged that Iran has hatched a clandestine plan to develop nuclear weapons and sought to refer the case to the Security Council. Then in 2005, the IAEA Board of Governors produced a vague report that is marred by varied interpretations, although the most wildly held view is that Iran's nuclear program did not comply with NPT standards. For clarity, the IAEA inspector's report states that "*it could not confirm that Iran was not pursuing undeclared nuclear activities*" (Toumaj, 2015: 1). In essence, the report did not prove that Iran was pursuing a nuclear weapon neither did it disprove it. Then on July 31, 2006 the Security Council adopted Resolution 1696 calling on Iran to suspend all uranium enrichment programs by August 31, 2006 (S/RES/1696/2006).

Responding to Council's Resolution 1696, Iranian President Mahmoud Ahmadinejad said that Iran will not yield to "the language of force and threats" (Jafarzadeh, 2007: 234). He insisted that Iran's nuclear program was for peaceful purposes when he stated following:

Basically, there is no talk of nuclear weapons. There is no discussion of nuclear weapons, we are not a threat to anybody even the Zionist regime, which is a definite enemy for the people of the region. They may impose some restrictions on us under pressure. But will they be able to prevent the thoughts of a nation? [...] will they be able to prevent the progress and technology to a nation? They have to accept the reality of a powerful, peace-loving and developed Iran. This is in the interest of all governments and all nations whether they like it or not (Conroy, 2006).

Following Tehran's neglect of a UN deadline to halt its uranium enrichment, the Security Council adopted resolution 1737 on December 23, 2006 and imposed economic sanctions against Iran. The sanctions contained in Resolution 1737 were in twofold. First, it prohibited the supply of sensitive nuclear materials and technology to Iran. Second, it froze the assets of individuals and entities that were involved in Iran's uranium enrichment activities. Acting upon Resolution 1737, the IAEA gave Iran a 60 day grace period to suspend its uranium enrichment in exchange for suspension of the UN sanctions (S/RES/1737/2006). However, Tehran turned down the offer. Following Tehran's defiance of Resolution 1737 and the IAEA's proposal, the Security Council passed Resolution 1747 on March 24, 2007 and imposed additional sanctions against Iran (Davenport, 2015). Resolution 1747 prohibited UN member States from trading with Iran equipment or materials that could aid or facilitate its nuclear or ballistic missile development. In addition, it strengthened the sanctions contained in Resolution 1737, particularly the asset freeze. Consequently, the assets of 28 people and entities accused of providing support to Iran's nuclear and ballistic missile programs were seized, of which more than half of those affected were linked to the Iranian Revolutionary Guard Corps (Davenport, 2015). Reacting to Council's decision to adopt Resolution 1747, the Iranian Foreign Minister Manouchehr Mottaki told Council members that no-matter the severity of sanctions, they cannot deter Iran's nuclear development when he made the following statement:

The world must know-and it does-that even the harshest political and economic sanctions or other threats are far too weak to coerce the Iranian nation to retreat from their legal and legitimate demands. He added that suspension is neither an option nor a solution (Olson, 2007).

Tehran however, rejected the sanctions citing its right to enrich uranium without external interference and within the ambit of the international law.

As a response to Tehran's failure to suspend uranium enrichment and heavy-water-related projects as contained in previous Security Council Resolutions on Iran's nuclear program, on March 3, 2008 the Security Council adopted Resolution 1803 and imposed additional sanctions against select Iranian officials (Security Council Press Release, 2008). Resolution 1803 requires member States to refuse entry into their territories of individuals involved in Iran's nuclear development. It also expanded sanctions on the sale of WMD equipment to Iran and urge member States to be "*vigilant over the activities of financial institutions in their territories with all banks domiciled in Iran, particularly with Bank Melli and Bank Saderat*" (Kaussler, 2014: 61). Furthermore, it called for thorough inspection of Iran Air Cargo and Islamic Republic of Iran Shipping Lines cargo suspected of proliferation activities, while Iran was instructed to stop any research and development activities associated with centrifuges and uranium enrichment. Just like others, Iran once again rejected the sanctions, claiming that its nuclear program was solely for peaceful purposes as permitted by the NPT.

Following the failures of Security Council Resolution 1696 and Resolution 1737 of 2006; also Resolution 1747 of 2007 and Resolution 1803 of 2008 to deter Iran from further uranium enrichment, the Security Council on June 9, 2010 adopted Resolution 1929 imposing another set of sanctions against Iran. Unlike previous sanctions, Resolution 1929, took a step further by establishing a panel of experts that will monitor the implementation of the sanctions (Davenport, 2015). The resolution banned Iran from investing in nuclear and missile technology abroad, while member States were prohibited from selling heavy weaponry such as missiles, tanks, military aircraft, and warships to Iran. Also the resolution sanctioned entities affiliated with the Iranian Revolutionary Guard, whilst it toughened rules on financial transactions with Iranian banks by prohibiting Member States from permitting Iranian banks to establish branches in their territories and urged them to refrain from entering into

relationships with them. In addition, the resolution expanded the list of individuals and companies with asset freeze and travel ban (Davenport, 2015). Reacting to Resolution 1929, Mohammad Khazaee, the ambassador of Iran to the United Nations said that the new sanctions will not force Iran to change its policy when said:

No amount of pressure and mischief will be able to break our nation's determination to pursue and defend its legal and inalienable [...] Iran never will bow to the hostile actions and pressures by these few powers and will continue to defend its rights (BBC News, 2010).

In line with Khazaee's position, President Mahmud Ahmadinejad was quoted as saying, "*I gave one of the [world powers] a message that the resolutions you issue are like a used handkerchief which should be thrown in the dustbin*" (BBC News, 2010). In essence, Tehran once again undermined the sanctions.

Apart from the aforementioned resolutions, the Security Council has adopted two other resolutions in respect to Iran's nuclear program; however these resolutions did not impose any further sanctions. Resolution 1984 was adopted by the Security Council on June 9, 2011. It elongated the tenure of the expert panel monitoring sanctions against Iran until June 9, 2012, while resolution 2049 was adopted on June 7, 2012, which again extended the mandate of the expert panel until July 9, 2013 when they will present their final report to Council (United Nations Press Release, 2010).

In conclusion, the UN employed sanctions as a measure and/or mechanism to halt Iran from enriching uranium, however, Tehran's defiance to the sanctions have cast doubt on the efficacy of using economic sanctions to remould the behaviour of the leaders or change Tehran's policy. Instead, there are speculations, by Western countries and particularly by Israel that Tehran is on the verge of producing a nuclear bomb despite an arrear of sanctions imposed against the country. In my opinion, the assumption of Western countries and Israel

about Iran's nuclear program is tricky owing to the fact that available empirical evidence shows that Iran's nuclear program still lacks the capacity to produce bomb and there is no evidence to the contrary (Kittrie, 2015). An example is the June 2014 report of the UN Panel of Experts on implementing sanctions against Iran. In the report, the Panel of Experts acknowledged that Iran "*continues to seek key items abroad, preferably from established, high-quality suppliers*" (Kittrie, 2015). The above submission by the Panel of Experts clearly shows that Iran nuclear program is far from being able to produce weapons of mass destruction. Nevertheless, Iran's nuclear programme must be stopped, but that entails devising alternative approach other than economic sanctions.

4.1.5.2. Sanctions imposed by the EU

Since inception, the EU has tactically avoided adopting the word economic sanctions. Although some of its sanctions could be adjudge to have economic elements, however, the union has carefully avoided using the phraseology "economic sanctions" in its sanctions policies. For example, EU sanctions against Zimbabwe despite having all the elements of economic sanctions were dubbed targeted "restrictive measures." Some observers argue that the EU considers the term economic sanctions a dangerous phrase, which may harm its own interest both economically and diplomatically even without producing a desired outcome (Tabrizi and Santini, 2012: 2). However, in July 2010, EU shifted its stance and introduced the term "economic sanctions" in its sanctions policy and strategy. Consequently, Iran became the first victim of EU's economic sanctions when the union imposed sanctions on former's energy and financial sector, banning the import of crude oil and blacklisted most of Iranian banks (Tabrizi and Santini, 2012: 2). Although the EU has previously imposed sanctions against other countries for offences ranging from States sponsoring of terrorism (Syria and

Libya in the 1990's) and gross violation of human rights, Iran once again was the first country the EU sanctioned on issue relating to nuclear proliferation (Tabrizi and Santini, 2012: 1).

According to the EU, the objective of implementing punitive measures against Iran is to persuade Tehran to comply with its international obligations and to hinder its development of sensitive technologies that will facilitate its nuclear and missile programs (Tabrizi and Santini, 2012: 2). In 2010, EU prohibited its member States from exporting and/or supplying Iran with dual-use items and technology, as well as other equipment that could potentially facilitate Iran's nuclear program, or aid the regime in oppressing its population. In 2011, the EU imposed another set of sanctions on a number of Iranian officials for their alleged involvement in human rights violation. Those listed were banned from entry into the EU territory while their assets within the EU were seized. Then in March 2012, the EU adopted a decision and banned provision of financial communication services to exchange data with the Central Bank of Iran and some other banks in the country (EU Council Decision 2012/152/CFSP). Acting on EU Council decision, the world's biggest electronic payment system, Society for Worldwide Interbank Financial Telecommunication (SWIFT) cut-off its services to Iranian banks (Norman, 2012). The decision of SWIFT to expel Iran from its services, posed instant difficulties to entities buying Iranian oil in terms of payment. Thus Iran's oil export was badly affected whilst foreign revenue dropped to a significant low. Also in the later part of 2012, the EU adopted additional sanctions against Iran. This time the Union imposed a total ban on the importation of Iranian natural gas into the EU (Buonanno; Cuglesan and Henderson, 2015: 53), as well as a ban on the export of certain sensitive materials such as metal, shipbuilding technology and oil storage facilities to Iran.

In essence, the EU sanctions against Iran compliments the US unilateral and the UN comprehensive economic sanctions against Iran, which aims at sabotaging Tehran's nuclear

program by denying the economy access to foreign finances and support. However, the sanctions were breached by EU citizens and entities. Of particular note is that the EU sanctions that banned the export to Iran of dual-use items and technology that could facilitate the country's nuclear program. According to Kern (2014), more than a dozen EU countries breached the sanctions and exported dual-use items to Iran, though some of the trades were carried out lawfully and in compliance with export control regulations. Outside that, there are other cases of high level illegal export of dual-use equipment from the EU to Iran. For example, in January 2013, Spanish police arrested two suspects in the Basque Country and seized a truck loaded with huge number of nickel and chromium alloy valves that were intended for export to Iran (Kern, 2014). Then on April 1, 2014 Spain's Civil Guard arrested four people, an Iranian and three Spaniards for attempting to export to Iran industrial equipment and technical blueprints that could be used in producing unconventional weapons.

Figure 8: Dual-use equipment seized by Spanish police on April 1, 2014



Source: <http://www.gatestoneinstitute.org/4256/iran-europe-nuclear-dual-use> | International Policy Council, Gatestone Institute.

Apart from Spain, in May 2013 two Switzerland based commodity companies Glencore Xstrata and Trafigura were accused of alumina for aluminium swap deals with Iranian companies. According to *Reuters' news*, Glencore alone had supplied thousand tons of alumina to an Iranian company that is associated with the country's nuclear program (Reuters, 2013). Also in February 2014, German police in Bonn arrested a man suspected of exporting to Iran items that could be used to produce missile weapons (Kern, 2014). In view of the above examples, the EU sanctions against Iran particularly its ban on export of certain goods and technology to Iran are perceived not to be effective owing to the activities of smugglers. Even though, the aforementioned cases are believed to represent only the tip of the iceberg of the illegal trade in dual-use items, between Europe and Iran. Analysts believe that smugglers of these illegal materials to Iran succeed more often than they are caught.

4.2. A review of other cases of nuclear proliferation

In different occasions, economic sanctions have been imposed with the aim to checkmate nuclear proliferation. Cases abound where sanctions and threat of sanctions have been used particularly by the United States to forestall nuclear ambitions. Although it is difficult to analyse the impact and/or degree of contribution made by sanctions in each case, in terms of persuading a government to abandon its nuclear policy, however scholars such as Hufbauer; Schott; Elliott and Oegg, (2007), argue that sanctions have been successfully used to curb nuclear proliferation, though not in all cases where they were employed. In their book *Economic sanctions reconsidered*, Hufbauer et al. classified sanctions episodes against nuclear proliferation into three categories: successful, partially-successful and unsuccessful (Hufbauer; Schott; Elliott and Oegg, (2007: 3). I would rather say that one has to be cautious when classifying sanctions episode as a "successful" or "unsuccessful." This is because the outcome of every episode can be judged differently, using a different barometer, benchmark,

method or mechanism of assessment. In any case, an outcome of every sanctions episode can be questioned. The use of sanctions to engage and/or preempt a country from developing weapon of mass destruction is sensitive and may be dicey in some cases. This is because governments with nuclear ambition always keep details and information about the program secret. Even when there is available information about a specific case, it is still difficult to ascertain the contribution of sanctions to the outcome of the particular case. In some cases sanctions can only hamper the progress of a nuclear program at the short run, a situation where a country may suspend its nuclear ambition only to recommence in a later date. This type of situation makes it difficult to determine the success of sanctions in terms of their actual contribution to the outcome of each episode.

4.2.1. Taiwan

Taiwan is not officially recognized as a sovereign State by most countries and even the United Nations. In that case, it cannot be a party to the NPT or International Export Control Regimes. The Island is being claimed by both People's Republic of China (PRC) and the Republic of China (ROC), although it is ruled under de facto government in Taipei. In 1956, under the regime of Chiang Kai-shek, Taiwan pursued nuclear ambition and constructed its first nuclear reactor at the National Tsinghua University (Trenear-Harvey, 2011: 203). Subsequently, in the 1960's, it launched a training program for atomic energy specialists and procurement of nuclear facilities to aid its nuclear ambition (Albright and Gay, 1998: 54-60). Some scholars suggest that Taiwan's nuclear ambition was propelled by nuclear explosion carried out by the PRC in 1964, which left Taiwanese petrified. The then leader Chiang Kai-shek feared that Taiwan could be exterminated in a single attack and that defense or retaliation from allies such as the US might come too late. Thus it became imperative for Taiwan to seek self help by developing a defensive and/or retaliatory measure that will be

readily available in the case of any eventuality. According to Chiang Kai-shek, “*only war would leave us with a living path, not fighting this war would lead us to death. Rather than dying by Chinese Communist’s atomic bombs, we should fight and die on the battlefield*” (Chang, 2011: 9).

To facilitate its nuclear program, Taiwan started to construct a heavy water production plant and a plutonium separation plant and secretly developed a reprocessing facility and acquired a research reactor. The US National Intelligence estimated that if permitted, by 1972 Taiwan will develop the capacity to test a nuclear device and at the most between 1976 and 1979 (Chang, 2011: 9-10). Following this revelation, the IAEA was tasked to inspect Taiwan’s nuclear facilities to determine the country’s level of nuclear activities. During the IAEA inspection that lasted between 1976 and 1977, the agency documented discrepancies in Taiwan’s nuclear activities, whilst it was discovered that research reactors used for the project were supplied from Canada. Other materials used for the nuclear project were from Germany, and France including US-supplied heavy water, uranium from South Africa and technological advice from Israel and Norway (Albright and Gay, 1998: 54-60). The indication of the intelligence report that Taiwan has the potentials to achieve nuclear capability within a short time frame became an issue of concern to the United States and consequently, Washington exerted pressure on Taiwan to abandon its nuclear program or else it will cancel both economic aid and military support to the country. Also there was threat of sanctions if Taipei fails to comply with US request to forswear its nuclear proliferation program (Albright and Gay, 1998: 54-60). In this period, Taiwan relied heavily on US aid and military support and as a result, Taipei compromised and gave up its nuclear aspiration in 1976 to avert imminent reaction from Washington. In essence, Taiwan gave up its nuclear program not because of imposed sanctions, but due to Washington’s threat to do so and to withdrawal other ties and support. Hufbauer; Schott; Elliott and Oegg (2007) categorized Taiwan among

successful cases where sanctions and/or threat of sanctions as the case may be, were used to stop an impending nuclear proliferation.

4.2.2. Libya

Libya is another country that has been sanctioned in many occasions. The country has been a target of economic sanctions by the US and the United Nations on issues ranging from human rights abuses, State sponsor of terrorism to nuclear weapon proliferation. Although most of the sanctions imposed against Libya have to do with terrorism, however, Washington has always accused Tripoli of nuclear weapon proliferation. For example, a US intelligence report revealed that between 1978 and 1981 Libya purchased more than 2,000 tons of lightly processed uranium from Niger and through the help of the soviets, it launched a 10 megawatt nuclear research reactor at Tajoura (Arms Control Association, 2014). Following the report, Libya was compelled to ratify its safeguards agreement with the International Atomic Energy Agency (IAEA), thus permitting the IAEA to inspect its nuclear facilities. Then in 1982, Libya ratified the Biological and Toxin Weapons Convention (BTWC) (Kahana and Suwaed, 2009: 191), which prohibits member States from developing, producing, and stockpiling offensive biological materials or equipments. Despite Libya showing cooperation with international agencies by ratifying treaties on non-proliferation, the country was increasingly involved in terrorism activities. On January 7, 1986 the US President Ronald Reagan imposed sanctions on Libya for its involvement in December 1985 attacks at airports in Rome and Vienna. The sanctions include a comprehensive ban on exports to Libya, as well as commercial contracts and travel to the country, while all Libyan assets within the US were frozen (Cooke, 1990: 196). Then following the bombing of Pan Am Flight 103 in 1988 and French airliner UTA Flight 772 in 1989, Libya was accused of having a hand in the bombing and consequently the Security Council adopted Resolution 748 and imposed sanctions on

Libya. The sanctions include arms embargo and air travel restrictions (Arms Control Association, 2014). On November 11, 1993 the Security Council adopted Resolution 883 and imposed another set of sanctions on Libya, banning export of oil equipments to Libya and froze some assets belonging to the regime (Bassiouni and Wise, 1995: 25).

A report published by the IAEA in July 1995, states that Tripoli is making a “*strategic decision to reinvigorate its nuclear activities, including gas centrifuge uranium enrichment*” (Gawdat, 2008: 110; Rubin, 2014). Consequently, the US president on August 5, 1996 signed into law the Iran-Libya Sanctions Act (ILSA). The act empowers the president to sanction any foreign entity that invests more than \$40 million a year in Libya’s oil industry. Furthermore, reports from the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction alleged that in the year 2000, centrifuge technology was shipped from Pakistan to Libya (Arms Control Association, 2014). While a CIA report in 2003 accused Libya of sourcing for nuclear weapons materials and technology in Western Europe.

Then on August 3, 2002 President George W. Bush signed the “ILSA Extension Act of 2001,” and postponed the tenure of ILSA for another five years while the \$40 million yearly investment limit for foreign entities was reduced to \$20million above which sanctions will be imposed. On September 12, 2003 the Security Council voted to lift sanctions against Libya and the vote ended in a 13 to 0 vote in favour of lifting the sanctions. Although the US and France did not take part in the vote, however, Council officially lifted the sanctions (Arms Control Association, 2014). On December 19, 2003 Libya denounced its nuclear program and promised to eliminate its chemical and nuclear weapons programs. Furthermore, the country reaffirmed its commitments to the NPT and BTWC agreements, as well as a promise to limit the range and payloads of its missiles to conform to the guidelines set by the Missile

Technology Control Regime (MTCR). Although UN sanctions have already been lifted before Libya denounced its nuclear program, scholars argue that sanctions played a significant role in Tripoli's decision to relinquish its nuclear ambition. Scholars argue that although UN sanctions were lifted, the US still maintained its unilateral sanctions against Libya. In fact Hufbauer; Schott; Elliott and Oegg (2007: 12-13) argue that Tripoli acceded its nuclear program because of its desire to “*gain access to American oil field technology and know-how*” which obviously will not be possible unless sanctions were lifted. In other words, sanctions compelled Libya to abandon its nuclear program in order to gain oil field technology from the United States. Sanctions were adjudged to be successful in this very case albeit with reservations.

4.2.3. India

After gaining independence from Britain, India became a vocal voice against nuclear proliferation. A year after gaining independence, precisely in 1948 India's spiritual leader Mohandas Karamchand Gandhi denounced nuclear proliferation when he stated thusly: “*I regard the employment of the atom bomb for the wholesale destruction of men, women and children as the most diabolical use of science*” (Veeravalli, 2014: 95). As a follow up, India presented a proposal to the United Nations General Assembly, expressing the need for an effective international control mechanism to checkmate atomic energy and technology (Arundhati, 1997: 240). Then in 1965, it proposed a nondiscriminatory nonproliferation treaty while in 1978, it proposed an international convention that will implement an outright ban on the use or threat of use of nuclear weapons (Charnysh, 2009: 1). In 1982, it proposed a “nuclear freeze,” and emphasized a total prohibition on the manufacturing of materials needed to produce nuclear weapon (Charnysh, 2009: 1). At the UN General Assembly Special

Session on Disarmament in 1988, it once more presented a framework and/or guideline suggesting total elimination of nuclear weapons.

Initially, India had been an anti-nuclear weapon crusader and its nuclear technology was solely for peaceful purposes, mainly to produce inexpensive electricity. India's nuclear program started in 1955 when it built its first reactor (Aspara Research Reactor) with the help of Britain. The subsequent year, it acquired a heavy-water moderated research reactor from Canada while the US supplied it with heavy water for the project. In addition, the US facilitated the building and fueling of its other reactors located in Tarapur (Charnysh, 2009: 1). India's nuclear ambition remained solely for peaceful purposes in the 1950's, until in the mid 1960's when it veered from peaceful nuclear program to the production of nuclear bomb. Analysts blame this change in India's nuclear attitude on the escalating regional instability between India and its neighbors particularly with Pakistan and China. The protracted dispute between India and Pakistan dating back to 1947 when British India was incorporated into the Muslim State of Pakistan was believed to be a contributory factor. In addition, India's defeat in the 1962 border conflict with China sent a chilling message to Indian leaders who considered India's military strategy and might to be weak. Then in 1964, China tested a nuclear weapon and in April 1970, it again launched a long range rocket into orbit (Charnysh, 2009: 2). Leaders of India interpreted China's actions as an indirect message to India, signifying its readiness to launch nuclear attack on distant targets.

In response to China's nuclear test, India deemed it of utmost importance to acquire its own nuclear weapon as a guarantee for safety and maintenance of its sovereignty. In a few years, precisely in 1974, India carried out its first "peaceful" nuclear explosion, which drew mixed concern from the international community (Charnysh, 2009: 2). Then in 1983, it launched an Integrated Guided Missile Program (IGMP) and shortly after, in 1989, it tested both short

and medium range missiles. Following a successful missile test, the then director of the CIA William H. Webster, testified before the US Senate Governmental Affairs Committee and informed the committee that: “*there are indicators that tell us India is interested in thermonuclear weapons capability*” (Charnysh, 2009: 2). Consequently, the US and fourteen other Western countries including Japan, Australia, Canada, Germany, Denmark, and Sweden imposed sanctions against India for unlawful nuclear activities (Morrow and Carriere, 1999: 5). The sanctions include total cancellation of aid and the suspension of non-humanitarian lending to India. Japan cancelled development aid to India valued at \$30 million as well as loans worth \$1.2 billion. Germany on her part, suspended bilateral aid negotiation with India and cancelled development aid worth \$168 million. Also Denmark cancelled its aid to India worth \$28 million while Sweden cancelled \$119 million worth of aid. Furthermore, Canada and Australia suspended their aid valued at \$9.8 million and \$2.6 million respectively (Morrow and Carriere, 1999: 5). In addition, the World Bank and G-8 countries joined the sanctions by revoking non-humanitarian lending agreement with India. However, India defied these numerous sanctions and went ahead to produce a nuclear weapon. In 2012, the Federation of American Scientists reported that India possesses between 80 and 100 nuclear warheads (Raj, 2015).

Of important note is that India is not and has never been a party to the Nuclear Non-Proliferation Treaty. Obviously, sanctions could not deter Indian from nuclear proliferation. Hufbauer; Schott; Elliott and Oegg (2007) concluded that sanctions were unsuccessful in the case of India and this has raised more questions as to the actual contribution of sanctions in other cases they were claimed to be successful.

4.2.4. Pakistan

Pakistan launched its nuclear program around 1952 and in 1955, the country participated in the US Atoms for Peace program (Weiss, 2003: 34). Initially, it was believed that Pakistan was seeking civilian nuclear capabilities and a nuclear cooperation agreement was signed between Washington and Islamabad, under which the later was offered \$350,000 in aid to facilitate its supposedly peaceful nuclear program (Charnysh, 2009: 1). However, as the relationship between Pakistan and India worsened, coupled with India's successful nuclear test in 1974, albeit being tagged "peaceful nuclear explosion," Pakistan reconsidered its nuclear ambition and was determined to take the next step and acquire its own nuclear arsenal (Charnysh, 2009). Although there were different reasons cited for the change in Pakistan's nuclear objective, the most general view was that Pakistani Leader's believed that acquiring nuclear weapon will counterbalance Pakistan's conventional inferiority posture against India and earn it the prestige associated with being a member of the nuclear club. Prime Minister Zulfikar Ali Bhutto was quoted as saying that, India's nuclear activities were aimed at intimidating Pakistan and a vehicle used by India to establish regional hegemony. He maintained that his subjects will "eat grass" to keep up with India (Epstein, 1977: 19). Thereupon, Pakistan launched a clandestine nuclear weapons program and in September 1974, the CIA estimated that in 10 years, Pakistan would be able to acquire nuclear weapon. Following available intelligent reports on Pakistan's ambiguous nuclear activities, the UN in 1979 suspended its military and economic aid to Pakistan (Charnysh, 2009: 2).

Apart from the UN, the US congress passed the Pressler Amendment, cancelling all US foreign aid to Pakistan until a time when it had denounced its nuclear weapon program. Following a confirmation by the US in 1990 that Pakistan was actually progressing in developing a nuclear bomb, Washington slammed Pakistan with sanctions and all economic

and military aid from Washington to Islamabad were effectively cancelled. Despite sanctions, in May 1998, Prime Minister Nawaz Sharif announced that Pakistan has conducted successfully nuclear tests. He boasted that whether Pakistan was recognized as a nuclear weapons power or not the truth is that it has successfully acquired nuclear power (Charnysh, 2009: 2). It is estimated that Pakistan has about 60 nuclear warheads (Norris and Kristensen, 2007: 71) as the country continues to produce fissile material, which can be used to expand its weapons arsenal. Clearly, sanctions failed to stop Pakistan from acquiring nuclear weapon; another case challenging the notion that sanctions as a single policy tool has the capacity to deter nuclear proliferation.

Conclusively, I would say that the degree of successes and failures in using sanctions as a mechanism to forestall nuclear proliferation is relative. In fact of all the cases discussed, sanctions cannot be regarded as the single factor that determined the outcome of each particular episode. I would argue that in the cases which sanctions were claimed to have impeded nuclear proliferation, acquiring nuclear weapon was not the primary goal or end game for those countries. Although Taiwan at some point changed its nuclear program ambition from civilian purpose to military purpose; however, nothing suggests that acquiring nuclear bomb was its ultimate goal. As the thesis also reveal, Libyan leader Muammar Gaddafi, was more interested in gaining access to key oil technology than pursuing a nuclear program. Therefore, imposing economic sanctions as an arbiter to achieve a nuclear free world, without recourse to their impact on the rights and well-being of the civilian population is worrisome; hence it will be the subject of our next discussion.

4.3. The Impact of economic sanctions on Iran and Iranians

As I mentioned earlier, there are many justifications and/or reasons for imposing economic sanctions against Iran. However, since the UN is a party to the economic sanctions

against the country, it is important to examine the contradiction in the organization's (UN) position as a human rights safeguard and its role and/or contribution in rights violation. Against the principles of human rights, the UN policies and reactions against Iran suggest utilitarianism (Mehrabi, 2014: 55), "*a situation where people express a strong sense of collective purpose, while their ultimate goal overriding all other, is to maximize the overall utility of all of them*" (Lukes, 2003: 154). An impending problem with this view and/or notion is that it legitimizes the suffering and hardship imposed on civilians and otherwise innocent people, as long as their suffering and hardship will bring satisfaction and joy to the majority. Whilst sanctions against Iran may be justified on grounds of safeguarding the world against the threats of nuclear proliferation and terrorism, the international community is witnessing a backlash resulting from the scandalous level of humanitarian consequences and rights violations resulting from such policies. The doctrine and/or principles of the UDHR suggest that human rights are those rights which are inherent to the human being (OHCHR, 2008: 3) and as such these rights must be enjoyed without restriction. However, the decision of the UN to maintain economic sanctions against the civilian otherwise innocent population of Iran seems hypocritical to the position of the UN on human rights protection. The position of the UN confirms the thesis Lukes (2003) when he notes that the notion and/or principle of defending human rights is almost generally accepted, whilst rights are also often violated and virtually everywhere, though much more in some places than in others.

Economic sanctions imposed by the UN, the US and the EU against Iran's nuclear program have in fact shifted from targeting nuclear technology to having disastrous effects on the civilian population and causing a huge humanitarian crisis. An array of economic sanctions imposed on the petroleum industry, cargo shipment and shipping insurance, followed by sanctions against the country's banking system have damaged the economic bedrock of Iran and thus it has substantial negative impact on the well-being of civilians and

mostly the vulnerable groups within the Iranian societies. Although certain good were exempted from sanctions on humanitarian grounds, the glaring truth is that sanctions have acutely decreased Iranian people's access to commodities and major services, virtually in every sector (International Institute for Peace, Justice and Human Rights (IIPJHR), 2013: 1). Considering their impact on the civilian population, one may ask: to what extent have sanctions been able to coerce the regime in Tehran to denounce and/or abandon its nuclear weapon program? A related question is: how long will Tehran be able to hold on to its nuclear policy, against the impact of sanctions and the inevitable humanitarian casualties resulting from them? Proponents of sanctions argue that lifting sanctions will give Iran "jail-exit or hostage-free" opportunity that will eventually enable the country to re-commence its nuclear program at a later time. Thus, instead of lifting the sanctions, harsher economic measures are being rolled out against the country.

In my opinion, the proliferation of sanctions is largely propelled by an almost total lack of awareness of the cost this policy tool imposes on the civilian victims. Just like Zimbabwe, the impact of sanctions is so ruthless that they violate basic human rights of the Iranian citizens, and threatens their lives and quality of life. I will base my analysis on the information and answers elicited from my respondents and also data from the US departments, Iranian State authorities and other international organizations. Therefore, my analysis will be in threefold; first, I will present how sanctions have affected Iran's economy in general, particularly its GDP and revenue accruable to the government. Second, I will analyze the impact of sanctions on certain core human rights of the Iranians, such as healthcare, education and quality standard of living. Third, I will present other economic elements or variables such as inflation; reviewing how such inauspicious economic factors is prompted by sanctions and their wider impact on the capability of the Iranian population to enjoy their rights.

In as much as I am not supporting Iran's nuclear weapon program or other actions of Tehran that are deemed to be a threat to world peace and particularly capable of making the Middle East unsafe, my argument is that sanctions have not proved to be a reasonable solution to the nuclear impasse. Of course by signing the NPT agreement, Iran by law should not nurse the ambition of producing a nuclear weapon while if we consider the provisions of the UNDR and the 2005 world summit outcome, the UN and other parties involved should not have considered sanctions as a viable option to deter Iran's ambiguous nuclear activities. Unarguably, the regime in Tehran has expressed defiance to calls by the UN to stop uranium enrichment and as such taking a tougher measure seems appropriate to the international community. The danger here, which has always been the case in other economic sanctions episodes, is that the main people that conceive and implement the policy and/or policies that result in sanctions are often not the ones that bear the brunt of the outcomes. Therefore, I consider it to be paradoxical for the US, EU and the UN, to engage in measures knowingly that violate the rights of the Iranian population in the name of providing global security. As it is, sanctions against Iran do not seem to serve as deterrence to nuclear proliferation; rather it is more of a punishment on the population. Giving that punishment maybe acceptable in certain situations, for example, when a person take part in an act of terrorism, genocide and gross human rights violation, however, it is only proper that people be punished for their personal action and not for the actions committed by others as it is witnessed in Iran and other countries where regime related economic sanctions are imposed on the population.

4.3.1. A snapshot of the economy and economic figures

Oil remains the major source of revenue to the economy and government of Iran. According to Farzanegan (2009: 489) oil accounts for 90 percent of export earnings and it provides 60 percent of government revenues. However, sanctions have decreased Iran's oil

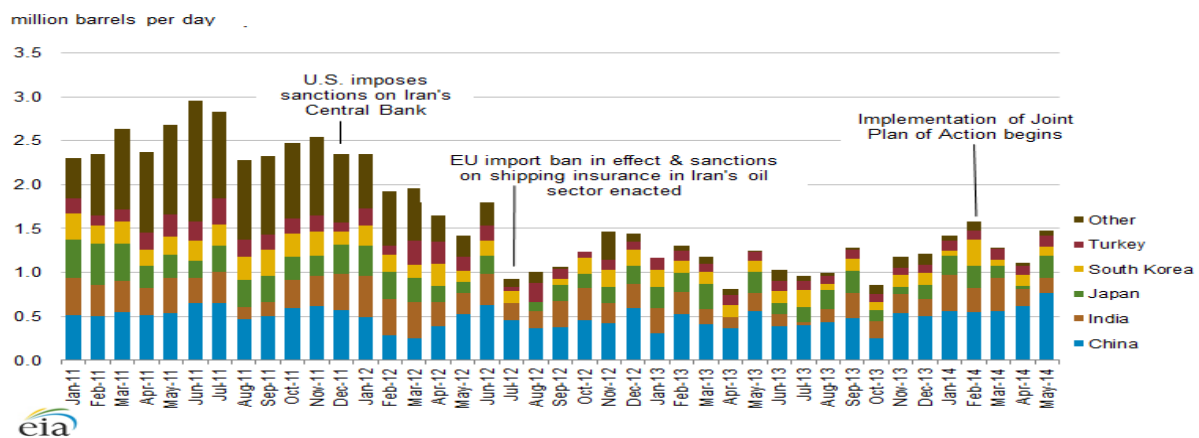
export by eliminating markets in which oil can be sold. Research has proved that the contraction of the oil sector can impact on the economy of an oil producing State in many ways. Firstly, a contraction in the oil sector lowers wealth and therefore lowers aggregate demand (Zhang, 2014: 18). Consequently, prices of non-tradable goods will fall, leading to depreciation of the real exchange rate. Secondly, a contraction in the oil sector affects labour and other factors of production. In the case of labour, it leads to job loss and increase unemployment. In the case of Iran, the situation is such that revenue from oil exports goes directly into the government pulse. In return the government utilizes part of the funds to provide subsidies for basic consumer goods and imports of critical inputs to production (Zhang, 2014). Thus a decrease in oil export implies a decrease in government revenue which invariably will affect government's capability to support its developmental programs. This will prompt a decline in demand on the consumer side as well as decline in output on the production side (Behdad, 1988: 3). Based on micro economic assumptions, shifts in the aggregate demand supply will definitely affect prices of general goods. However, whether prices will increase or decrease depends on how the government responds to the situation. In essence, a country such as Iran that is dependent on oil is vulnerable to economic volatility in the event of fluctuation in oil production, oil export or decline in market price of oil.

Sanctions targeting Iran have evolved over time, significantly involving a wider range of countries and directed at broader sectors of the Iranian economy. As noted earlier, sanctions episodes against Iran started on a unilateral basis by the United States, followed by the United Nations and then the EU. These sanctions aimed at reducing Iran's major source of export revenue; its crude oil exports and severing Iran's ties with the international financial system (Leslie; Marashi and Parsi, 2014: 5). Since much of Iran's revenue earning comes from export of oil, imposing sanctions on the oil sector is perceived by proponents of sanctions as a means to an end, with respect to the country's nuclear program. Although the

US has singularly imposed series of sanctions against Iran, however, combined sanctions by Washington, the UN and the EU against the country in 2010 marked the beginning of Iran’s economic waddle. When compared with other oil producing countries, it is evident that Iran’s economy is underperforming; oil production, oil export revenues, and economic growth estimates have fallen. For example, in 2010, Iran’s oil revenue declined by 18 percent whereas oil revenue of other oil producing countries increased by 50 percent in the same period (United States Government Accountability Office, 2013).

The year 2012 however, was marred with significant decrease in oil production and export revenue accruable to Tehran. On March 1, 2012 the Dubai-based Noor Islamic Bank, which was accused of being the single most important channel for oil money transfers and repatriation severed business ties with Iran (Cowell, 2012) and weeks later, SWIFT suspended financial dealings with major Iranian financial institutions (Tabrizi, 2014: 2), resulting in an unexpected cash “hostage” abroad to Tehran. Then an EU sanctions in 2012 banning shipping and providing insurance cover for Iranian oil added to the country’s financial troubles. The impact of sanctions on Iran’s oil production and export could be seen from figure 9 below.

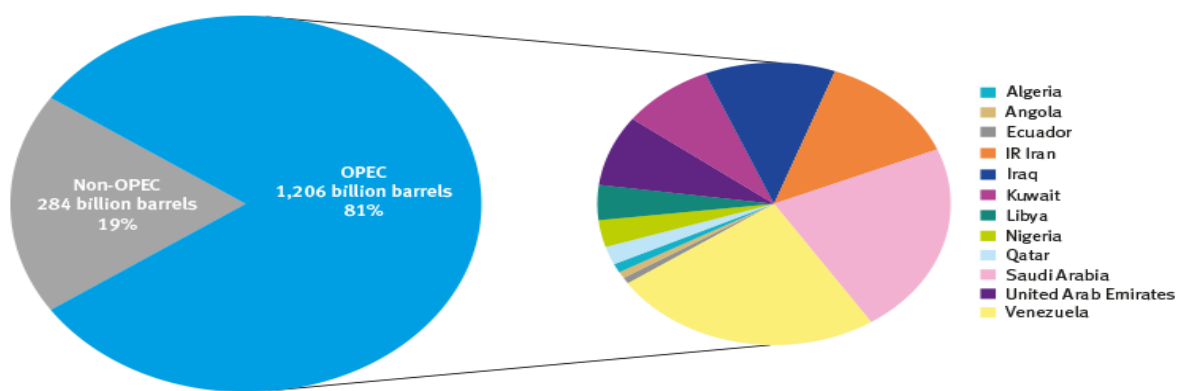
Figure 9: Iran oil production and condensate from 2011 to 2014



Source: <http://www.tradingeconomics.com> | U.S. Energy Information Administration

Moving forward, it is important to present basic figures about Iran’s economy as a guide to understanding the impact of sanctions. Undoubtedly, Iran is among the richest countries in the world in terms of natural resources. The country is home to 10 percent of the world proven oil reserves (OPEC, 2013; View figure 10) and also 17 percent of the world natural gas reserves.

Figure 10: OPEC share of world crude oil reserves, 2013



OPEC proven crude oil reserves, at end of 2013 (billion barrels, OPEC share)

| | | | | | | | | | | | |
|--------------|-------|-------|--------|-------|-------|---------|------|------|---------|------|------|
| Venezuela | 298.4 | 24.7% | Iraq | 144.2 | 12.0% | Libya | 48.4 | 4.0% | Algeria | 12.2 | 1.0% |
| Saudi Arabia | 265.8 | 22.0% | Kuwait | 101.5 | 8.4% | Nigeria | 37.1 | 3.1% | Angola | 9.0 | 0.7% |
| IR Iran | 157.8 | 13.1% | UAE | 97.8 | 8.1% | Qatar | 25.2 | 2.1% | Ecuador | 8.8 | 0.7% |

Source: OPEC Annual Statistical Bulletin 2014.

Source: http://www.opec.org/opec_web/en/data_graphs/330.htm | OPEC

In 2011, Iran produces about 4 million barrels of oil daily (both crude and natural gas) while its domestic oil consumption was estimated at 1.8 million barrels a day. It’s GDP in terms of purchasing power parity was estimated at \$990 billion or \$474 billion according to official exchange rate (Kam and Even, 2013: 70-75). Then in 2012, its crude oil production dropped to about 1million to 1.5 million barrels a day (excluding natural gas). In general Iran’s export in 2011 was estimated at \$110 billion and its trading partners were mostly Far East countries such as China, Turkey, India, South Korea and Japan. Furthermore, in the same year 2011, its foreign currency balanced at \$80 billion, more than its import value for the same year while

the country's external debt was estimated at \$18 billion; far below its GDP. Government budget for 2011 was valued at \$100 billion while budget deficit was estimated at 2.4 percent of the GDP (Kam and Even, 2013: 70-77). In essence, Iran ended the 2011 fiscal year on a positive note.

In contrast to 2011, from 2012 onwards Iran's economy experienced significant decline. Its GDP, oil revenues, general export and import activities were hampered by sanctions. First, the EU oil embargo on Iran and subsequent isolation of Iranian banks hampered Iranian oil sales. Crude oil sales that stood on average of 2.5 million barrels a day in 2011 declined to less than 1 million barrels in mid 2012 and then it moved up to about 1.3 million barrels in the last quarter of 2012. Estimates show that from 2012 to 2014 Iran lost about \$2.5 billion each month as a result of decline in oil sales resulting from sanctions (Kam and Even, 2013: 70-75). With recent fall in global market price of oil, it is estimated that Iranian economy will experience more difficulties. Sanctions forced many international companies mainly of the United States and European origin to desert Iran while at the same time; they reduced their investment in the country (Kam and Even, 2013). The implication of this is that government revenues will continue to shrink whilst at the long run; the country may lack the expertise needed for the exploration of existing oil fields. Thus sanctions against Iran has affected its capability to access foreign finance and exchanges needed to provide essential goods, commodities and services to the Iranian public and ultimately, they have negative implication on the well-being of the population.

4.3.2. Impact of sanctions on the human rights of Iranians

Economic sanctions imposed against Iran's nuclear energy has affected and in some cases violated the human rights of Iranians. Human rights ranging from healthcare, education and quality standard of living have been compromised by the brutal outcome of sanctions.

Although human rights are said to be universal, indivisible and inalienable (Dennis and Stewart, 2004: 462), however, sanctions as a tool of international diplomacy has defiled these characteristics of human rights and thus relegate them to a mere assumption. Given that the intended and continuous outcome of economic sanctions is to impose severe economic pain on the targeted population suggest that human rights are “relative” and not “universal” as claimed by the UDHR. Having said this, I review some human rights of the Iranians that have been violated by sanctions and their unpalatable outcomes.

4.3.2.1. Right to health care

Following an array of sanctions, the health sector of Iran is facing serious difficulties in providing adequate medical care to the population. Although medicines are exempted from sanctions, however, due to restriction on foreign finances, money transactions and proper insurance, the health sector and the pharmaceutical industries are finding it difficult to import medicines and medical materials (Akin Gump Strauss Hauer & Feld LLP, 2014: 2). This is because they are required to pay cash off-front before they can import medicines and by so doing, they secure offshore funds and/or loans at a very high interest rate. In August 2013, the US government issued a statement, saying that for humanitarian reasons, medical supplies are exempted from international sanctions. Subsequently, it expanded the list of medical supplies that can be exported to Iran without special licenses, so that they can be readily available to those that need them (Akin Gump Strauss Hauer & Feld LLP, 2014: 35; The Economist, 2013). However, many companies and financial institutions remained reluctant to trade with Iran or fill orders from the country due to fear of penalties (The Economist, 2013) and lack of proper insurance. Again the suspension of Iranian major banks from SWIFT owing to EU sanctions has made it difficult to process supplier payments. As a result, it became very difficult to import goods, including medicines.

Owing to the difficulties in importing medicines and medical materials, Iran made a concerted effort at developing its local pharmaceutical industries. As reported by Almashat and Shirazi (2014) on *Aljazeera*, Iran's health ministry officials claim that between 90 and 97 percent of the medicines and medicinal products being used in the health sector are manufactured locally. In addition, about 50 percent of the raw materials needed as inputs are equally manufactured locally. However, the truth is that locally manufactured medicines are limited to less sophisticated diseases and ailments. Siamak Namazi (2013) in his article *Blocking Medicine to Iran* published in *The New York Times* confirmed this fact when he writes that Iran still needs to import and/or source for the most advanced and the most effective medicines for treatment of complicated ailments such as cancer and cardiovascular diseases overseas.

According to the World Health Organization, Iran has the highest cancer prevalence in the Middle East. Latest statistical and epidemiologic surveys in Iran reveal that cancer and cardiovascular diseases are among the three ailments with the highest mortality rate in the country. Therefore, considering the prevalence of cancer and the importance of cancer treatment within the Iranian society, it will be justified to use the ailment for my analysis. Out of about 85 thousand cancer cases detected in the country annually, about 30 thousands of them result in death (International Institute for Peace, Justice and Human Rights, 2013: 2). The prevalence of cancer in Iran is worrisome, in the year 2000 about 17765 cases were diagnosed and in 2005, the number rose to 55855 cases, and then in 2011 it had reached up to 85000 cases. Speculations have it that the number will increase with high margins in 2015 and Professor Nasser Parsa, a member of American Cancer Society confirmed this when he said that Iran will experience "cancer tsunami" in 2015 (International Institute for Peace, Justice and Human Rights, 2013: 2). As of 2011, Iran had about 61 cancer treatment centers and the government used to subsidize treatment of patients. However, government efforts face two

main challenges. First is the fast growth rate of the disease. Second is that the government is cash trapped owing to sanctions and thus lack the finance needed to support treatment of patients or initiate advance research and development program for cancer treatment. The dilemma here is that, given that even under full government funding or support and good medical conditions, about 40,000 Iranians die every year from cancer (Sahimi and Sadeghi-Boroujerdi, 2012). Then with less financial support from the government, it is obvious that many more patients will pass on, except those who can afford their treatment.

During the 2012 annual cancer conference, an assistant director of the Medical Council of Iran in the person of Alireza Zali stated that sanctions has negatively affected cancer treatment across Iran because governmental aid are no longer effective due to inflation and high treatment costs. Consequently, treatment centers are paralyzed. In his words, “*many patients may not respond to the available treatment and will soon die as the disease progress*” (IIPJHR, 2013: 2). For example, to get radiotherapy treatment, patients have to wait in treatment queues for months and sometimes they are deprived of treatment due to limited available treatment devices. In this situation, there are physicians and medical personnel’s, but lack of access to equipments is the major factor of cancer mortalities.

With sanctions imposed on Iran banking system, it became impossible for Tehran and local businesses to purchase medical equipments abroad because of restrictions on money transfers and movement of money to and from Iran. As a result, medicines without Iranian equivalents were no longer available in the market (IIPJHR, 2013: 4). Thus precipitating a situation in which patients are not only faced with the problem of financing their own treatment, but also faced with the difficulty of accessing needed medicines. In 2013, the IIPJHR reported that Mahmud Ostad Mohammad, a famous actor and writer died due to lack of availability of needed medicines in the market and not because he could not afford his

medication (IIPJHR, 2013: 4-5). Thus, current situation in Iran health sector and pharmaceutical market confirms that sanctions have adverse impact on both the ordinary citizens and the national health sector. It has resulted in the reduction of availability of lifesaving medicines in the local market and has increased the pain and suffering of Iranian patients and thus violates their right to health and quality healthcare. Unnecessary price hike and shortage of medicines in the market have drastically compromised treatment of patients. Therefore, the suggestion or claim by the sanctioning parties that their sanctions are not targeting medicines and medical equipments are problematic at best and misleading at worst.

Although one may argue that Iran should source for medicines and medications from other countries outside the US and the EU, such as Asian and South American countries or even from Africa, the problem is that there is a limited number of certified and/or qualified manufacturers of medicines and equipments for the treatment of sophisticated generics such as cancer, hemophilia, cardiovascular diseases and immunodeficiency disorders. Considering the issues reviewed above, I submit that sanctions against Iran particularly on banking and insurance of goods can be fairly referred to as a direct human attack on the population. This is because they have apparently contributed to the violation of the population's rights to good and affordable health care.

4.3.2.2. Right to education

Just like healthcare, sanctions have a negative impact on education and the entire educational sector of Iran. Although education at every level is important, however I will focus my analysis mainly on how sanctions have affected higher education of Iranians. The main reason for choosing higher education being that some of the respondents are higher education students, drop outs or employees while another reason is that it is easier to access information about higher education than for example primary or other lower levels of

education. Higher education in Iran is made up of private and public universities, while funding of the public universities come from governmental allocations, funding of the private section is provided by private investment and high education fees (Mehrabi, 2014: 52). In this case, universities and/or higher education sectors are integrally dependent on the country's economic situation. In 2012-2013 academic sessions, Iran slashed its education funding by 3 percent (Mehrabi, 2014: 52) and ever since then it has continued budget cut on education owing to economic difficulties arising mainly from sanctions, though there are other factors such as mismanagement. The consequences of budget cut on education has manifested in a way of crowded classrooms and low quality teaching materials mostly in the science and technology faculties. Also the impact is felt by students through cancellation of huge number of government scholarships. The devaluation of Iranian Rial in the exchange market added to the problem as it became difficult for universities to procure items, technology and services whose medium of exchange is the dollar. A good example is that many Iranian universities find it difficult to subscribe to scientific journals and databases such as Scopus and Science Direct due to restrictions on money (Mehrabi, 2014: 52). The inability to access international scientific journals has impacted negatively on both teaching and learning in Iranian universities, since teachers and students are confined to domestic debates and narratives.

Also sanctions imposed on money transaction have its own toll on education and quality of education offered by Iranian universities. As Mehrabi (2014: 52) notes, although Iranian universities are underequipped, sanctions has worsened the situation by imposing restrictions on the import of technological tools and equipments. In addition, Iranian students and scholars are almost isolated from participating in international educational activities such as conferences and scientific exhibitions. Although Iranian scholars are not bared from signing up for international conferences and other educational activities, there is a tremendous difficulty in obtaining Visas to attend conferences, particularly in Western countries and this

factor has been linked to sanctions. Apart from those studying within Iran, sanctions have also affected Iranian students abroad. The near collapse of the Rial coupled with restrictions on money transfer to and from Iran has made it difficult for foreign students to finance their education. Inflation has added cost to education abroad, while restriction on money transfer has made it difficult to remit necessary finances for studies abroad. My interviews reveal that some families could not support their children education abroad due to the collapse of the Rial. In line with this proposition, Torbati (2012) notes that many Iranian students studying abroad had to abandon their studies and return back to Iran since they were unable to pay their tuition fees in their country of study. In all, sanctions have compromised the right to education of many Iranians and by extension threaten their capability to enjoy their other rights, which are imminent on them getting education. The reduction of scholarships due to budget cuts on education has affected many Iranians youths. Although one can argue that other countries for example in Europe have also reduced their budget on education as part of austerity measures, the point is that Iran's case unlike some European States is precipitated by capital flight and financial shortages resulting from sanctions. As one of the respondents during my interview notes: *“sanctions were supposed to target nuclear reactors and not my education and scholarship, I lost my scholarship and now am out of school, yet the nuclear reactors are still standing”* (Skype interview with Rakhsha Muhammad Baraz on 2nd November, 2014).

Given that education plays a crucial role in the development of every society and individual's mobility, it is worthwhile to note that violating the right to education hampers the development of both the individual person and the society at large. Also acknowledging that the right to education as contained in the UDHR and other international conventions include provision of conducive and/or enabling environment for learning, provision of sound and quality education through research and development, it is evidently clear, whilst it is

justifiable to say that sanctions among other factors impedes the right to education of the Iranian populace.

4.3.2.3. Right to life and the quality of life

The right to life means that the human life is sacred and its protection is paramount, while the right to quality of life implies that the individual person should be able to enjoy good standard of living (Wicks, 2012: 199). However, sanctions have affected certain core economic variables of the Iranian economy and as such they have significantly contributed to human rights violation of Iranian citizens. Although the outcome of sanctions generally threatens the right to life of many Iranians, I will focus my analysis on their impact on the quality of life. This is because the right to quality of life can easily be compromised by lots of factors and economic variables. Therefore, I will analyse how economic vices such as inflation propelled by economic sanctions affects the right to quality of life of Iranians.

4.3.2.3.1. Inflation

Unarguably, inflation and/or hyperinflation in the case of Iran are among the economic variable that can have severe impact on individual right to good life and quality standard of living. Although inflation is not a human right per se, however, its impact on the human capability to enjoy rights cannot be over emphasized. Economists have struggled over time to define the term, thus providing varied definitions and determinants of the subject. Vane and Thompson (1979) defined inflation as the increase and/or rise in general price level, while Bronfenbrenner and Holzman (1963) defined it as a continual fall in value of money over a time period (Pahlavani and Rahimi, 2009: 63). Despite an array of definitions, attempts to determine the actual cause of inflation have led to two main schools of thought; the monetary approach and the Neo-Keynesian approach. The first school of thought is led by Milton Friedman, Friedman and Schwartz (1970), argue that “*inflation is always and everywhere a*

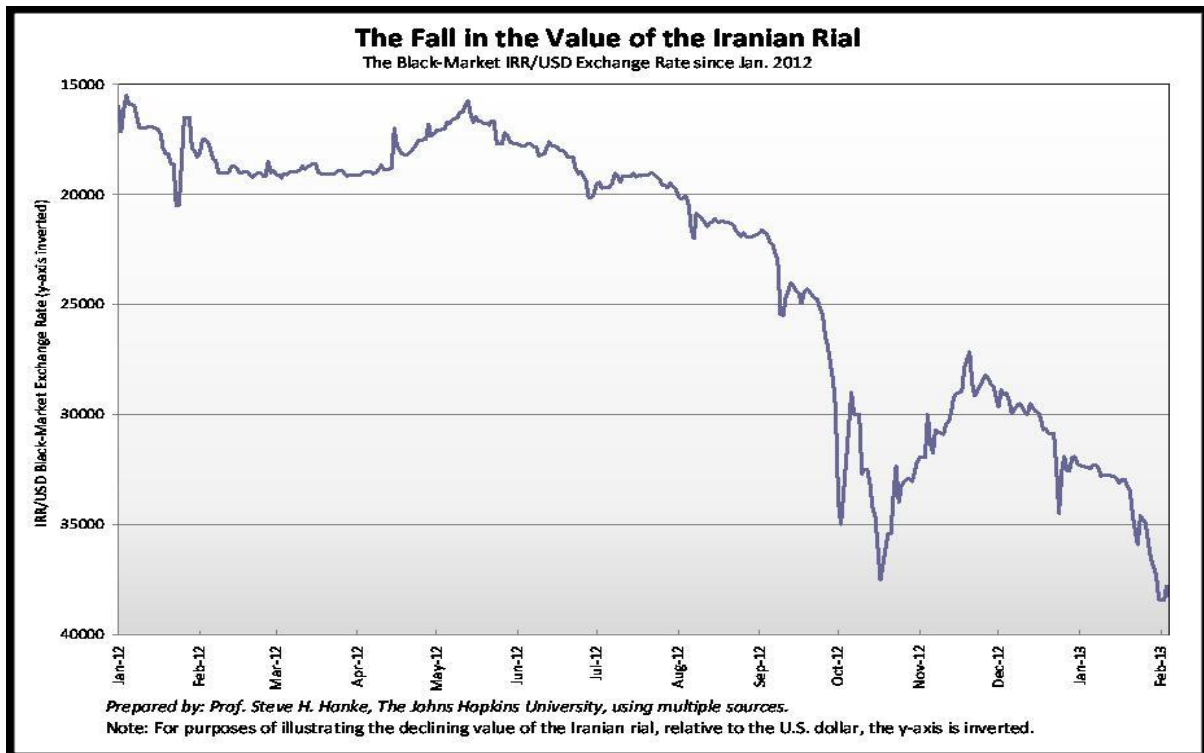
monetary phenomenon” (Mishkin, 1984: 1). That is to say, high supply of money within the economy will automatically lead to inflation. While the second school of thought represented by Blinder (2002) argues that the main causes of inflation are aggregate demand in the economy rather than the money supply. According to Keynesians, if GDP increases beyond its natural level, inflation will accelerate as suppliers increase their prices (Pahlavani and Rahimi, 2009: 64). This argument suggests two basic types of inflation: demand-pull inflation and cost-push inflation, wherein demand-pull inflation will occur from shortages created by increases in aggregate demand while Cost-push inflation will occur due to shortages created by decreases in aggregate supply.

Aljebrin (2006) carried out a study on three oil-based economies, Saudi Arabia, Kuwait and Bahrain to determine the major causes of inflation in these economies. He concluded that oil market and its revenue is a major factor responsible for inflation in oil based economies, wherein oil production growth, oil price growth rate, non-oil GDP growth rate and liquidity are the main factors of inflation. Going by this assumption, the economy of Iran having experienced low oil GDP, low oil production and oil revenue and minimal growth in non-oil GDP since 2012 should be immune to inflation. However, reality proves the contrary, an indication that other factors are responsible. Bowdler and Nunziata (2004) argue that a major trigger of inflation is international trade index. Their empirical results show that greater trade openness decreases the probability of inflation and vice versa. The conclusion made by Bowdler and Nunziata rings true when we contextualize the situation in Iran. The disconnection of Iran from international financial systems, coupled with restrictions on international trade particularly with Western countries and blocking of its membership of the World Trade Organization by the United States (Sahay and Sharma, 2008) resulting in gross decline in foreign direct investment could be adjudged as major factors precipitating inflation within Iran. Although sanctions play a key role, however, we cannot infer that it is a single

factor that caused the high inflation rate ravaging Iran's economy. Instead, imbalances in the economy were partly policy driven, resulting from the controls on the allocation of credit and foreign exchange and also distortions in the pricing system. These factors induced inefficiency in the management and allocation of resources and thus rendered the economy less competitive, and weakened its capacity to respond to external shocks (Tafti, 2012: 197).

According to Steve H. Hanke of the Cato Institute, Iran experienced hyperinflation in 2012. It became the third country in the 21st century to experience hyperinflation after Zimbabwe and North Korea and the first in the Middle East. While monthly inflation rate before the 2010 combined sanctions by the US, the UN and the EU, stood at 0.698 percent, the rate skyrocketed to 69.6 percent after sanctions were imposed. In addition, Hanke states that Iran is experiencing an implied annual inflation rate of 196 percent compared to 8.25 percent annual inflation rate prior to 2010 sanctions (Hanke, 2012). However, figures provided by the Iranian government shows that inflation rate in the country is slightly below 30 percent. Iran being a closed society, where access to official data and statistics is difficult makes it hard to verify and/or validate official data against market data and information. Nevertheless, sanctions on the banking sector, shipping and insurance of goods to Iran among other economic measures caused the Rial to depreciate up to 71.4 percent in the exchange market in September 2012, thereby making it the least valued currency in the world in nominal terms (View figure 11 below).

Figure 11: Iranian Rial - Dollar exchange rate



Source: Cato Institute | <http://www.cato.org>

In essence, sanctions played a strategic role in Iran’s economic downturn. It imposed economic hardship and unnecessary suffering on the wider population. In mid 2012, price of goods were doubling on average of 39.8 days, while prices of food items such as meat and flour were doubling even faster (Hanke, 2012). Unfortunately, despite the high rate of inflation, wages and salaries remained the same causing huge poverty and low standard of living to the population.

Relying on my research interviews, I would say that sanctions have induced poverty and other economic hardships on the population of Iran and therefore it will be justified to state that economic sanctions is among the major factors precipitating violation of the people’s right to quality standard of living. Apart from the right to quality standard of living, hyperinflation in Iran affects other rights such as the rights to education and healthcare. My

interviews reveal that while salaries remained the same, the cost of education and health care particularly medicine increased, thereby adding burden and cost to individuals and families. In some cases, families resort to withdraw their wards from school due to they are unable to afford the increasing cost of education. During my interview some Iranian parents complained that they adopted a strategy of choosing among their kids who will attend high institution while others will have to stay back pending when their finances will improve. My conclusion on all the issues raised in this section of the thesis is that sanctions induced inflation, is a factor that has impeded on the capacity of many Iranians to enjoy different aspects of their fundamental human rights. Therefore sanctions are culpable of rights violation of the Iranian people.

4.3.2.4. Right to work and free choice of employment

Sanctions present huge challenges to Iran's labour market, causing high unemployment rate in the country. Although opinion varies, however, there is a general agreement among scholars and analysts that unemployment is a factor threatening Iran and its population. According to the Statistical Centre of Iran, unemployment rate was estimated at 10.3 percent in 2013 while unofficial sources, however, estimate the overall unemployment rate to be as high as 20 percent (World Bank, 2015). Former US Labour Secretary Robert Reich, during a round table debate on *ABC News* on September 22, 2013 stated that "economic sanctions do seem to work" he continued by saying:

Right now Iran is suffering 30 percent inflation, 20 percent unemployment [...]. I mean this nation is hurting and our economic sanctions, because we've been patient with them, because we have actually rounded up almost every other nation to support us, have had a huge impact (Bowers, 2013).

Certainly sanctions among other factors such as corruption and mismanagement have played a significant role in escalating unemployment rate in Iran, which unfortunately is affecting

the civilian population more, particularly the youths and women. The Iranian deputy in women and family's affairs Shaheen Dokht Molaverdi on April 27, 2013 told the State news agency (Mehr) that:

The unemployment rate of 15-24 year old women in Iran is 46 percent. According to the 2012 census, 12.1 percent of Iranian women are responsible for earning a living for their families while 82 percent of them are unemployed that can have many consequences and cause social damages (Iran News Update, 2014)

Then on October 25, 2013 Adel Azar, head of the Statistic Centre of Iran told the Mehr that: *"The unemployment rate for the youth is twice that of the general unemployment rate, this number means that we are in the crisis zone regarding the unemployment rate."* While President Rouhani was reported as saying that the root of poverty and unemployment in Iran are the *"international sanctions"* (Iran News Update, 2014). Undoubtedly, sanctions are biting hard on Iranians and Iran's economy. To refresh our memory, US presidential Executive Order 12959, placed a comprehensive ban on US trade with, and investment in Iran, the Iran Foreign Oil Sanctions Act banned foreign companies from investing more than \$40 million in Iranian oil and gas industries, while the Iran and Libya Sanctions Act, prohibited entities from investing an amount more than \$20 million in Iranian energy. Apart from the US, the EU sanctions against Iran include a ban on export of goods; shipping and insurance. The sanctions affected local businesses in Iran severely, prompting a situation where foreign direct investment is restricted to the minimum, causing companies and organizations to downsize their labour force in relation to businesses and finances available to them. In mid 2012, Kian Tyre, the biggest tyre manufacturer in Iran laid-off 800 employees, citing inability to import raw materials from the EU. Also Iran's pharmaceutical industry, a medicine manufacturing plant, after retrenching 220 employees in the same 2012, blamed its action on the inability to purchase necessary raw materials from Germany, Austria and Italy, prompting the need to downsize its workforce (Tait, 2012).

During my interview, one of the respondents named Reza, Mohammed Abdul, a former customer service analyst in a private oil servicing company claimed that he lost his job in 2013. According to him, the company he worked for owed him and other workers five months salary arrears before finally retrenching him and 229 others in November 2013. In his dismissal letter, the company thanked him and his other colleagues for their services while stating that they could no longer retain their services due to lack of investment and finance from their foreign counterparts. In his words, “*now I have no job and I have no hope for the future, unless Allah intervenes on my behalf*” (Skype interview with Mohammed Reza on 3rd October, 2014). Basically, sanctions are a major factor triggering mass retrenchment and high unemployment rate within Iranian societies. This to me suggests an intentional violation of the Iranian people’s right to work and their right to quality standard of living. High unemployment rate has resulted in long queues for social handouts in Iranian cities. I am not in a way insinuating that Iranians were fully employed prior to sanctions. However, an array of economic sanctions and their regretful outcomes significantly contributed to the high unemployment level, whilst the rights and well-being of the civilian population have being relegated to the periphery. Certainly, Iran has never been a champion when it comes to maintaining international labour standards; however, with huge unemployment rate, labour conditions have deteriorated while employers of labour in most cases exercise full right and/or control over their jobs including employment terms and conditions thus perpetrating another form of labour rights violation. All in all, even though we cannot solely blame sanctions for Iran’s unemployment catastrophe, still there is substantial evidence they have had a huge impact and thus, they violate the right to quality standard of living of many Iranians.

4.4. Minimizing sanctions impact: sourcing alternative economic relations

Due to restrictions on trade and financial transactions, Iran made frantic efforts to dilute the impact of sanctions on the economy and their impact on the entire Iranian population. Prior to the UN and EU sanctions, Germany had been Iran's largest trading partner. In the 1990's, Germany accounted for 14.4 percent of Iran's imports, however, trade relationship gradually declined to 11.4 percent in 2007 and 8.9 percent in 2008 (Habibi, 2010: 6 -7). The significant decline in trade between Iran, Germany and other EU member States is largely as a result of the UN and EU trade and banking sanctions against Iran starting from 2006. After EU sanctions on Iran's banking sector and insurance of goods to the country, Tehran resorted to look for other sources of needed inputs for its domestic firms. Ever since then, Iran has made concerted effort at building new economic ties with the Gulf Cooperation Council (GCC) countries. Tehran's strategy of luring new trade partners is to offer them trade and investment incentives that will discourage them from joining in the sanctions (Habibi, 2010: 7). According to Nader Habibi, this strategy of using trade incentives to discourage countries from becoming a party to sanctions against Iran relatively proved successful in the 1990's when Tehran deliberately expanded its trade and investment ties with Germany, France, Italy, and the UK to increase the costs to them of joining the US sponsored sanctions against it. Additionally, Habibi contends that Tehran's trade incentive strategy was the main reason why many European countries initially subscribed to resolve the nuclear impasse through diplomatic means (Habibi, 2010: 7). In recent years, Tehran had applied same trade incentive diplomacy and offered even greater incentives to the GCC and China for the same purpose of discouraging them from joining the sanctions (Habibi, 2010: 8).

Since 2006 when the EU joined the sanctions crusade against Iran, Tehran's partnership interest shifted from Western countries to the GCC countries. The GCC comprises of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE are all oil producing countries and therefore, just like Iran, oil is their main export product. As oil exporting nations, they have similar economic needs with Iran and their main trading partners are developed countries of the West whose main import is oil. Consequently, the proportion of bilateral trade between Iran and the GCC represented only a fraction of each side's aggregate trade. Historically, Iran's major export to its Arab neighbours has been mostly handicrafts and agricultural products. However, within the last decade, trade between the GCC countries and Iran have increased and most importantly the GCC have shown interest in importing natural gas from Iran (Habibi, 2010: 4).

Prior to the year 2000, the volume of trade (imports and exports) between Iran and the GCC countries remain minimal and the value was under one billion dollars in most years. Subsequently, the volume of trade increased dramatically. The GCC export to Iran increased from \$1.3 billion in the year 2000 to \$13.4 billion in 2008 while Iran's export to the GCC also grew from \$630 million to \$2.62 billion in same period. Thus the GCC enjoyed trade surplus with Iran to the value of about \$10.7 billion in 2008 (Habibi, 2010: 4). Iran's trade with the GCC however, has not been proportional; instead it is dominated by the UAE followed by Saudi Arabia. For example, in the year 2008 the UAE export to Iran was estimated at \$13.2 billion while aggregate exports from the remaining GCC members were estimated at only \$1.58 billion (Habibi, 2010: 5). The port city of Dubai has been the biggest advantage to the UAE over other GCC countries. Dubai serves as a re-export channel for the entire Middle East and particularly for Iran. Data's from the UAE Ministry of Foreign Trade shows that in 2009 alone, the value of re-exports to Iran stood at \$7 billion (Haider and Croucher, 2010). Apart from the UAE, Saudi Arabia has increased its bilateral trade with

Iran. Prior to the year 2000 Saudi imports from Iran remained below \$100 million annually. But then it grew up to \$900 million in 2008. However, unlike the UAE which has enjoyed surplus trade with Iran, trade between Saudi Arabia and Iran is seen to be relatively balanced. Nevertheless, the share of trade between both countries remains relatively low when compared with their overall foreign trade.

The US sanctions against Iran started with restrictions on US corporations and their international subsidiaries from exporting certain products to Iran (Habibi, 2010: 7). As a counter measure, Iran started to import the sanctioned items through black market or indirectly intermediaries from the UAE. The black market re-importation through Dubai was facilitated by UAE's liberal trade policies and free trade zones of Dubai. Through Dubai re-export agreement, Iran was able to purchase and import many of the banned products and items. Apart from importation of sanctioned goods, the ease to travel to the UAE offered Iranian investors the opportunity to move their businesses to the UAE and mostly to Dubai. According to Habibi (2010: 7) as of 2008, as many as 9,500 Iranian businesses have established their branch or subsidiary in Dubai. I would say that the adverse impact of sanctions on Iran's direct trade with its traditional trade partners (European countries) is a factor responsible for the reorientation of Iran's trade toward the GCC and particularly with the UAE in recent years. It was easy for Iranian firms to set up clandestine affiliate in the UAE, enabling them to access European market and avoid regulatory delays and bottlenecks involved in dealings directly with European firms from Iran. By using clandestine affiliates, Iran was able to import goods from other countries via Dubai, whilst it provided an opportunity for Iranian firms and producers to export their products and services to foreign partners who would have been reluctant to deal with them due to sanctions (Habibi, 2010: 7). However, Iran's strategy of relying on indirect trade through Dubai as a counter measure or response to Western sanctions has become an issue of concern to the sanctioning States.

In 2008, the United States began to coerce financial institutions based in the UAE to minimize their trade finance services to Iranian businesses, by threatening that violators would be expelled from or barred access to the US market. In addition, the US expanded its sanctions, targeting foreign entities cooperating with Iranian government and businesses (Habibi, 2010: 7). These steps taken by the US had different impact on Iran and definitely it affected Iran's ability to establish alternative trade partners in major trade and business areas. For example, Saudi Arabia used to be one of Iran's major trade partners but it later joined the sanctions. Although other GCC countries did not express support for US sanctions, however they pledged to UN imposed sanctions. Furthermore, in 2010, the US requested Saudi Arabia and the UAE to increase oil sales to China, a measure that was aimed at encouraging Beijing to stop trade relationship with Iran and join the latest round of UN sanctions, which was approved in June of 2010 (Habibi, 2010: 8). Although there have been no formal acceptance of the US proposal by the GCC, anecdote sense points to the fact that the GCC seem to comply with the US request. For example, Iran accounted for 11 percent of China's crude oil imports in 2009, but the volume of imports decreased in 2010 to somewhere between 4 to 5 percent, while in the same period, China's crude oil import from Saudi Arabia and Brazil increased (Habibi, 2010: 8). In 2013, China's daily oil import from Iran declined further to an average of 394,600 to 416,400 barrels per day, a decline of about 3 to 3.5 percent (Reuters, 2013). Overall, it appears that Iran's various initiatives and strategies of attracting and maintaining trade partners were not successful after the UN sanctions. Although these strategies may have been successful in the past, they failed to deter the impact of UN comprehensive sanctions. In the absence of getting new trade partners or retain old ones, sanctions took a tighter grip on Iran's economy and unfortunately, the considerable victims are the civilian population.

4.4.1. Exploring diplomacy through negotiation: EU-3

Iranian nuclear diplomacy started in 2003 with EU-3, comprising of Germany, France and the United Kingdom (Mazzucelli, 2007: 3). It has remained unclear why the EU chose to adopt an *ad hoc* initiative to address Iran's nuclear impasse. Scholars such as (Habibi, 2010: 7) suggest that the vast trade relationship between Iran and Europe was the reason why Europeans decided to seek a diplomatic solution to the problem, while scholars like Mazzucelli (2007: 3) posit that the EU had to engage Iran because the US as at the time was dealing with global war on terrorism. Whatever the case maybe, the negotiation between Iran and EU-3 seemed positive in the beginning with the signing of the Paris Agreement on 14 November 2004 (Kutchesfahani, 2006: 18). In the agreement, Iran agreed to halt its uranium-enrichment activities within the period it was having talks with the EU. However, after 1 year and 6 months specifically in August 2005, Iran reneged on its agreement and accused the EU of sabotage, by not implementing their part of the agreement (Kutchesfahani, 2006: 18). From then onwards, the EU-3 dialogue with Iran was marred by deadlocks with Iran accusing the EU of not recognising its right to enrich uranium within the ambit of law and as permitted by the NPT. Iran had maintained that it has right to enrich uranium under the NPT agreement and within the ambit of the international law, therefore any negotiation or proposal pertaining to its nuclear program must incorporate right to enrich uranium. The stalemate in the negotiation between Iran and EU-3 continued until 2006 when three other members of the Security Council China, Russia and the United States joined the negotiation.

4.4.2. New approach: EU-3+3 or P5+1

In June 2006, China, Russia and the United States joined the EU-3 to continue negotiation with Iran about the latter's nuclear program. The group which is often referred to as P5+1 drafted a framework agreement and proposed incentives to Iran in exchange for Iran

to give up its uranium enrichment activities (Davenport, 2016). Iran rejected the proposal presented by P5+1, citing its right to enrich uranium for peaceful purposes. The Security Council responded to Tehran's rejection of the proposal by unanimously adopting resolution 1737 and imposed sanctions against Iran. Consequently, relationship between Iran and P5+1 deteriorated and led to more sanctions imposed against Iran. Tehran rejected all Security Council sanctions against it and maintained that its nuclear program is solely for peaceful intentions. Gradually, the negotiation grounded to a halt under President Mahmoud Ahmadinejad's leadership. The change in Iran's leadership from Mahmoud Ahmadinejad to Hassan Rouhani in 2013 presented another opportunity for dialogue between Iran and P5+1. The takeover of leadership by Hassan Rouhani facilitated and/or renewed intensive negotiation between Iran and P5+1. Consequently, negotiations resumed in Geneva and on November 20, 2013 the parties successfully signed a tentative Joint Plan of Action (JPOA) (Kile, 2014: 360). The JPOA outlined specific steps to be taken by each side during the first phase agreement, and also a broad framework and/or guideline to achieve a comprehensive solution. Under the terms of the framework agreement, Iran granted permission to the IAEA to inspect the Arak nuclear plants (Arms Control Association, 2014). Following series of meetings held between Iran and P5+1 in May 2014, a comprehensive agreement was drafted by the parties. Unlike previous attempts, Iran was committed to the negotiation and due to the level of corporation expressed by the Iranian negotiator, the IAEA board meeting Director General Yukiya Amano, announced in June 2014, that Iran is "*complying with the terms of the interim agreement and the agency's investigation into the unresolved concerns about Iran's nuclear program*" (Arms Control Association, 2014).

On April 2, 2015 the parties announced that they have agreed on a general framework that outlined the broad parameters of a nuclear deal. In reaction, President Obama announced that a historic nuclear deal with Iran is on the way and on 14th of July 2015; a nuclear deal

was struck between Iran and P5+1 (Gordon and Sanger, 2015). While announcing the deal, EU foreign policy Chief Federica Mogherini, stated that the agreement will open up a new chapter in international relations and it shows that “*diplomacy, coordination, corporation can overcome decades of conflicts*” (Aljazeera, 2015). Responding to the nuclear deal, President Obama said that diplomacy have achieved what decades of animosity could not achieved. He added that the deal shows that diplomacy can bring real and meaningful change (Gordon and Sanger, 2015). Spectators believe that the deal will mark a shift in the nitty-gritty of international relations and the mechanism employed in transforming global challenges and conflicts.

Both Mogherini and Obama’s statement highlights the fundamental argument of this thesis, which is that violent measures such as economic sanctions are not a plausible conflict transformation tool. Instead, the application of the moral imagination of peace through dialogue, peaceful and honest engagement seem to be credible, feasible and a preferred alternative. Noteworthy, is that what sanctions could not achieve in decades, diplomacy achieved in months. For more than two decades, economic sanctions could not deter Iran from pursuing an ambiguous nuclear program, which we hopefully believe that diplomacy has achieved through the Vienna agreement between Iran and P5+1.

CONCLUSIONS AND REFLEXIONS

In the introduction of this study, I proposed to explore how regime related sanctions affect the human rights and well-being of the entire civilian population of a targeted State. In doing so, I advanced the following research questions: Are sanctions capable of resolving international conflicts and restore peace and security? What are the impacts of regime related sanctions on the civilian population? In a situation where economic sanctions are employed to resolve a conflict, are they capable of avoiding mass suffering and other negative consequences associated with war? Does the use of economic sanctions conform to the Universal Declaration of Human Rights?

The study reveals that economic sanctions are far from being a soft form of diplomacy, but rather function as a new form to wage war. Sanctions against Iran and Zimbabwe are in fact problematic. They have violated the basic rights of the people, against the recommendation and provisions of the international humanitarian law and other human rights treaties. Obviously, sanctions are effective in protecting the interests of the sanctioning parties, while at the same time they serve as a profound repudiation of our humanitarian interests. In 1993, a world conference held in Vienna pronounced that civil, political, social, economic and cultural human rights are universal, indivisible and interdependent rights. By that pronouncement, all human being despite race, religion and sex are entitled to rights that must be protected at all times. Thus, when I reflect on the impact of economic sanctions on the rights and well-being of Iranians and Zimbabweans, the following questions arise for me: is it essential to modify our moral stance, ethical standards and human rights values in order to advance democracy or maintain international security? More specifically, is it acceptable to relinquish the human rights of the majority (civilian population) in order to force a minority ruling group to comply with the demands of the sanctioning party or parties? Does

the UN consider the fact that its position as a moral leader in the world is undermined if its own ethics as a human right defender are mutable? How do the UN and other regional organisations, the US and other States feel about violating international law and the Geneva Convention by imposing economic sanctions?

The mechanism through which economic sanctions goals are achieved is to impose collective guilt and punishment on the entire population of a targeted State (Köchler, 1994). Such guilt orchestrated against the entire population in a way that opens the avenue for the violation of their basic and/or fundamental rights, such as right to healthcare, right to education, right to employment and good working conditions and right to quality standard of living. The International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 under Article 11 and 12 recognised healthcare, as part of human rights. Apart from the ICESCR, the Convention on the Rights of the Child (CRC) recognized the right to health for all children and provided guidelines for its realization. Similarly, CEDAW established the obligation to adopt adequate measures to guarantee women access to health and medical care, with no discrimination on the basis of race, religion, economic or social condition and political belief (Grodin, 2013: 157). According to OHCHR, every individual person should have the right to a system of health protection that provides equality of opportunity for people to enjoy the “highest attainable standard of health” (Grodin, 2013: 157). Therefore, right to health implies that every human being has the right to the highest attainable standard of physical and mental health, which includes the prevention, treatment and control of diseases, access to all medical services, sanitation, adequate food, decent housing, healthy working conditions, and a clean environment (Grodin, 2013: 157-158). In any case, the individual right to healthcare connotes that hospitals and clinics, medicines, medications and medical services must be available, accessible and of good quality for everyone, on an equitable basis, where and when needed. However, sanctions imposed against Iran and Zimbabwe has severely

affected the health care sectors of these countries. Consequently, the quality of services rendered to the public and specifically to patients has greatly depreciated. For example, sanctions caused shortage of available medicines for the treatment of HIV, hypertonia and similar generics, as well as shortages of healthcare workers, resulting in suffering, pains and untimely deaths of patients. Thus, sanctions imposed against both countries substantially contributed to violation of the population's rights to quality and available medical services.

Similarly, education is recognized among the core human rights. Section (1) of the UDHR, under article 26 states that: *“everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”* (Beiter, 2006: 90). Apart from that, the United Nations Educational, Scientific and Cultural Organization (UNESCO) proclaimed education as a fundamental human right that is essential for the exercise of all other human rights because it *“promotes individual freedom and empowerment and yields important development benefits”* (McPherson and Welch, 2012: 801). The underlying notion of this proclamation is that education occupies a central role when it comes to individual human rights; therefore, the violation of the right to education will significantly affect the enjoyment of other rights, such as right to employment and good working condition. However, this study reveals that sanctions against Iran and Zimbabwe have impaired the population from enjoying this “all important” human rights. And thus, it threatens the population's capability to enjoy their other rights and also put their social mobility in stagnant danger.

Furthermore, Article 25 of the UDHR recognizes the right to a standard of living adequate for the health and well-being of the human person, including food, clothing, housing

and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control (Lawson, 1996: 656). On the account of this right, under no circumstance should the human person be subjected intentionally to a situation that will negatively affect his/her standard of living. However, as noted earlier economic sanctions are imposed with the aim to impair the living conditions of the population of a targeted State. Therefore, the measure intentionally, indiscriminately and negatively affected the standard of living of the civilian population of Iran and Zimbabwe and thus, it added to the violation of their human right to quality standard of living. In Iran and Zimbabwe, sanctions triggered inflation and aided high levels of unemployment and capital flight, which in turn caused poverty and low quality of life to the population. In my opinion, imposing economic sanctions against a population, despite its foreseeable negative consequences on civilians is a clear infringement on their fundamental human rights and an aberration of the international humanitarian law. Unfortunately, sanctions have not been successful in resolving the issues that led to their implementation, such as restoring “real democracy” in Zimbabwe, or stop Iran from enriching uranium. Instead, they added to the problems and challenges faced by the civilian population. Thus, the Achilles heel of economic sanctions is not only evident in its inability to compel the so-called deviants of international norms to retreat their steps and actions, but also its inability to protect the inalienable rights, so to say, of the population of a sanctioned State or region.

In the case of Zimbabwe, the thesis concludes that the sanctions have shifted from targeting select individuals within the ruling elites in Zimbabwe to targeting the entire population. In addition, they have failed so far to achieve the goals for which they have been in place for over a decade. Besides, it is hard for anyone to plausibly claim that they will likely succeed in achieving various changes in Zimbabwe State policies, including the

removal of Robert Mugabe and his ZANU-PF government. Unfortunately, the so called targeted sanctions are hitting harder on the civilian population it was meant to protect, than the select individuals it claimed to target. For example, President Robert Mugabe has been in Singapore for medical check-ups more than fifteen times between 2010 and 2015, while ordinary Zimbabweans cannot afford good medical services at home, either due to lack of money, lack of medical staff in the hospitals or both. Furthermore, the violations of the rights of Zimbabweans go beyond the collapse of the health, education systems and high level of unemployment and inflation covered in this thesis. Sanctions have a damaging effect on all sectors of the Zimbabwean economy and thus contributed to the high levels of corruption in the country (Hove, 2012: 82). The black market opportunities that is inherent in economic sanctions enhanced corruption and racketeering, while at same time, it widens economic inequalities among the population. The impact of corruption is glaringly evident in low service delivery to the population, while the ruling elites maintain affluent lifestyle.

For clarity sake, I am not suggesting that targeted sanctions are useless. Instead if they are effectively implemented, it appears reasonable and makes intuitive sense. The consequences of such measures will focus only on resented behaviours of targeted individuals and entities and may pressure them to change their behaviour. As such, it may serve as a valuable component of a broader strategy to promote political and economic reforms in a targeted State. However, sanctions against Zimbabwe are not targeted as claimed by the US and the EU. Instead they are a pack of economic sanctions. As noted earlier, one important issue the US and the EU should consider is whether their sanctions have in anyway provided an avenue to remove President Robert Mugabe and his cohorts from power after a decade. Definitely, Mugabe must go considering all his atrocities; however, this will remain wishful thinking as long as US and EU prevailing philosophy continues to support the destruction of the country's economy as well as violation of the peoples right.

Frankly speaking, it has become crucial to harmonise relations between Zimbabwe and the West at least for the benefit of the present and future generations. The US, the EU and other Western countries should find a way to reengage the government of Zimbabwe through dialogue. In addition, access to foreign finance should be made available and credit lines open to Zimbabwe in order to improve the economic situation of the civilian population. In my opinion, an economically stable people are more likely to vote out a brutal government. Thus, reviving the economy of Zimbabwe may provide an opportunity for a political revolt by the people through the ballot box. Also, the issue of land re-allocation is a central subject to the diplomatic impasse between the West and Zimbabwe, though it is not cited among the official reasons for the sanctions. Mugabe's land re-allocation exercise should be revisited and resolved by all stakeholders in a transparent manner, beyond political lines and taking into consideration the poignant memories attached to it. Party politics should be made nuanced and service delivery should be the priority of the government.

It is also pertinent to note that although sanctions played a huge role in Zimbabwe's economic collapse, some other factors contributed to the country's economic meltdown. First is the introduction of the Structural Adjustment Programme (SAP) of the IMF and the World Bank. Second is its involvement in the Democratic Republic of the Congo conflict and third are ill conceived government policies, coupled with corruption and mismanagement. Conclusively, I wish to state that although sanctions against Zimbabwe have not achieved its goal after more than a decade, they are valuable to the US and the EU as a means of communicating their dissatisfaction with President Mugabe's regime. Finally, the government of Zimbabwe has a moral and constitutional obligation to uphold human rights and democratic principles for the benefit of its citizens. The government should be accountable to the electorate without external coercion and influence.

In the case of Iran, almost two decades of economic sanctions could not deter the country from pursuing a nuclear program. Instead sanctions have shattered the economy caused high levels of poverty and huge amount of economic inequality among the population. The inability of the Iranian government to access foreign finances, coupled with the difficulty encountered by Iranian companies to access foreign markets affected both the per capita income of Iranians and their general standard of living (Ghaderi, 2015: 2 and 50). Thus, the sanctions resulted in induced mass suffering on the civilian population, in contrast with the provisions of the UDHR. The outcome of the sanctions affected and/or violated the inalienable rights of the civilians, such as right to healthcare, education, employment and quality of life and as such the sanctions are indefensible.

However, sanctions against Iran make a lot of sense when one view them from the conventional or periphery perspective, which is without given consideration to the actual victims of their outcome. Unarguably, any attempt to get the world free from a potential nuclear danger should be welcomed at least in the interest of humanity. Nevertheless, the question is: who is really suffering from the sanctions? Obviously, Iran's former president, Mahmoud Ahmadinejad, the current president Hassan Rouhani, the Supreme Leader Ali Khamenei and other top government officials are not feeling the hit from the sanctions compared to the ordinary civilians, who unfortunately made no contribution and may not have been consulted before the nuclear policy was adopted by their leaders. Thus, in my opinion it is irrational as well as unjust to induce economic hardship on ordinary civilians for a crime they did not commit by themselves. Emphatically speaking, Iran must not develop a nuclear weapon having pledged to the NPT. It will be a violation of the NPT should Iran at any point whether now or in the future produce weapon of mass destruction. Also, it will be a clear sign of insubordination by Tehran. However, sanctions are not a plausible conflict transformation tool and in this particular case of Iran, they have made no difference other

than to hurt the civilian population and the vulnerable members of the Iranian society. Even to the extent that sanctions are successful in curbing Iran's nuclear ambition, the world and particularly peace scholars, facilitators and human rights advocates should be weary of such success. My reason being that success should not be predicated on civilian pain, suffering and deaths. Sanctions exacerbated Iran's economic problems resulting in widespread economic inefficiencies (Kaussler, 2009: 2). Unfortunately, the main culprits are the poor civilian population.

Nevertheless, the nuclear deal reached by Iran and P5+1 on July 14, 2015 (Gordon and Sanger, 2015), albeit with reservation offers a glimmer of hope and the possibility of reengagement towards achieving sustainable and durable peace. Among other issues contained in the nuclear deal, is that the parties will be meeting every two years to review and assess progress of the deal and to adopt appropriate decisions (JCPOA Preamble and General Rules, 2015: xvi). In as much as I subscribe to a periodic review and/or assessment of the agreement, I would suggest that the review should include a feasibility analysis of the humanitarian impact of the sanctions. My reason being that a clear understanding of the heinous impact of the sanctions on the Iranian citizens by the regime in Tehran and an acknowledgement by Western countries and the UN of the impact of their action on the rights and well-being of ordinary and otherwise innocent civilians will play a huge role in determining the best way to handle or resolve other future conflicts. Although a deal has been reached, however, as it is the agreement is lacking in valid facts and/or empirical evidence about the real victims and the magnitude of the humanitarian consequences of the sanctions, making it to appear as if the sanctions were coercing Iran as an entity instead of the Iranian people.

This study has painstakingly shown that economic sanctions against Iran, Zimbabwe and indeed any other country is a clandestine declaration of war on the population of a sovereign State, by putting the economy under siege, with negative downstream effects on the entire population. Overall, the incessant use of sanctions as a “one-fit-all” antidote for all forms of conflict confronting our contemporary world is rooted in the Western mentality of writing the rules of the game, whilst expecting strict adherence and/or compliance from the rest of the world. The current situation proves that such an approach is no longer sustainable. Instead of achieving compliance to demands, sanctions are in fact instigating provocations and add to the tension in world affairs. Proponents of economic sanctions project the argument that the measure fills a gap in certain situations where diplomacy fails. Going by this assumption, economic sanctions are somehow perceived and justified as a means to a good end, against contrary empirical evidence of right violation and backlashes. As expressed by Thomas Theorem, “*if men define their situations as real, they are real in the consequences*” (Merton, 1995: 380). What this simply means is that one must never allow a perceived falsehood to become one’s reality. Again, individuals who accept a defined position act as though the situation is justified and as a result they embed themselves in that narrowly defined perspective.

My contention is that proponents of sanctions and particularly politicians are loath to reconcile political speculation and reality. Politicians speculate that the brutal impact of economic sanctions on the civilian population will propel them to revolt against a targeted regime, thus the reality (gross human rights violation) is overshadowed by a fallacious political hypothesis. This flawed, misguided and erroneous assumption in my opinion, defines the unabated and ceaseless imposition of economic sanctions as a panacea for world peace and security. The solution to disagreements and conflicts is diplomacy through continuous dialogue and negotiation. The major challenge of diplomacy in our contemporary

world has to do with the vested interest of the negotiating parties. Therefore, diplomacy in our case should mean an inclusive, committed and continuous dialogue, devoid of rapacity. Negotiators must understand the need to be fair and transparent, while a reasonable amount of time should be allowed for negotiation to be successful.

This thesis has proved beyond reasonable doubt that economic sanctions against Zimbabwe and Iran immensely contributed to the violation of the basic rights of the population. Thus it serves to awaken global citizens to stand for civilian victims of economic sanctions, whose basic rights such as education, healthcare, employment and good quality of life are breached or endangered. Finally, I wish to state that although this thesis have provided substantial amount of evidence to prove that economic sanctions are anti-human rights and well-being, as a peace scholar my investigation of sanctions is from a humanitarian perspective and therefore my analysis may differ from the views of an economist, politician or diplomat.

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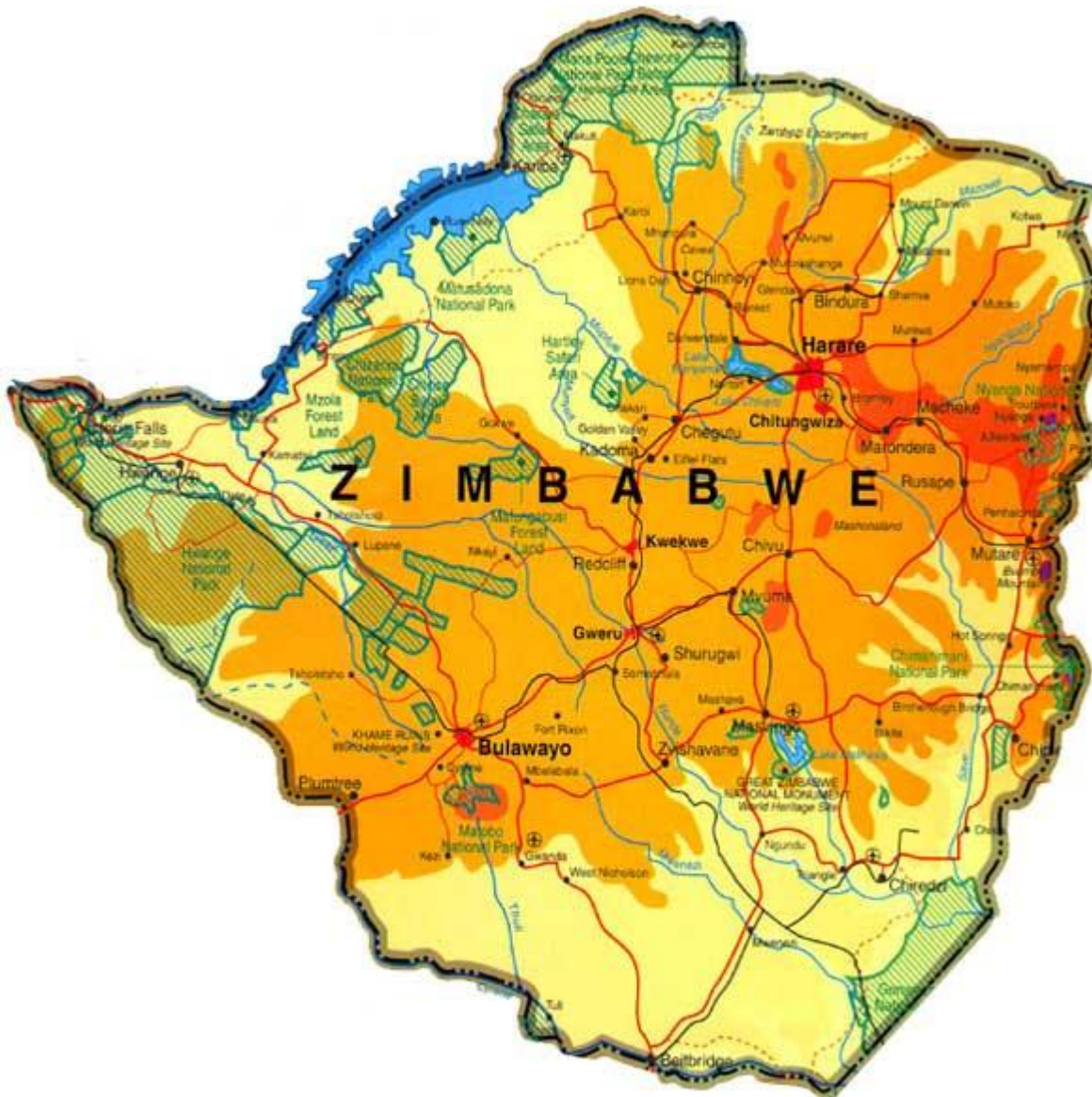
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APPENDICES

Appendix 1: Map of Zimbabwe



Appendix 2: Map of Iran



Appendix 3: Research Interview

DOCTORAL RESEARCH INTERVIEW

Date: _____

PART 1: PERSONAL INFORMATION

Your name
(Optional)

Gender

| | |
|--------|--|
| Male | |
| Female | |

Age

In which sector of the economy do you work?

What is your highest level of education?

| | |
|---------------------|--|
| Elementary School | |
| High School | |
| First Degree | |
| Postgraduate Degree | |

PART 2: INTERVIEW QUESTIONS

- (1) How will you describe the present sanctions against your government or country?
- (2) Do you think that sanctions imposed against your country have economic implications?
- (3) In what ways are you affected by sanctions against your country?
- (4) Do you think that sanctions do have effect on the well-being of other people in your family, neighbourhood or community?
- (5) Do you think that sanctions against your country have violated your human rights or affected your well-being?
- (6) Do you think that sanctions are capable of resolving the conflict between your government and Western countries?
- (7) Do agree that sanctions can force your leaders to change their behaviours and policies?
- (8) What will you recommend as a solution or an alternative to sanctions against you country?
- (9) What will be your advice to your government and the countries that imposed sanctions against your country?

INTERVIEW TRANSCRIPT PREAMBLE

A total number of fifty respondents were interviewed during the research. Thirty of the respondents are from Zimbabwe, while twenty are from Iran. Among the respondents were forty two men and eight women.

The interviews were conducted using two mediums; face to face interview and Skype. Thirty two of the respondents were interviewed face to face while eighteen of them were interviewed through Skype. Furthermore, the interviews were represented in a chronological order of date and time, beginning with Zimbabwe interviewees and then followed by Iranian interviewees.

Finally, it is important to inform that the interviews have been meticulously edited in order to improve legibility, while it reasonably maintains the views of the respondents in their own words. The interviews are available in the appended compact disc.