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# **The Sanctions Era: An Ethical Perspective on Sanctions And Just War Theory**

By/Par Colonel Patricia L. Brennan

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## ***Introduction***

By and large, contemporary warfare has become limited war<sup>1</sup> which increasingly takes the form of intrastate conflict and complex humanitarian emergencies. The United Nations (UN) has traditionally played a role in the maintenance of international peace and security and militaries, under the auspices of the UN, are being drawn into a wider variety of situations, all under the general heading of peacekeeping.<sup>2</sup> As the UN mandate has grown to include socio-economic, environmental and humanitarian security, so has peacekeeping become a growth industry for the Canadian military. In addition to providing troops at a level above what we had been used to before the 1990s, Canada has been also been increasingly called upon to provide operational level commanders for UN missions.

Under its mandate for peace and collective security, the UN has several means by which to settle international disputes without resorting to military intervention. Some options include an array of sanctions<sup>3</sup> outside of the military option umbrella. While sanctions are seen by many to be a non-violent means by which to resolve intrastate conflict, it is the contention of this paper, that sanctions, while often a viable option to

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<sup>1</sup> British strategic analyst John Garnett identifies four reference points for the idea of limited war: limitation to a relatively small area of conflict, limited objectives, limited means, and some restraint or choice in the selection of targets for attack (John Baylis, Ken Booth, John Garnett, and Phil Williams, *Contemporary Strategy*, (New York: Holmes and Meier Publishers, 1975), p 121-24.

<sup>2</sup> Alex Morrison, "Canada and Peacekeeping: 2 351.16306 205.2006 19010007 165 20006 If T (p) 02000 000020902 520.050105120

military intervention, are in fact an indirect form of warfare and when authorized, should be subject to the same principles and scrutiny that military intervention and action would be. The principles that should be applied to this form of coercive action are the same as those contained in just war theory and include noncombatant immunity (noncombatants may not be directly and intentionally targeted), discrimination (avoidance of direct, intended harm to noncombatants) and proportionality (use of means not more destructive than necessary to achieve a justified end).<sup>4</sup> In the course of presenting this argument, this paper will review the UN's record regarding sanctions; just war theory, in particular the principles of noncombatant immunity, discrimination and proportionality; and how the use of sanctions could be monitored and implemented to more closely adhere to these principles.

### ***Just War and the Law of Armed Conflict***

In Western culture and particularly in Christian ideology, the notions of noncombatancy and of noncombatant protection are imbedded in moral tradition and in the customs and laws of war. The medieval theologian, Thomas Aquinas (d. 1274), reflecting the ideology and canon law of his time, wrote that in order for a war to be just it must have sovereign authority, just cause and right intention. Later this theme was taken up by the Spanish theologian Dominican Francisco de Vitoria (d. 1546) who advocated that in *jus in bello*, or justice in war, "the deliberate slaughter of innocents is

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<sup>4</sup> James Turner Johnson, *Morality & Contemporary Warfare*, (Connecticut: Yale University Press, 1999), p 18.

never lawful in itself". In describing innocents, Vitoria included all who do not directly take part in the fighting "women,<sup>5</sup> children, farmers, foreign travelers, clerics and religious persons, and the rest of the peaceable population."<sup>6</sup> The Dutch lay scholar and diplomat Hugo Grotius (d. 1645) further advocated restrictions on the lawful conduct of war to include who could be lawfully attacked and what means could be used to attack them.<sup>7</sup> In the contemporary world, these ideas and principles have manifested themselves in the law of armed conflict and human rights law.<sup>8</sup>

The law of armed conflict is a body of law that derives from several international treaties as well as the Hague and Geneva Conventions and customary international law. A chief purpose of the law of armed conflict is to inform a commander how force can be used against the enemy before the line has been crossed toward becoming a war criminal.<sup>9</sup> The law of armed conflict is very specific on how civilians are to be treated in war and has evolved to protect and reduce the violence and suffering as much as possible. This body of law supports the concept of noncombatant immunity.

### ***Noncombatant Immunity***

Significant to the treatment of "innocents," was the adoption in 1949 of four Conventions which replaced the two 1929 Geneva Conventions. The fourth, the

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<sup>5</sup> Later definitions either exclude women or include only women who are pregnant.

<sup>6</sup> Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, (New Jersey: Prentice Hall, 1994), p 61.

<sup>7</sup> *Ibid.*, p 100-1.

<sup>8</sup> James Turner Johnson, *Morality*, p 125.

<sup>9</sup> Hanseman, Robert G. "The realities and legalities of information warfare." *The Air Force Law Review*, 42, Maxwell AFB, 1997, p 5.

Civilian's Convention, was developed as a consequence of the treatment suffered by civilian populations of occupied territories during World War II. It was the first attempt to protect the civilian population during conflict, although it was limited to the protection of civilians in occupied territory and not the treatment of civilians in a belligerent's own territory.<sup>10</sup> This Convention was further expanded by Protocol I in 1977 to include civilians in the hands of or under the physical control of an adverse party or an occupying power. Those in their own territory, for the main part, remained protected only by the general rules limiting warlike acts and methods of combat.<sup>11</sup>

In 1968, the International Conference on Human Rights in Tehran adopted a Resolution calling for Respect for Human Rights in Armed Conflicts. The 1949 Geneva Conventions were deemed insufficient to cover all modern armed conflicts or humanitarian considerations in such conflicts." The UN General Assembly adopted a resolution on the Protection of Civilian Populations against the Dangers of Indiscriminate Warfare, in that:

the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited; (ii) it is prohibited to launch attacks against the civilian population, as such, (iii) distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.<sup>12</sup>

Before an assessment can be made of sanctions in relation to just war theory, it is necessary to address the ambiguity that exists amongst the experts on who actually can be classed as a noncombatant. John Howard Yoder, a theologian, argues that since the

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<sup>10</sup> L. C. Green, *The contemporary law of armed conflict*, (New York: St. Martins Press, 1993), p 41.

<sup>11</sup> *Ibid.*, p 221.

French revolution, it has been claimed that "every citizen is a partisan, there is no longer the same meaning to the thought that citizens should be treated as noncombatants." He further states that since "wars can be won by attrition, the strength of the economy is vital and civilian productivity can be seen to be contributing to the war effort."<sup>13</sup> Civilians produce the weapons and equipment and maintain the industrial infrastructure (railways, roads, communications systems, and electric power), which is integral to the waging of modern war. It is further argued that as civilians chose to live in the country and ultimately have some control over what goes on in their country, they cannot be seen as innocent.<sup>14</sup>

Even though there may be some validity to the above arguments, it is generally acknowledged that there are people in any country, who in fact belong to the category of innocent.<sup>15</sup> Robert Phillips, an associate professor at the University of Connecticut and Director of the Program for the Study of Ethical Issues of Peace and War, contends that the argument that everyone might be regarded as a combatant is defective. In writing on My Lai, "Even in a war such as that in Vietnam there were millions of people who could in no meaningful sense of combatancy be said to be engaged in the war effort."<sup>16</sup>

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<sup>12</sup> *Ibid.*, p 45.

<sup>13</sup> John Howard Yoder, *When War Is Unjust: Being Honest in Just-War Thinking*, (New York: Orbis Books, 1996), p 25.

<sup>14</sup> Kai Draper, "Self-defense, collective obligation, and noncombatant liability" *Social Theory and Practice*, Tallahassee, 24 No 1, Spring 1998, 57-81, p 1 of 16.

<sup>15</sup> *Ibid.*, p 41.

<sup>16</sup> Robert L. Phillips, *War and Justice*, (Oklahoma: University of Oklahoma Press, 1984), p 63.

Phillips continues, "the real difficulty is not in delineating classes of individuals who merit immunity but in deciding what constitutes a direct attack upon them."<sup>17</sup> This paper will argue that sanctions constitute a direct attack on noncombatants. While nonviolent in the military sense, sanctions are, in fact, an indirect form of warfare waged against the civilian population and their use should be evaluated against the same yardsticks as the use of military force. The following section will provide further detail on the use of sanctions by the UN in recent years.

### ***The Sanctions Era***

A major policy trend in the aftermath of the Cold War has been the increasing incidence of multilateral coercive action against states or political authorities which violate the basic norms of international relations. The period from 1945 to 1990 had witnessed some sixty sanctions, only two of which were multilateral and imposed by the UN Security Council: against Rhodesia in 1966 and South Africa in 1977. More than two-thirds were initiated by the United States (US). Of these, nearly three-quarters involved US unilateral action.<sup>18</sup> The "sanctions era" dawned for the UN in 1990 with the collapse of Russia and the end of the impasse between superpowers. No longer stalemated, the UN, since 1991, has authorized sanctions against the states of the former Yugoslavia, Libya, Liberia, Somalia, Haiti, Rwanda, and the Sudan for a wide range of

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<sup>17</sup> *Ibid.*, p 48.

<sup>18</sup> Thomas G. Weiss, David Cortright, George A. Lopez and Larry Minear. *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*. (Maryland: Rowman & Littlefield Publishers, Inc, 1997), p 3.



purposes: as a means to repel aggression; restore democracy; condemn human rights abuse; and punish regimes harboring terrorists and international war criminals.<sup>19</sup>

The functions of the UN of peaceful settlement of disputes and of collective security have been placed in Chapter VI, entitled "Pacific Settlement of Disputes" and Chapter VII, entitled "Action with Respect to Threats to the Peace, Breaches of the Peace, and Act of Aggression." "All specific references to sanctions are contained in Chapter VII, but the Security Council has maintained flexibility and has avoided legal restraints by dealing with most situations without reference to any particular Charter provision."<sup>20</sup> Chapter VII of the UN Charter allows the Security Council to apply nonforcible, but coercive, sanctions as an alternative to coercion through military force, in dealing with aggressors and others who violated fundamental principles of international law. Nonforcible sanctions are defined as "penalties threatened or imposed as a declared consequence of the target's failure to observe international standards or international obligations"<sup>21</sup> and include diplomatic, political, cultural and communications measures, as well as a very broad range of options which include commercial, financial and technological measures.

The "teeth" for enforcement of sanctions was furnished under Article 43 of the Charter. This article provides for members to make available on the call of the Security

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<sup>19</sup> Thomas G. Weiss, "Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses," *Journal of Peace Research*, 36 No 5, London, 1999, p 499.

<sup>20</sup> A. Leroy Bennett, *International Organizations: Principles and Issues*, (New Jersey: Prentice Hall, 1988).

<sup>21</sup> Margaret P. Doxey, *International Sanctions in Contemporary Perspective*, (New York: St. Martin's Press, 1996), p 9-11.

Council, "armed forces, assistance, and facilities" for use in applying military sanctions.<sup>22</sup>

While sanctions generally mean non-violent measures, they can and often do, include military action under Chapter VII. Article 51 permits the use of force in individual or collective self-defence and governments authorize military action either in those terms or as humanitarian intervention. Arms embargoes are most commonly applied in response to military aggression or other threats to international peace and security, however, sanctions can also include the severing of communications and international criminal prosecution.<sup>23</sup> Economic sanctions are seen as the most devastating to the civilian populations and have come increasingly under scrutiny by humanitarian groups.

Conventional wisdom in the early 1990s felt that economic coercion would exercise sufficient "bite" that citizens in the targeted country could exert political pressure to force either a change in the behaviour of the authorities or their removal altogether. That is, inflicting civilian pain in order to achieve political gain would be less damaging to the economy than the alternative of war. Whether sanctions are less damaging to the economy is debated by John and Karl Meuller who state that sanctions are favoured as "dominant powers have shown that they can inflict enormous pain at remarkably little cost to themselves or the global economy. Indeed, in a matter of months or years whole economies can be devastated, as happened in Haiti in 1991 and Serbia in 1992."<sup>24</sup>

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<sup>22</sup> Bennett, *International Organizations*, p 141.

<sup>23</sup> Stephen P. Marks, "Economic sanctions as human rights violations: Reconciling political and public health imperatives," *American Journal of Public Health*, 89 No 10, Washington, Oct 1999, p 2.

<sup>24</sup> John Meuller, and Karl Meuller, "Sanctions of mass destruction," *Foreign Affairs*, New York, 78 No 3, May/Jun 1999, 43-53, p 4 of 6.

As to whether ordinary citizens have much influence depends on their political systems. For example, in the case of Iraq with its dictatorial regime, it has been suggested that "lifting sanctions would actually empower civil society by giving all citizens more tactical space to organize and challenge the Iraqi dictatorship."<sup>25</sup> Equally ironic, is that in some cases, military intervention may be a more humane approach. In Iraq, the former Yugoslavia and Haiti sanctions gave way to substantial military action.

In addition, the concept of security has spread well beyond military threats to include socio-economic, environmental, and especially humanitarian ones. This is further complicated by the fact that the UN has a commitment to both peacekeeping and humanitarian principles and a growing reliance on sanctions has created conflicting roles. While Articles 41 and 42 of the UN Charter empower the Security Council to use economic tactics to keep international peace, at the same time, it has an explicit commitment to the Universal Declaration of Human Rights to promote the right of every person to health, food, drinking water, education, shelter and safety. Humanitarian organizations and the various organizations of the UN, which oversee the sanctions, have estimated sanctions have contributed to hundreds of thousands of deaths in Iraq and the UN has now had to ameliorate the sanctions by providing for humanitarian needs.<sup>26</sup> In the case of Iraq, where sanctions have been ongoing for eight years, with clear evidence of the difficulties that they were causing for the Iraqi people and little indication that Saddam Hussein, the Iraqi leader, would comply with UN terms, several amendments to

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<sup>25</sup> Fawaz A. Gerges, "Punishing Iraqis," *The Nation*, 259 No 22, New York, Dec 26, 1994, p 2.

the sanctions have been made. These included an increase in the amount of petroleum and petroleum products originating in Iraq that States could import in an effort to increase the funding available for Hussein to provide for his citizens.<sup>27</sup>

For military commanders, the dual role of alternately working to deliver aid or to enforce sanctions places military contingents in a conflicting and often dangerous role -- helping a country cope with sanctions as a representative of the same entity that imposed the sanctions in the first place.<sup>28</sup> For peacekeepers, sanctions also impede one of the objectives of peacekeeping, in that they can restrict the peacekeepers ability to gain the good will and consequent cooperation of the population.<sup>29</sup> Prior to the end of the cold war, militaries seldom were involved in delivering humanitarian relief or protecting human rights. Now they are seen as an alternate source of external humanitarian aid as was evidenced in both Somalia and Rwanda.

Often military action may seem a preferred option for a country under sanctions but within which its own government is not overly concerned about the welfare of its citizens. An example is that of Iraq, where the intransigence of the national leader has meant the retention of economic sanctions for over eight years.<sup>30</sup> Under the Geneva Convention IV described above, militaries are obligated to treat protected persons,

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<sup>26</sup> Larry Minear, Thomas G. Weiss and Kurt M. Campbell, *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts*, (Institute for International Studies. Occasional Paper #8, 1991), p 22.

<sup>27</sup> United Nations, Resolution 1266 (1999), Adopted by the Security Council at its 4050th meeting on 4 October 1999.

<sup>28</sup> Weiss, *Political Gain*, p 28.

<sup>29</sup> Tom Woodhouse, "The gentle hand of Peace? British Peacekeeping and Conflict Resolution in Complex Political Emergencies," *International Peacekeeping*, 6 No 2, Summer 1997, p 27.

<sup>30</sup> Geoff Simmons, *The Scourging of Iraq: Sanctions, Law and Natural Justice*, (New York: St. Martin's Press, 1996) p 174.

whether in national or occupied territory, with "respect for their persons, honour, family rights, religious convictions and practices, manners and customs"<sup>31</sup> and in the cases where internal conflict is due to racial, ethnic or religious differences, it is suggested that some portions of the population would be better off. Haiti is a further example, where the US-led military intervention in September 1994 "killed no children; neither did it reduce their access to food or medical care. On the contrary, the US Army provided logistical and engineering support to enhance children's right to health, nutrition, and education. The only Haitian casualties were eight soldiers and two paratroopers." <sup>32</sup>

Whether or not sanctions are effective is open to debate. When it comes to sanctions, Nicholas Tracy, a Canadian naval historian, states that "The value of denying enemy forces supplies they require for their operations is hardly open to question. The military value of comprehensive attack on merchant shipping is less easily determined."<sup>33</sup> An assessment of the effectiveness of the blockade against Iraq in a maritime sense "reaffirmed the belief that blockades are of limited military value and often are not sufficient to force a nation to submit within a reasonable amount of time."<sup>34</sup> In the only major empirical study in the field, undertaken by Gary Hufbauer and his colleagues at the Institute for International Economics (IIE), results showed an overall success rate for all instances of sanctions of only 34 percent." In analyzing the 115 cases of economic

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<sup>31</sup> Green, *Contemporary Law*, p 224.

<sup>32</sup> Elizabeth Gibbons and Richard Garfield, "The impact of economic sanctions on health and human rights in Haiti 1991-1994, *American Journal of Public Health*, 89 No 10, Washington, Oct 1999, 1499-1504, p 81.

<sup>33</sup> Nicholas Tracey, *Attack on Maritime Trade*, (Toronto: University of Toronto Press, 1991), p 4.

<sup>34</sup> Bruce W. Watson, "Lessons Learned and Looking to the Future", Bruce Watson, Bruce George, Peter Tsouras and B.L.Cyr, *Military Lessons of the Gulf War*, (London: Greenhill Books, 1991), p 216.

sanctions between World War I and 1990, the study found that sanctions were effective when: the goal was relatively modest; the target was much smaller than the country imposing sanctions; the sender and target had a relationship and substantial trade between them; the sanctions were imposed quickly; and the sender avoided a high cost to itself.<sup>35</sup> Thomas Weiss states that "to varying degrees, they {sanctions} spurred processes of compromise and contributed to political efforts. The contribution was substantial in the case of South Africa, considerably less in Iraq and Yugoslavia, and non-existent in Haiti."<sup>36</sup> The next portion of this paper will assess the use of sanctions against the principles of just war.

### ***Sanctions and Just War Theory***

As mentioned in the introduction, *jus in bello*, what may rightly be done in war, is defined by two principles -- discrimination and proportionality. The principle of discrimination in just war is concerned with making the distinction of what can be legitimately targeted with military force and what cannot. While the victim nation can use military force to prevent or rectify the wrongdoing by targeting the enemy engaged in wrongdoing, it cannot target enemy nationals not engaged in or contributing to waging war, and in fact, has no just cause to target such nationals.<sup>37</sup>

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<sup>35</sup> Gary C. Hufbauer, Jeffrey J. Schott, and Kimberly Ann Elliott, *Economic Sanctions Reconsidered: History and Current Policy*, 2<sup>nd</sup> ed. (Washington, DC: Institute for International Economics, 1990), p 2.

<sup>36</sup> Weiss, *Sanctions*, p 501.

<sup>37</sup> Richard J. Regan, *Just War Principles and Cases*, (Washington: Catholic University of America Press, 1996), p 87.

Some writers, such as William V. O'Brien<sup>38</sup> argue that the principle of discrimination, as traditionally formulated, is obsolete in the context of modern war and that modern war necessarily involves the death of ordinary civilians. If one accepts that "every citizen is a soldier" then militaries may justly target an unjust enemy's war-production centers and industrial infrastructure. The principle of discrimination however, would be violated "if civilians were targeted in their homes or on their way to or from their war-related workplace."<sup>39</sup> When judged against that criteria, sanctions are not in keeping with just war principles. Full-scale trade embargoes, the most often enacted form of sanctions, are designed to take an immediate toll on a target and definitely target civilians in their homes and away from their workplace. In addition to the hardship caused, embargoes will often have unpredictable multiplier effects in a variety of social and humanitarian sectors of the country over the medium to long term."<sup>40</sup> In response to the UN embargo placed against Iraq, Saddam Hussein's response was to in turn place an embargo against the Iraqi Kurds who were then subject to a double embargo.

James Turner Johnson, in his book *Morality and Contemporary Warfare*, argues that civilians are "soft" targets. "The military is generally better sheltered from attack, has access to better food and medical facilities, is better able to fight back and therefore deter aggression against them."<sup>41</sup> Sanctions, like their low-tech predecessor siege

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<sup>38</sup> William V. O'Brien, *The Conduct of Just and Limited Wars*, (New York: Praeger, 1981), p 44-7, 338-41 in Richard J. Regan, *Just War Principles and Cases*, (Washington: Catholic University of America Press, 1996), p 93.

<sup>39</sup> Regan, *Just War Principles*, p 95.

<sup>40</sup> Weiss, *Political Gain*, p 22.

<sup>41</sup> Johnson, *Morality*, p 120.

warfare, are an indiscriminate means which cannot separate noncombatants from combatants and have historically caused the most extreme and direct suffering to those who are the weakest, the most vulnerable and the least political.<sup>42</sup> More civilians died in the siege of Leningrad than in the bombings of Hamburg, Dresden, Tokyo, Hiroshima, and Nagasaki, taken together.<sup>43</sup> Richard Garfield, an epidemiologist at Columbia University, calculates that 225,000 Iraqi children under 5 have died since 1990 because of sanctions against Iraq.<sup>44</sup> Sanctions have serious effects on the innocent and when assessed against the principle of discrimination (avoidance of direct, intended harm to noncombatants), they do not meet the criteria.

The second principle of just war is that of proportionality. This principle holds that the magnitude or type of force employed should be sufficient to correct the injustice that is being opposed, but should not be disproportionate as to create new and greater injustices. Thomas Aquinas also developed the doctrine of *double effect*, that is that "Great attention must be paid to see that greater evils do not arise out of the war than the war would avert."<sup>45</sup> Double effect recognizes that any military action is likely to have undesired effects, termed collateral damage. Under double effect, an action can be aimed at a defender even though everyone inside the country is equally harmed by the action. James Turner Johnson states that sanctions do not violate noncombatant immunity even if it harms noncombatants, provided such harm is genuinely collateral -- that is indirect and

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<sup>42</sup> Joy Gordon, "Sanctions as seige warfare," *The Nation*, 268 No 11, Mar 22, 1999, 18-22, p 4.

<sup>43</sup> Michael Walzer, *Just and Unjust Wars*, (United States: Basic Books. 1977), p 160.

<sup>44</sup> Gordon, *Sanctions*, p 1.

<sup>45</sup> Christopher, *Ethics of War*, p 62.



unintended.<sup>46</sup> However, based on the information available today on the devastating economic, social, and humanitarian impact of sanctions on a country's populations, the principle of proportionality (use of means not more destructive than necessary to achieve justified ends) has not been met. It is difficult to claim that sanctions have unintended side effects when it is clear that civilian populations are the most affected by sanctions.<sup>47</sup>

The short-term humanitarian consequences and longer-term structural effects of economic sanctions would appear, in some cases, to be as harmful as war itself. In regards to sanctions, Stephen Marks in an article in the American Journal of Public Health states that "the international community has discovered a blunt though stinging weapon but has yet to achieve clarity about the ground rules for its utilization."<sup>48</sup> This was also reported in the International Committee of the Red Cross (ICRC) 1995 report in which it concluded that sanctions against Iraq, Haiti, and Serbia-Montenegro "have paid only minimal political dividends at a very high price in human terms" and that sanctions should operate within prescribed limits and the political and economic impact for sanctions should be focused.<sup>49</sup>

### ***'Just' Sanctions***

As the number of instances of sanctions continue to increase, and there is little evidence that it will be otherwise, there is a growing reticence about sanctions given a lack of consistency and the absence of formalized and effective mechanisms for their

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<sup>46</sup> Johnson, *Morality*, p 130.

<sup>47</sup> Marks, *Economic Sanctions*, p 4.

monitoring, enforcement, and evaluation.<sup>50</sup> Boutros-Ghali in his 1995 *Supplement to An Agenda for Peace* called for a mechanism to monitor and assess sanctions impact, ensure the delivery of humanitarian assistance to vulnerable groups, and help maximize the political impact of sanctions while minimizing collateral damage.<sup>51</sup> As described above, the UN has recognized the need to ease the sanctions in Iraq and has taken some action to do so.

One answer to the reduction of collateral damage is seen to lie in smart sanctions, which single out groups and individuals responsible for wrongdoing and pinpoint elite needs and desires and include freezing foreign assets, withholding credits and loans, prohibiting investments, and restricting travel, commerce, and communications.<sup>52</sup> This focused approach to economic sanctions would better meet the principles of discrimination by ensuring that those who hold the power also are affected by the sanctions. It would also meet the principles of proportionality by ensuring that those in any society who are least able to protect themselves do not bear the brunt of the sanctions while those who are responsible for the transgressions can insulate themselves from the worst effects of the sanctions.

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<sup>48</sup> *Ibid.*, p 6.

<sup>49</sup> Peter Walker, "Sanctions: A Blunt Weapon", *Red Cross, Red Crescent*, 3 (1995), p 19.

<sup>50</sup> Weiss, *Political Gain*, p 16.

<sup>51</sup> Boutros Boutros-Ghali, "Supplement to An Agenda for Peace", Paras 66-76., reprinted in *An Agenda for Peace*, (New York: United Nations, 1995).

## ***Conclusion***

Under a steadily growing mandate for maintaining international peace, the UN has increasingly turned to sanctions as a means to address conflict, to attack human rights abuse, and to punish regimes harbouring terrorists. While effective in some instances, sanctions have not proven to be so in two-thirds of the instances where they were authorized. The increased use of sanctions has prompted a growing concern, particularly among humanitarian organizations, that sanctions are unduly harsh on a country's population.

In addition to the hardship sanctions cause, they are also not in keeping with the principles of just war and international law. Noncombatant immunity states that noncombatants may not be directly and intentionally targeted, while discrimination dictates an avoidance of intended harm to noncombatants, and proportionality dictates that the end must no be more destructive than necessary. While it can be argued that sanctions are not war in the traditional sense of application of military force, it can also be argued that sanctions are indirect form of war and for that reason, the imposition of sanctions against a country should be considered in keeping with the principles that would be used to applications of military force. Rather than using blanket economic or trade sanctions, 'smart' or tailored sanctions would be effective if they targeted those in the country who made the offending decisions. This would, in fact, reduce the indiscriminate targeting of noncombatants as well as reduce the collateral damage to the general population and thus better meet the spirit of just war principles.

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<sup>52</sup> Weiss, *Political Gain*, p 503.

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