

DRIVING A HARD BARGAIN: U.S. SANCTIONS STRATEGIES

by

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A Thesis Submitted to the Faculty of
The Dorothy F. Schmidt College of Arts and Letters
in Partial Fulfillment of the Requirements for the Degree of
Master of Arts

Florida Atlantic University

Boca Raton, Florida

December 2010


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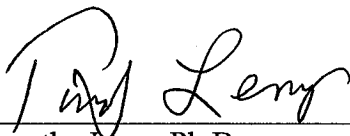
This thesis was prepared under the direction of the candidate's thesis advisor, Dr. Jeffrey S. Morton, Department of Political Science, and has been approved by the members of his supervisory committee. It was submitted to the faculty of the Dorothy F. Schmidt College of Arts and Letters and was accepted as partial fulfillment of the requirements for the degree of Master of Arts.


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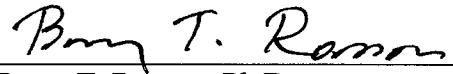

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ACKNOWLEDGEMENTS

The author would like to thank his thesis committee consisting of Dr. Morton, Dr. Rabil, and Dr. Arias. He also thanks his wife and family very much.

ABSTRACT

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Degree: Master of Arts
Year: 2010

Policymakers and scholars are deeply divided on the purpose and effectiveness of sanctions, but recent work has given attention to the strategy of using positive sanctions or incentives. This study investigates the conditions under which the U.S. uses a punitive sanctions policy (indicated by all negative sanctions) or an engagement policy (indicated by a mix of positive and negative sanctions). Applying materialist (Schelling, 1960, 1966; Snyder and Diesing, 1977; Axelrod, 1984; Fearon, 1994) and sociological (Schoppa, 1999; Wendt, 2000; Lebow, 2007) bargaining perspectives, this study will consider factors such as the level of target threat, the target's nuclear weapons capability, the extent of international support for sanctions, and the relationship between the U.S. and target. This study analyzes the case studies of the U.S.-led sanctions against Iraq (1990-2003), North Korea (1993-present), and Libya (1972-2006).

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INTRODUCTION: THE SANCTIONS ALTERNATIVE

For many influential authors (Galtung, 1967; Knorr, 1975; Bienen and Gilpin, 1980; Doxey, 1987; Pape, 1997; Weiss, 1999), sanctions rarely achieve any practical goals. Galtung (1967: 414) writes, “If we exclude military actions on moral grounds and economic sanctions on pragmatic grounds, what is left?”¹ Considering how weak sanctions are according to conventional wisdom (Drezner, 1998: 728; Baldwin, 1985), it is striking how often leaders use them. Since 1914, states have employed sanctions more than 170 times (Hufbauer et al., 1999). It is also becoming an increasingly popular policy for international organizations (IOs). While the United Nations imposed sanctions only twice during its first 45 years, the UN Security Council instituted sanctions on twelve countries in the 1990s (Cortright and Lopez, 2000: 13). During the same period member states employed unilateral, bilateral, or regional sanctions more than three dozen times (Cortright and Lopez, 2000: 8). What explains the apparent disconnect between conventional wisdom and public policy? Are world leaders misguided?

A review of the literature finds two plausible answers. First, senders² use sanctions for many different reasons, some of which have little to do with achieving policy changes in the target. Since determining sanctions success is the primary preoccupation of scholars, this study will review this literature in the methodology

¹ Galtung also acknowledges that sanctions are controversial on moral grounds.

² In the sanctions literature, the sanctioning state is commonly referred to as the sender and the sanctioned state is known as the target.

section. Second, many scholars have fundamentally misunderstood sanctions by casting them as purely punitive means. In 1967, Galtung presciently suggested the use of positive sanctions, or rewards, in addition to negative sanctions. Indeed, since his study, states have used combinations of positive and negative sanctions – what this study calls an engagement strategy. However, scholars have given the engagement strategy little scrutiny (Haass and O’Sullivan, 2000: 1). A punitive policy consists of only negative sanctions, while an engagement policy consists of both positive and negative sanctions. This study directs its research toward the question:

Under what conditions can we expect the U.S. to use a punitive sanctions strategy or an engagement strategy?

Thesis Overview

Chapter 1 will discuss the concepts, variables, and hypotheses of this study. Chapter 2 reviews the materialist and sociological bargaining perspectives from which this study derives its analytical framework and variables. Chapter 3 will consist of case studies of the U.S.-led sanctions on Iraq (1990-2003), North Korea (1993-present), and Libya (1972-2006), providing relevant description of what led to sanctions and how the U.S. implemented the policy. Chapter 4 will conclude with an analysis of the hypotheses.

CHAPTER 1: CONCEPTS, VARIABLES, AND HYPOTHESES

Scholars have failed to come to a consensus on the definition of sanctions, but almost universally these definitions exclude positive sanctions. Baldwin (1971: 19) writes: “It is not that political scientists have said the wrong thing about positive sanctions in power relations; it is just that they have said little.” Dahl (1963: 51) notices that the “existence of both negative and positive coercion is sometimes a source of confusion in political analysis, since writers often either confound the two or ignore positive coercion.”

This is indeed the case in the sanctions literature. In their large quantitative study, Hufbauer et al. (1990: 2) define sanctions as “government-inspired restrictions on customary trade or aid relations to achieve foreign policy goals.” Further, McGillivray and Stam (2004: 158) write that scholars widely portray “sanctions (as) a ‘battle of wills’ because they last either until the sender decides to give up trying to bring about policy change or until the target relents.” This “battle” conception rests on certain assumptions. It assumes sanctions are exclusively punitive, and the relationship between sender and target is one that is static. In other words, it is a zero-sum game. In an example of this conception, Winkler (1999: 140) writes that the premise of sanctions is to inflict such harm on the target’s economy that the population will pressure their leaders to change policies. This logic treats sanctions as warfare. In one of the earliest and best critiques of this conventional view, Galtung (1967: 388) writes: “The theory of the effects of

economic warfare is now fairly similar to the theory of the effects of military warfare.

Both kinds of warfare are means to the same end: political disintegration of the enemy so that he gives up the pursuit of his goals.”

This view of sanctions closely resembles Morgenthau’s (1960: 566) perspective of war:

The objective of war is simple and unconditional: to break the will of the enemy. Its methods are equally simple and unconditional: to bring the greatest amount of violence to bear upon the most vulnerable spot in the enemies’ armor. Consequently, the military leader must think in absolute terms. He lives in the present and in the immediate future.

Winston Churchill’s reaction to Italy’s invasion of Ethiopia belied this strictly punitive view of sanctions: “First the Prime Minister had declared that sanctions meant war; secondly, he was resolved that there must be no war; and thirdly, he decided upon sanctions. It was evidently impossible to comply with these three conditions”

(Morgenthau, 1960: 268).³ This study, however, sees no inherent contradiction in the Prime Minister’s statements. Indeed, as Galtung (1967: 381) suggested, sanctions can be positive or negative and range from a blunt tool⁴ of warfare to a diplomatic instrument of more customary persuasion.

Sanctions defined

This study considers the works of Cortright and Lopez (2000: 28) and Baldwin (1985) especially and conceives sanctions as a continuum of policy tools from the negative to the positive. A sanction is positive when it adds value for the actor to whom it

³ Quote first appeared in the *London Evening Standard*, 26 June 1936. Stanley Baldwin was the prime minister.

⁴ This was Boutros-Boutros Ghali’s characterization of the policy.

is applied and negative when it subtracts value (Lasswell and Kaplan, 1952). While interrupting normal diplomatic relations may be the mildest in terms of negative sanctions, the ultimate negative sanction is warfare (Jervis, 1983: 179; Keohane, 1983: 179; Baldwin, 1985: 13-14). On the positive side of the sanctions spectrum, the repeal of negative sanctions is mild while cooperation in security issues and economic and military aid is more significant.

The authors of *Honey and Vinegar: Incentives, Sanctions, and Foreign Policy* (Haass and O'Sullivan, 2000), view positive sanctions as indication of an "engagement" policy. Haass and O'Sullivan (2000: 2) write:

In our usage, engagement refers to a foreign policy strategy that depends to a significant degree on positive incentives to achieve their objectives. Certainly engagement does not preclude the simultaneous uses of other foreign policy instruments such as sanctions or military force. In practice, there is often considerable overlap of strategies, particularly when the termination or lifting of sanctions is used as an inducement.

It is unclear why Haass and O'Sullivan (2000) view the use of negative and positive sanctions as evidence of separate but concurrent strategies. Suettinger (2000: 27) better defines engagement as "a grand strategy of managing a strategic relationship through the explicit offering of incentives and the threat of sanctions." Cortright and Lopez (2000: 28) offer a "bargaining model" to describe essentially the same policy – one that "views sanctions not as a policy unto themselves but as part of a continuum of policy instruments from the negative to the positive."⁵

⁵ Engagement is used here instead of bargaining because the latter has been used to describe punitive strategies, "dirty" bargaining (extortion, etc.), and war. In this study, both punitive and engagement strategies fit under the umbrella term of bargaining.

Suettinger (2000: 18) writes that the Clinton administration viewed its engagement strategy toward China as “an alternative to a punishment-or-sanctions-only means.” This alternative strategy is distinct from the punitive strategy – one that more closely resembles Morgenthau’s (1960: 566) view of diplomacy:

The objective of foreign policy is relative and conditional: to bend, not to break, the will of the other side as far as necessary in order to safeguard one’s own vital interests without hurting those of the other side. The methods of foreign policy are relative and conditional: not to advance by destroying the obstacles in one’s way, but to retreat before them, to circumvent them, to maneuver around them, to soften and dissolve them slowly by means of persuasion, negotiation, and pressure. In consequence, the mind of the diplomat is complicated and subtle. It sees the issue in hand as a moment in history, and beyond the victory of tomorrow it anticipates the incalculable possibilities of the future.

Analytical framework: sanctions as bargaining

While there is scholarship (Snyder and Diesing, 1977; Axelrod, 1981, 1984; Lebow, 1981; Long, 1996; Bernauer and Ruloff, 1999; Drezner, 1999; Haass and O’Sullivan, 2000) showing that engagement leads to target concessions, it is still unclear what conditions may lead a state to pursue either strategy. Why, for example, did the U.S. choose engagement with North Korea but punitive sanctions with Iraq?

The materialist (Schelling, 1960; Axelrod, 1984; Fearon 1994) and sociological (Schoppa, 1999; Lebow, 2007) bargaining perspectives provide a framework in which to understand U.S. sanctions strategy and the factors that may lead to its variation and change. This thesis analyzes the target’s threat level to the U.S., the target’s nuclear weapons capability, the level of international support for sanctions, and the U.S.-target relationship. To narrow its scope of inquiry this study investigates only U.S.-led sanctions against weaker targets, controlling for factors such as the type of sender regime, the balance of military capabilities, and the balance of economic power. This is justified

by the high probability the U.S. will be the military superpower and leading sanctioner for some time to come. The future targets' threat to the U.S., their nuclear capabilities and relationship vis-à-vis the U.S, and the international support for the sanctions are quite uncertain. If this study can help make connections between one or more of the independent variables and the dependent variable, observers may be better able to explain and predict the character of U.S.-led sanctions.

Operationalization of variables:

Dependent variable: The U.S. sanctions strategy

The dependent variable is the type of U.S. sanctions strategy, punitive or engagement. A punitive strategy is indicated by only negative sanctions. An engagement strategy is one of managing a strategic relationship through the promise or explicit offering of positive sanctions and the threat or use of negative sanctions (Suettinger, 2000: 27).

Independent variables:

Threat level in the dispute

This study separates the threats posed by targets to the U.S. into three categories: low, medium, and high. A low threat is one that does not threaten U.S. security or the security of its allies. A target's human rights abuse or a dispute with the U.S. that is only on the diplomatic level fits into this category. A medium threat does threaten the security of the U.S. or its allies, but this threat is not imminent or serious enough to involve major military operations. Most terrorism incidents fit into this category (the terrorist attacks on 11 September 2001 are a notable exception). A serious threat is either an imminent threat, or one that involves (or could possibly involve) major military operations.

The target's possession of nuclear weapons

While military capabilities naturally include nuclear arms, such weapons are so powerful that scholars often set them apart from conventional military capabilities (Zagare, 1987; Glaser, 1990; Powell, 1990; Gelpi, 1997). In this study, the U.S. has nuclear weapons. The interest then is whether or not the target has nuclear weapons. Taking Gelpi's (1997: 348) lead, the target is coded as having either no nuclear weapons capability or nuclear weapons capability. A state has capability if it has proven it has operational nuclear weapons or there is preponderant evidence signifying this is the case.

The extent of sanctions support

This study codes U.S. sanctions support as low, medium, or high. Low support is either unilateral sanctions or sanctions with only a few backers. Medium support involves significant international support but without the backing of an IO, or IO supported sanctions with problems of leakage or threats of leakage. Leakage is defined here as a state breaking its commitment – either partially or completely – to sanction another state. High support is significant and international with the backing of an IO.

The relationship between the disputing states

This study codes targets as allies or adversaries of the U.S. To qualify as allies states must have no serious security disputes or antagonistic diplomatic relations. Enemies have disputes that fundamentally challenge security interests and/or have antagonistic diplomatic relations (Lebow, 2007: 299).

Control variables:**Sender regime**

The sender and its regime type are controlled in this study. In this study's cases, the U.S. is either the lone sender or the leading sender. This study codes it a democratic country throughout the temporal domain.

Balance of military capabilities

Proponents of the materialist view of bargaining (Schelling, 1960, 1966; Snyder and Diesing, 1977; Fearon, 1994), argue that bargaining outcomes largely reflect the material costs and benefits faced by the participants. The state with a relative advantage in military capabilities faces lower costs in the event of a military conflict than the weaker state. As a result, dominant senders may exploit their position by using punitive sanctions. In all the cases selected the U.S. is the stronger party militarily.

The balance of economic power

Asymmetries in economic power, or the "the capacity to interrupt commercial intercourse" (Gilpin, 1987: 76), may have a powerful impact on whether the U.S. uses a punitive or engagement sanctions strategy. For instance, if the economic power of the U.S. is substantially more than the target, it can stop trading with the target without hurting its own economy or angering domestic business interests. This is also true if the U.S. can sufficiently substitute its loss in trade while the target cannot. While this may be an interesting hypothesis to explore, in all the cases examined here the U.S. is the stronger state economically.

Hypotheses:

Hypothesis 1: If the threat level increases, then the U.S. will respond with a punitive strategy. If the threat level decreases, then the U.S. will use engagement.

Null hypothesis 1: The threat level to the U.S. has no effect on its decision to use a punitive or engagement sanctions strategy.

In a perspective generally accorded to realism, security concerns lead a state to focus on relative gains. Security issues more closely approach zero-sum than other issues in which cooperation can be in everyone's best interests. As Hertz (1950: 157-180), Butterfield (1950: 19-20) and Jervis (1983: 174) explain, many policies that increase a state's security inevitably decrease the security of others. A security dilemma results: A state arms itself to increase its security, leading other states to feel vulnerable and to compensate by increasing their own capabilities. Jervis (1983: 174) finds four differences between security issues and other issues. First, security issues are often the most competitive. Military capabilities are only tested against other militaries, making their worth relative. If one state becomes better, the others must become worse. Second, in terms of military capabilities, insurance can also hurt. This is usually not the case in non-security issues where purchasing insurance against some calamity does not hurt another's interests. Third, security issues are most important to states because they are the prerequisite for everything else. A nation must be safe before it can get rich. Fourth, military capabilities are harder to verify and compare than capabilities in other spheres. In other words, there is greater uncertainty in security issues.

States have an interest in misrepresenting their full capabilities or keeping them secret. States also cannot be certain about the actions of their allies or enemies, and cannot know with reasonable certainty the outcome of disputes. Given this logic, the U.S. can not be expected to offer positive sanctions to a state that threatens its vital security interests. In a zero-sum game, positive sanctions would make the U.S. worse off and its adversary better off. Under such a condition, a U.S. engagement strategy with the target would be unlikely.

Hypothesis 2: If the target possesses a nuclear weapon, then the U.S. will use an engagement strategy. If the target does not have a nuclear weapon, the U.S. will employ a punitive strategy.

Null hypothesis 2: A target's possession of a nuclear weapon has no effect on the U.S. sanctions strategy.

A target's possession of a nuclear weapon may deter the U.S. from using negative sanctions, especially military force. According to Snyder and Diesing (1977), the possession of nuclear weapons constrains the use of coercion. With the introduction of nuclear weapons, war becomes potentially more costly. The weapons raise the consequences of error and in turn make it more risky for the U.S. to pursue its objectives by threatening or making war with a nuclear-armed state.

The U.S. is a nuclear state throughout the temporal domain of this study, controlling for the effect of its nuclear weapons on the U.S. sanctions strategy. However, it should be noted that for all of the U.S.'s nuclear arms, they have little offensive or threat capability to non-nuclear adversaries. It is hard to imagine the U.S. using nuclear

weapons on a non-nuclear state. Not only would there be considerable international criticism on the U.S., but the use of nuclear weapons would pressure other states to build up their own nuclear capabilities. Also, it would break the international norm or custom against using nuclear weapons. This could conceivably lead to other states opting to use nuclear weapons in their disputes. Therefore, it is reasonable to assume the U.S.'s nuclear weapons do not offer much in the way of bargaining power with a non-nuclear state.

Hypothesis 3: If the support level for U.S. sanctions decreases, then the U.S. will respond with a punitive strategy. If the support level increases, then the U.S. will use engagement.

Null hypothesis 3: The support level for U.S. sanctions has no effect on its decision to use a punitive or engagement sanctions strategy.

This study expects that the U.S. will pursue an engagement strategy rather than a punitive strategy in order to obtain and sustain support. There are two plausible reasons for this variable's effect. First, the effect may be due to the intersection of economic and political interests in the multinational group. Even when the U.S. has a dominant interest in a punitive strategy, it will likely soften its approach in order to satisfy its sanctions partners.

According to Martin (1993: 431), a leading sender – the U.S. in this study – should face difficulty in securing a high level of support because “states do not appear to have symmetrical patterns of interest, with similar preference orderings, that would allow them to achieve mutual gains assumed by most neoliberal theories.” As a result, the

issues involved in attaining and sustaining sanctions support amount to the “kinds of problems traditionally found in realist analyses” (Martin, 1993: 431).

However, there is another plausible explanation for the effects of support – one that lies somewhat outside the realist paradigm. The multinational group of senders may bond around a core of principles, rules, norms, and decision-making procedures that make engagement more likely than the alternative. The literature on regimes is of particular interest here.⁶ A regime is a concept developed to account for cooperative behavior among states at odds with realist expectations (Mares and Powell, 1990: 65). Krasner (1983: 2) provided the most recognized definition of regimes:

Regimes are sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.

In regime theory as interpreted by this study, the U.S. may overcome the difficulties in achieving cooperation by setting the terms around a normative and procedural core. One could expect this core to be based on some semblance of an already shared conception of norms and rules. Why? It is very costly to create and sell a new conception to potential partners compared to relying or interpreting a familiar

⁶ There is much debate among realists, neoliberals, and constructivists about the regime concept and its applicability. Some scholars (Strange, 1983; Moravcsik, 1992) have argued the concept is unnecessary to an understanding of international politics, while others (Krasner, 1983; Keohane, 1983, 1984; Young, 1983; Jervis, 1983; Ruggie, 1983) argue its benefits.

conception.⁷ In order to bargain terms, the leading sender relies on some common language of norms and expectations (Jervis, 1983: 196; Axelrod, 1986: 1097).

As Keohane (1983: 163) writes, “International policy coordination and the development of international regimes depend not merely on interests and power, or on the negotiating skills of diplomats, but also on expectations and information.” Cooperation among states is often based on the norm of reciprocity, or the expectation that a state’s cooperative move be met with a cooperative move in response (Axelrod, 1984; Keohane 1983).⁸ In the context of sanctions, this amounts to an engagement strategy: A sender offers positive sanctions for a target’s compliant moves and negative sanctions for defiant ones.

Theorists such as Keohane (1983, 1984) and Krasner (1983) do not assume that regimes are formed by symmetrical interests. In fact, a state’s dominant interest provides a critical leadership role in the construction and functioning of regimes⁹ (Krasner, 1983: 15). Still, the leader’s dominant interest is constrained by the interests of the other regime members. The leader allows the constraints of others because this cost is presumably less than the cost of no cooperation. In addition, after the regime’s construction, the leader faces an additional cost to its reputation that would follow from defection. What separates this perspective from the realist, in general, is the argument that the benefits of regimes are more symmetrically distributed than the power among members (Krasner, 1983: 365; Mares and Powell, 1990: 67; Nye, 1987). Also, one can expect regimes to continue even

⁷ It is quite possible a state would interpret a familiar conception in order to cloak a new one.

⁸ Keohane (1983: 165) argues that the norm of “straightforwardness” is also important.

⁹ The hegemon often assumes this leadership role in a regime (Krasner, 1983; Hass, 1983; Keohane, 1984).

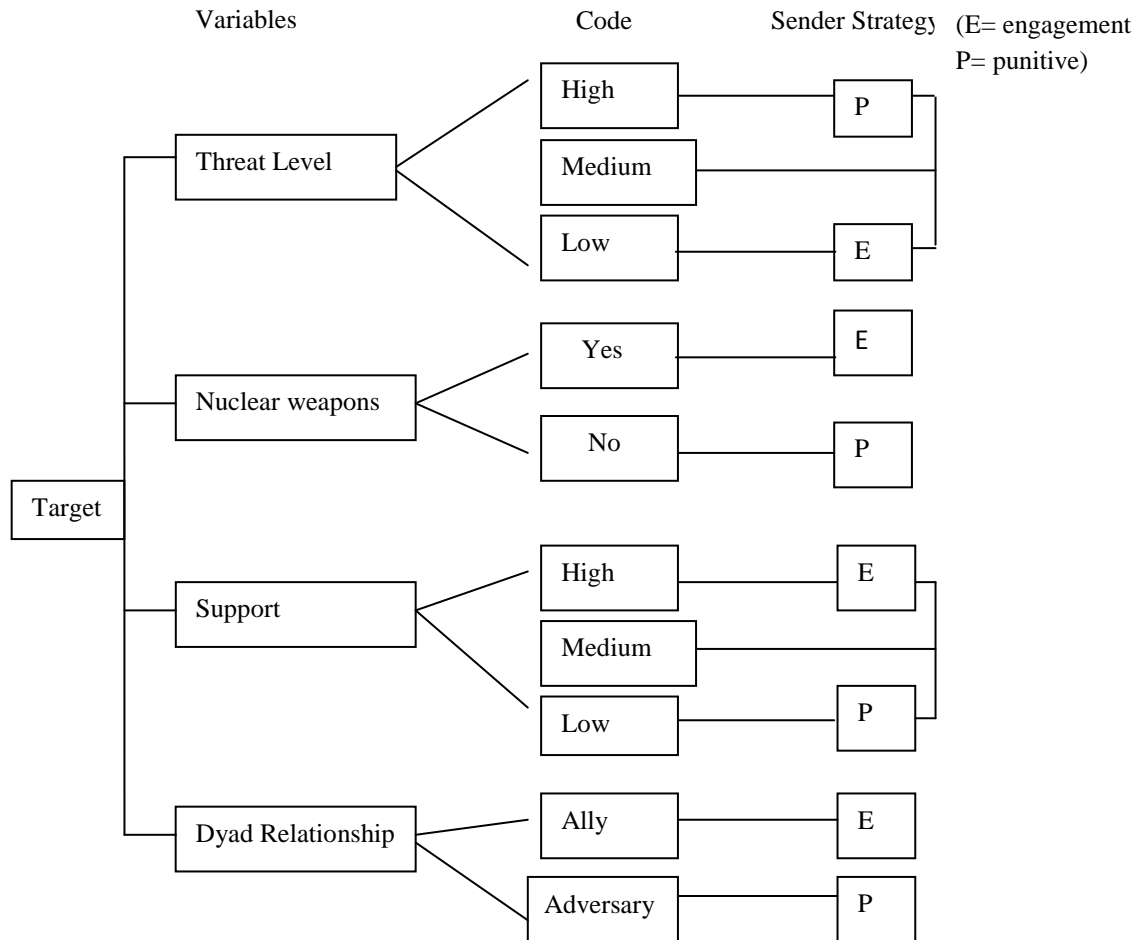
when power relationships change (Keohane, 1984: 100-103). It is beyond the scope of this analysis to argue whether sanctions function according to realism or the certain neoliberal and even constructivist tenets in regime theory. Whether the effect is due to the intersection of interests, a common normative and procedural conception, or some mixture of the two, a high level of support is expected to lead to an engagement strategy and a low level to a punitive strategy.

Hypothesis 4: If the U.S. is allies with the target, then the U.S. will use an engagement strategy. If the U.S. and the target are adversaries, then the U.S. will use a punitive strategy.

Null hypothesis 4: The relationship between the U.S. and the target has no effect on the sanctions strategy.

Scholars have long assumed this link. For example, Galtung (1967: 381) writes that the use of positive sanctions would be unlikely if “hatred was strong” between the sender and target. A sender will improve the status quo of an ally more readily than an adversary because of the greater likelihood an adversary will use its power to hurt the sender. A sender’s use of negative sanctions to degrade the target’s status quo decreases the ability of the target to hurt the sender. There is also the matter of trust. Sender states generally provide positive sanctions after an agreement with the target. Because states assume an adversary is more likely to cheat on an agreement than an ally, it is unlikely a sender will strike an agreement with an adversary target to provide positive sanctions. The risk of a target cheating is too high. This study expects this concern for relative gains to shape the U.S.’s strategy in a significant way.

Figure 1. Variables and hypotheses



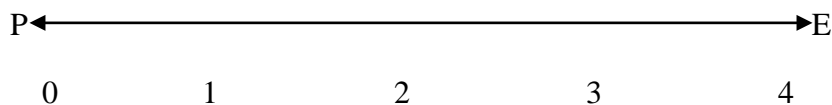
Methodology

Based on book, newspaper, and official government and IO sources, this study employs the comparative case study method to the U.S.-led sanctions against Iraq (1990-2003), North Korea (1993-present), and Libya (1972-2006). This method is characterized by research that is directed toward a large quantity of information about a few cases (Thagaard, 2002: 47). The advantage of this method is that by focusing on a few case studies the researcher can examine the empirics in some detail and appreciate some of the subtleties a large-N study might miss.

The case studies first will describe the type of strategy the U.S. pursued with the target through the major events of the sanctions period. There are two figures that follow each case. The first is a list of some of the major U.S. sanctions in the period: it is not intended to be comprehensive. Each sanction is coded as follows: U.S. military force is coded “0”, other negative sanctions (economic, diplomatic, and military threats) are coded “1”, the release of negative sanctions is coded “2”, the complete lifting of sanctions (or an agreement promising such) along with mixed sanctions packages is coded “3”, and a positive sanction without corresponding negative sanctions is coded “4.”

Figure 2. The strategy continuum

<u>Sanction Strategy</u>	<u>Policy</u>	<u>Code</u>
P	Use of Force	0
P	Negative Sanctions	1
E	Withdraw of Negative Sanctions	2
E	Lifting of all Sanctions	3
E	Economic or Military Aid	4



The second figure is a graph that charts the sanctions in order to show a trend in strategy. Occasionally the same year appears more than once on the x-axis. This signifies that there was more than one change in the status quo of the sanctions that year. In

charting the major sanctions in the three cases, U.S. sanctions strategy was found to change 20 times. In the analysis section, this study catalogues these 20 changes and the corresponding values of the independent variables. The coding of all variables is original.

Unlike Hufbauer et al. (1990) treatment of each sanctions case as one observation, this study's methodology allows one to see change within the temporal domain of a sanctions case. In its methodological design, Hufbauer et al. (1990) assume that the independent variables remain constant for the duration of the sanctions. This is a dubious assumption considering some cases last decades. For example, Hufbauer et al. (1990: 61) codes the "international cooperation with sender" as "modest" for the U.S. sanctions against Cuba that at the book's printing had lasted more than 25 years. However, during this period the sanctions had gained multilateral support with the Organization of American States (OAS) on 26 July 1964 and lost that support on 29 July 1975. The Hufbauer et al. (1990) study either overlooks this variation or averages it with all other variations in order to decide the single coding. This thesis, by coding the change in variables within a case, is better able to reflect the dynamism apparent in sanctions.

Case selection

This study's case selection came as the result of a trade-off between two methodological objectives: to find typical cases that function as a representative sample and demonstrate variation in the factors of interest (Seawright and Gerring, 2008; King et al., 1994). The cases are typical in that the U.S. is the sender and the targets are smaller and weaker states. According to the Peterson International Institute for Economics, the U.S. has been the leading sender 110 of the 170 cases.¹⁰ It is true this study's cases are

¹⁰ The database is continually updated at iie.com.

atypical in their long duration. Their mean duration is 35 years while the mean duration for the population of cases is about 8 years (Dorussen and Mo, 2001: 414). Still, these cases fulfill the second methodological objective by providing considerable variation in the factors of interest. Due to the limitations of the sample, however, any conclusions in this study apply only to sanctions with the U.S. as sender.

The problem of determining success

By comparing the presence of factors that condition the use of two contrasting types of sanctions strategies, this study avoids the problems associated with defining and measuring success. Scholars of the sanctions literature, in general, do not agree on what goals should be measured, how they should be measured, and what constitutes a “success.” McGillivray and Stam (2004: 154) note that scholars’ “understanding of the coercive success and failure of international sanctions is surprisingly limited.” Baldwin (1990: 80) suggests that scholars are “talking past one another because they ask different questions, use different concepts, and set the discussion in different analytical contexts. In short, they are talking about different things.”

As McGillivray and Stam (2004: 156) note, analysts often measure sanctions by their ability to achieve tangible and expressed political goals such as influencing policy in the target state. However, leaders may “sell” sanctions to their domestic audiences by outlining policy goals in the target, but privately hope that sanctions simply hurt an obstinate enemy (Cortright and Lopez, 2000: 3). In Galtung’s (1967: 381) view, leaders may intend negative sanctions to serve only “the function of tension release from the

latent hostility” engendered from the target’s behavior.¹¹ In such cases, success would not rely on the extent to which the target accedes to the sender’s demands. Also, if hurting the target is the goal, negative sanctions become successful by definition. As Nossal (1989: 316) writes, “Punishment always works.”

Along with unexpressed goals, there are also important intangible and symbolic goals (Cortright and Lopez, 2000: 16). Sanctions are sometimes derided as symbolic in order to separate them from strategic moves. This, however, is a false dichotomy. As Baldwin (1999: 102) writes, sanctions can be used like warning shots, giving symbolic action a strategic significance. They can also symbolize disapproval. With some exception (Galtung, 1967; Nossal, 1989; Hurd, 2005), scholars have not included intangible or symbolic goals when determining the success of a sanctions case. For instance, the U.S. levied sanctions on the Soviet Union after its invasion of Afghanistan that scholars have often called a failure because the Soviets did not retreat in response (Nossal, 1989: 315; Hufbauer et al., 1990: 664). This view suggests American policymakers believed sanctions would turn back the Soviet army, an assumption that is difficult to support considering the pessimistic outlook of Cyrus Vance, secretary of state under President Carter (*New York Times*, 21 January 1980).

While signaling resolve is important, there are other intangible goals such as establishing patterns of international cooperation, enhancing the reputations of international organizations and member states, setting beneficial precedents and examples, and signaling disapproval (Weiss, 1999; Cortright and Lopez, 2000: 16). Hurd

¹¹ Quote also in Nossal, Kim Richard. “International Sanctions as International Punishment,” *International Organization*, Vol. 43, No. 2 (Spring, 1989), 301-322.

(2005: 495) asserts three important findings: (1) states' perceptions of the legitimacy of international institutions influence behavior; (2) this legitimacy creates powerful symbols in international relations that are strategically useful to states in the pursuit of their interests; (3) and the distribution of material power does not necessarily parallel the distribution of symbolic power. Indeed, as Hurd points out, intangible goals and symbolic action may produce real results.

Many scholars judge sanctions primarily on the tangible goals achieved by the sanctions. For example, in the Iraq sanctions case Cortright and Lopez (2000: 48) concluded before the 2003 invasion of Iraq that sanctions were a partial success, although violations of ethical standards contributed to an "appalling human tragedy." After the invasion in 2003, Cortright and Lopez (2004) changed their assessment proclaiming that the sanctions "worked" considering that the U.S. found no stockpiles of WMD. In essence, Cortright and Lopez (2004) seem to believe that the success of the sanctions in Iraq could only be truly verified by a military invasion. However, the U.S. initially pursued sanctions as an alternative to an invasion of Iraq.

Jentleson (2000) deemed the Iraq sanctions regime a "limited and qualified success" because it kept Saddam Hussein contained militarily, although with significant costs to its civilian population. He (2000) counts the containment of Saddam Hussein as its main success, even though this was not the goal of the majority of the senders and was never stated in a Security Council Resolution. Other scholars (Cordesman and Hashim, 1997; Ramsey, 1998; Graham-Brown, 1999: 90; Malone, 2006: 121) take into consideration (in varying degrees) the humanitarian impact into their success evaluations. By assigning certain objectives with greater weight than others, researchers are imposing

their view of the world (realist, liberal, etc.) on the empirics. This process biases the results.

Due to these conceptual differences, one scholar's successful sanctions regime is another's failure. The Hufbauer et al. (1990, 1999) and Pape (1997) studies – both large-N quantitative works looking at precisely the same universe of cases – exemplify the ambiguity in the literature by coming to very different conclusions. The Hufbauer et al. study spanned the years of 1914 to 1990 and judged success by two components: Were the objectives achieved, at least in part? And how much did the sanctions contribute to a positive outcome? (1990: 41). Each sanctions case received 1 to 4 points (4 being the most successful) on each of these two qualifications. The scholars then multiplied the two scores, and deemed any case with a score greater than nine a success. They calculated a success rate for the 116 cases at 34 percent.

In 1999, Hufbauer et al. updated it to include the 50 new sanctions cases in the 1990s. The overall success rate remained about the same with 35 percent for the 170 sanctions cases from 1914 to 1999. Jentleson (2000) calls it the best example of the inconclusiveness in literature. Pape (1997: 66) writes that the study “provided the empirical support for the significant shift in the scholarly consensus on the effectiveness of sanctions from marked pessimism in the 1960s and 1970s to qualified optimism in the 1980s and 1990s.” His study analyzes Hufbauer et al.'s 40 successful cases and found that only five stand up to his scrutiny.

Pape (1998), however, has a more stringent definition of success. Pape's (1998: 70) success measure contained three criteria: “(1) the target state conceded to a significant part of the coercer's demands; (2) economic sanctions were threatened or

actually applied before the target changed its behavior; and (3) no more-credible explanation can exist for the target's change in behavior." Unlike the Hufbauer et al. study, Pape treats sanctions success as a dichotomous variable assigning cases in either the "success" or "failure" column. Out of the 40 Hufbauer et al. success cases, Pape (1997: 66) argues that 18 were settled by either direct or indirect use of force; eight cases lacked evidence that the target state made the demanded concessions; six do not qualify as economic sanctions; and three were indeterminate. With numbers such as these, Pape (1997: 77) contends that "there is no reason for optimism."

The quantitative studies' stark difference in success rates have more to do with conceptual and methodological differences than the empirics in question. As Hufbauer et al. (1990: 2) state, "Judgment plays an important role in assigning a single number to each element in the success equation." While this is a common issue in social science research, the Hufbauer et al. and Pape studies show the extent to which it can plague results. In the case of the Nigerian sanctions regime between 1967 and 1970, Hufbauer et al. recognize that the Nigerian military force was the decisive factor in Nigeria's victory. However, they argue that sanctions were a success because they weakened the Republic of Biafra's opposition. Pape disagrees with this assessment because the secession government of the Republic of Biafra held out under sanctions for three years before surrendering to Nigerian troops. In complicated cases, as are many sanctions episodes, a success score may obfuscate more than it clarifies.

Not only are leaders unlikely to determine policy based on the success rates of various options, the conclusions of the Pape and Hufbauer et al. studies suffer from a myopic view of policy making. Pape (1998: 67) asks in his study: are sanctions "a weak

instrument or a robust arrow?” After finding a success rate of about 5 percent, he concludes that sanctions are essentially worthless. Hufbauer et al. (1990) deem their findings of a 35 percent success rate as “modest” while Tsebelis (1990) calls their success rate “low.” Simon (1995: 205) cogently asks, “Low compared to what?”

Baldwin’s (1985: 126; 1999: 83) use of the logic of choice is a promising insight and places the success rate of sanctions in its proper perspective. It is not enough to conclude that sanctions are a poor tool of statecraft; one must show how a different tool is better. Baldwin (1999: 82) writes: “Choice implies alternatives. If policymakers have no alternatives, there is no choice to be made.”

Scholars often argue that maintaining the status quo is one alternative to sanctions. However, as Baldwin (1999) points out, this view is misleading. Leaders often choose sanctions or war because of an upset in the status quo. To be more accurate, the status quo option should be understood as allowing a new status quo. For example, the UN could have decided not to act in response to Iraq’s invasion of Kuwait. This would not be maintaining a status quo, however. It would be allowing another status quo to develop in the Middle East. The benefits of this option may be in the lack of immediate and direct costs. However, a new status quo may result in a stronger and more assertive adversary. This, in turn, may lead to a costlier confrontation in the future. In cases of states going nuclear, international acquiescence could allow for the development of an arms race or another geopolitical disruption. The development of a new status quo may lead to unstable economic markets and economic costs. It may also give the wrong signal to potential violators of international norms. In cases such as in Rwanda and Rhodesia, a

reluctance to act may be interpreted as passive acceptance of policies of genocide or racism.

While this study understands war as a severe negative sanction, scholars usually argue that war is an alternative to sanctions. Baldwin (1999: 84) writes that war's benefits in comparison to sanctions include a higher success rate. Although this study takes issue with the methodology and applicability of success rates, it is reasonable to assume a state has a greater likelihood of achieving an unconditional surrender over its adversary with war than sanctions. However, a war's costs range from high to astronomical. Not only are they draining in terms of blood and treasure, but their results are notoriously uncertain.

Therefore, sanctions success is properly understood as a relational concept. However, before the success of sanctions is compared with other policy tools, an analyst must derive it from the universe of cases or a representative sample. However, the literature suggests selection bias may confound this process (Baldwin, 1985: 5). Selection bias occurs when inferences are based on a nonrandom sample of cases that is not representative of the universe of cases from which it was drawn (Baldwin, 1999: 97). Morgan and Schwebach (2002: 39) argue that sanctions are likely to be used when there is a high probability they will be successful. This would bias the sample to overstate the success of sanctions.

Smith (1996) and Drezner (2003), on the other hand, argue that selection bias causes an underreporting of sanctions success. They argue that when sanctions are likely to succeed and there is a political willingness to impose them, sanctions will not be imposed because their mere threat is sufficient to persuade the target to change the policies in dispute. According to Smith (1996) and Drezner (2003), empirical evidence

supports the claim that the success of sanctions and the decision to sanction are strongly interdependent.

In either case, accusations of selection bias lead to much uncertainty. As Baldwin (1999) shows, it is not at all obvious how one should define the universe of cases.

Baldwin (1999: 98) writes:

Each of the following definitions is plausible: (1) instances in which economic sanctions were used or threatened; (2) instances in which sanctions were seriously considered, regardless of whether they were used or threatened; (3) instances in which an influence attempt was made, regardless of the technique used; (4) instances in which an influence attempt was seriously considered, regardless of whether it was made or not; or (5) instances of international interaction in which an influence attempt could have been considered, regardless of whether it was or not.

One can imagine the difficulties researchers would have judging whether an “influence attempt” was considered or not. Scholars are challenged enough determining whether sanctions cases are successes or failures. Although one or more types of selection bias likely exist in the empirical literature, efforts to remove it may face insurmountable obstacles. Baldwin (1999: 98) concludes, rather hopefully, that the different selection biases may cancel each other out.

In specific cases, assuming again that we know the sender’s desired outcomes, success is also relative to the case’s counterfactuals (Cortright and Lopez, 2000: 16). In other words, in analyzing a sanctions episode, a particularly bedeviling question remains: Would a different policy have worked better? In practice, scholars and policymakers have often judged and justified sanctions episodes based on counterfactual comparisons (Jettleson, 2000; Cortright and Lopez, 2000, 2004).

By comparing engagement and punitive approaches to sanctions, this study avoids the flaws in the sanctions scholarship that follow from attempts to conceptualize and measure success. First, it does not presume to know all the goals of particular sanctions cases, and therefore there is no attempt to measure the empirics to any leader's ideal outcome. Second, it avoids researcher bias because it does not presume to outline what goals are right or wrong, legitimate or illegitimate, important or tangential. Third, it outlines the differences between the two strategies and the conditions from which they spring. Only established sanctions episodes fill the universe of cases. This avoids the selection bias one must encounter when attempting to answer the question of whether sanctions "work." Fourth, counterfactuals are of a different nature in this study. Instead, in this study, counterfactual questions ask, "Under what conditions would the U.S. have likely chosen another strategy?" Questions such as this do not confound the analysis of this study as the counterfactual questions do in the success scholarship.

CHAPTER 2: BARGAINING THEORY

Introduction: Sanctions as bargaining

Clausewitz (1976: 605) called war the “continuation of political intercourse, with the addition of other means.” One can conceive of sanctions, negative and positive, in a similar way. Sanctions are a particular means of political intercourse or what this study understands as bargaining. Due to the absence of a central authority to allocate resources, Keohane (1984: 18) writes: “If actors are to improve their welfare through coordinating their policies, they must do so through bargaining rather than by invoking central direction.”

This conception of bargaining is more inclusive than the term usually implies (Snyder and Diesing, 1977: 22). As it is more commonly understood, bargaining is the interaction between parties who stand to benefit from an agreement but who suffer no substantial cost if they come to no agreement. For example, a car dealer and a car buyer have a common interest in making a deal. They may not reach mutually acceptable terms for an agreement because it is in their self-interests to get the best deal possible. Assuming other buyers and sellers are available and that the means of bargaining are nonviolent, this outcome does not lead to significant costs on either side. In this example, the parties bargain to attain common interests by bridging the gap between their respective preferences.

In contrast, sanctions bargaining often includes a coercive aspect, which involves the power to force a state to do something it would not otherwise do (Snyder and Diesing,

1977: 23). This process can exhibit blackmail, intimidation, and military force – techniques usually absent from the type of bargaining employed by dealers and buyers. The common thread in both contexts is that one side is presented with a choice between accepting the other side's offer and rejecting it in the hope for getting something better at the risk of getting something worse (Ibid.).

The difference is that in the marketplace the “something better” is a better offer from the other side. The “something worse” is no deal. In sanctions bargaining, the “something better” may be a better offer, but it also may be the withdrawal of a threat or reduction of a demand. The “something worse” may be no deal, but it may also be the harm of a threat carried out and the imposition of more stringent sanctions. Furthermore, the “no deal” option in sanctions bargaining often means the continuation of negative sanctions, which by their nature continually degrade the status quo in the target (and sometimes the sender). An oil embargo, for example, hurts the target everyday it remains. The “no deal” option in marketplace bargaining does not generally degrade the status quo of the buyer or seller.

This study focuses on sanctions bargaining, which often includes the threat and imposition of force. Still, the dynamics are theoretically close to common bargaining. As Schelling first postulated (Snyder and Diesing, 1977: 197), “deterrence” dissuades the other party from doing something by threatening or employing coercion and “compellence” persuades the other party to do something by offering incentives. This study uses the terms “negative sanction” and “positive sanction” rather than coercion and incentives, but the meaning is equivalent.

Snyder and Diesing (1977) trace a domain of bargaining. Outside the outer limit of coercive bargaining is pure coercion, a context in which there is no overlap of the actors' preferences. Snyder and Diesing (1977: 196) argue that some contexts are "pure coercion" if the sender¹² would have no incentive to withhold the threatened harm even if the target¹³ met the sender's demand in full. Snyder and Diesing (Ibid.) write that in a case of pure coercion, "since there is no element of common interest, it is not bargaining." Outside the outer limit on the other side of the spectrum Snyder and Diesing (1977: 197) call "pure coordination," a context in which the actors' preferences are identical. In this situation there is only common interest, and the actors' interaction is better described as problem solving than bargaining.

The bargaining apparent in sanctions cases (and interstate bargaining in general) does not approach the outer limit of pure coordination. On the other hand, sanctions can approach what Snyder and Diesing (1977) call the outer limit of pure coercion. As the case studies will show, leaders sometimes signal that their interests are incompatible with the other party's. This may indeed demonstrate a wide gap between preferences, but it is arguable whether this signifies incompatibility. For Schelling (1960; 1966), the bargaining domain could reach farther into the coercive realm than Snyder and Diesing (1977) allowed. Even the most coercive bargaining contains a measure of common interest – the mutual desire to avoid the harm inflicted on both parties if a threat is carried out. Schelling's (1966: 136) definition of bargaining is broad:

¹² Snyder and Diesing (1977: 196) use the term "threatener."

¹³ Snyder and Diesing (Ibid.) use the term "victim."

Analytically ... the essence of bargaining is the communication of intent, the perception of intent, the manipulation of expectations about what one will accept and refuse, the issuance of threats, offers, and assurances, the display of resolve and evidence of capabilities, the communication of constraints on what one can do, the search for compromise and jointly desirable exchanges, the creation of sanctions to enforce understandings and agreements, genuine efforts to persuade and inform, and the creation of hostility, friendliness, mutual respect, or rules of etiquette.

To Schelling (1960, 1966), war was either bargaining or pure coercion depending on its purpose. Only a war of “complete extermination” could be considered pure coercion and out of the realm of bargaining because it contains no limits that could be possibly agreed upon by the combatants (Schelling, 1960: 4). Any war with a purpose that stopped short of complete extermination was a limited war to some degree. As Clausewitz did before him, Schelling (1960, 1966) conceives of military force as means to bargain for political ends. Schelling (1966: 7) writes that military force for purely military objectives “is neither clean nor heroic; it is just purposeless.”

Even the U.S.’s use of atomic bombs on Japan fit into this conception. The purpose of the nuclear bombings was not the killing of hundreds of thousands of Japanese – it was the surrender of Japan to the U.S.’s terms. To this end, nuclear weapons signaled U.S. strength and resolve and persuaded Japan to sign a peace treaty. If the U.S.’s purpose had been to exterminate the Japanese people, there would be no reason for Japan to surrender or for the U.S. to stop bombing. As such, there would have been no bargaining.

Materialist bargaining perspective

There are, broadly put, two perspectives on bargaining – materialist and sociological. These perspectives explain the processes and outcomes of bargaining by

studying its conditions including power, interests, relationships, and norms. In general, materialist bargaining theory is concerned with power and interests. Sociological bargaining theories study these conditions, but they also emphasize the importance of relationships, norms, and institutions in setting certain “rules of the game” that constrain the bargaining process. There is considerable overlap in the two perspectives, but the demarcation still clarifies more than it obfuscates.

Materialist bargaining theories proceed from certain realist assumptions. First, negotiations take place in an anarchic international environment that compels states to maintain security by maximizing relative power resources (Snyder and Diesing, 1977: 3). As Snyder and Diesing (1977: 4) write, “Since war is always possible, the implicit or explicit threat of war is the ultimate form of political pressure and the ultimate means to security and other values.” Second, leaders are able to make rational cost-benefit calculations based on the information available. While Schelling (1960; 1966) and Snyder and Diesing (1977) recognize that bargaining in reality may depart from these assumptions, they argue these assumptions provide a benchmark to assess strategic behavior. Given this ontology, studies in the materialist perspective have focused on the power resources of each side, the costs and benefits involved in the particular issue, and material factors that affect the credibility of threats or promises.

The materialist perspective on bargaining power

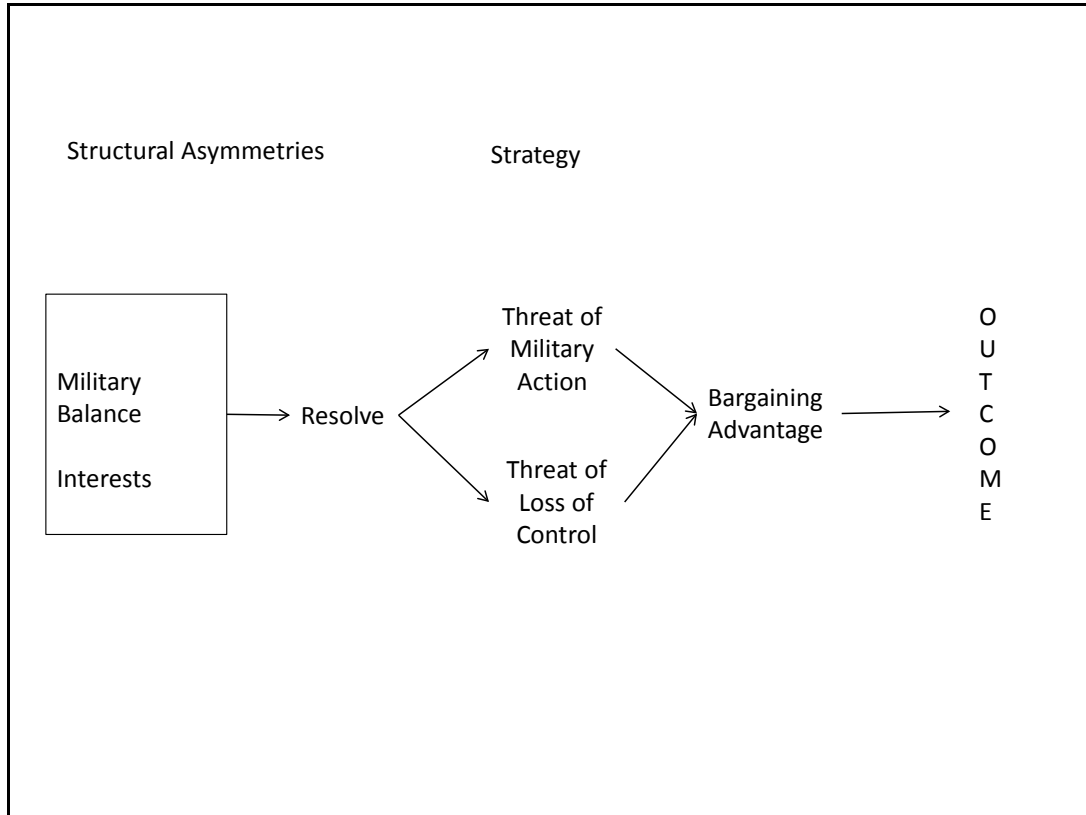
Snyder and Diesing (1977: 197) define bargaining power as the “capacity to achieve results – i.e., to gain or avoid losing some portion of the object in conflict – a capacity that becomes manifest in the outcome.” In the materialist approach, bargaining outcomes largely reflect the balance of power between the two parties. This formulation

of power presents a tautology: the more powerful party can only be determined after the outcome is decided. In any case, materialists conceive of power as derived from two broad sources: the parties' relative military strengths and their interests engaged in the conflict (Snyder and Diesing, 1977: 198). As Greenhalgh and Kramer (1990: 192) write, the common goal of bargaining in the materialist perspective is to exploit the other party's fears, needs, and vulnerabilities. To extract concessions, the sender must have the material capability and the will to carry out a threat large enough to reverse the target's cost-benefit calculations. In other words, the power of the actor and the credibility of its threats are closely linked. Lebow (2007: 227) writes, "Credible threats are the mechanism transforming favorable bargaining advantages into favorable outcomes." Indeed, if the balance of power is asymmetrical enough there will be no bargaining because the weaker side can be expected to capitulate (Schelling, 1966: 9; Snyder and Diesing, 1977: 194).

To the materialist, based as it is on realist doctrine, a state bargains to advance its national interest defined in terms of power (Morgenthau, 1960: 5). There is a debate among realists over whether a state continually seeks to aggrandize its power or stops when a balance of power is reached (Waltz, 1954: 27-41). Despite the difference between what scholars have termed "offensive realism" and "defensive realism" respectively,¹⁴ materialists are generally united in assuming that a state bargains for power. In the figure below, the parsimonious quality of the materialist view is apparent. States' power and interest are the foundation with which resolve transforms into outcome. Unless states reach the status quo ante, this outcome redistributes power.

¹⁴ Mearsheimer (2001: 22) has offered a clear review of the different strains of realist thought.

Figure 3. The materialist bargaining perspective



Sociological bargaining perspective

The sociological bargaining perspective critiques the realist assumptions of anarchy and rationality on which the materialist perspective stands. On the anarchy assumption, the sociological perspective starts from the ontological point of “states (as) strategic actors embedded in a socially constructed environment” (Hurd, 2005: 497). As such, relationships between states are not static as assumed by the materialists. To some extent state relations are shaped by the distribution of capabilities, but they also can become independent of this distribution over time.

These different ontologies have different behavioral implications for states (Wendt, 1999: 37). A state that views the other party as having legitimate rights to

exercise power, that views the other with trust, or that views the other as playing within the rules of the game will respond to threats in a different way than will a state that views the other as a distrusted rival who is in violation of international norms (Schoppa, 1999: 338). Wendt (1999: 255) writes, “Five hundred British nuclear weapons are less threatening to the US than five North Korean ones because of the shared understandings that underpin them.” If anarchy does not affect all states the same way, there is no “logic of anarchy” (Wendt, 1999: 247). As Schoppa (1999: 339) argues the “(international environment) can be a completely self-help world, or it can be one in which nations engage each other with trust and respect.”

Furthermore, the sociological perspective relaxes or completely eschews (depending on the scholar and the work) the realist assumption of rationality on which the materialist perspective depends. It theoretically allows for actors to misperceive and misjudge based on information that can be imperfect. In addition, according this perspective, actors often select the information they want and discard the rest, contaminating the process with bias. An important part of the work in the sociological perspective is a critique on the materialist perspective. As Schoppa (1999: 339) contends, “Materialist bargaining theory assumes a certain social context: one in which there are self-interested rivals operating in a context of distrust and latent hostility.” For scholars such as Schoppa (1999), the realist assumptions that form the core of the materialist perspective should be tested – not assumed. As such, the social perspective can develop testable hypotheses and a positivist research program (Wendt, 1999: 37).

The sociological perspective on bargaining power

The sociological perspective proposes that bargaining outcomes are not conditioned only by the material capabilities and interests of states. Instead, the material is given meaning and a certain degree of importance by the social process through which nations interact. Social theorists, as Schoppa (1999: 338) writes, do not slight the importance of material factors. Instead, they suggest such factors are not enough to explain bargaining outcomes. Those in the sociological perspective also argue that interests are social constructions rooted in particular values, visions of community, and conceptions of politics (Wendt, 1992, 1999; Lebow, 2007: 229).

Lebow (2007: 270) calls the materialist view more of a caricature than an approximation of reality.

Schelling's formation of coercive bargaining is ... inadequate for what it excludes. Perhaps the most striking omission is the promise of rewards. Persuasion can take two forms: threats to make a rejection of a proposal too costly, and rewards to make it more attractive. Bargainers commonly rely on carrots and sticks to shape others' preferences – this is especially true in international crises where the political cost of appearing to back down in the face of superior threats may be greater than the punishment those threats entail.

According to Lebow (2007: 262), a reliance on threats can transform a bargaining encounter into a test of wills in which the goal of not giving in becomes at least as important as safeguarding whatever substantive interests are at stake. Lebow (Ibid.) writes: "The need to understand the goals and perspective of the other side puts a premium on information and empathy. So does the need – difficult under the best of circumstances – to frighten and reassure an adversary at the same time." The inclusion of positive sanctions does not take a study out of the domain of materialist theory. As value additions to the status quo, positive sanctions are as material as negative sanctions.

However, Lebow's focus on the psychological impact of positive and negative sanctions does fit the study into the sociological perspective's domain.

The two perspectives and this study

Each bargaining perspective has a different ontology that leads to alternate focuses and potentially divergent conclusions. However, it is beyond this study to choose a particular perspective or attempt to support one or the other. The first two variables, the target's threat level to the U.S. and the target's nuclear weapons capability, are operationalized and studied in a largely materialist way. The third independent variable, the degree of sanctions support, could affect the U.S. sanctions strategy in ways that could fit in either perspective. A materialist explanation might focus how the number of sanctions supporters affects the interests of the U.S. in an engagement or punitive strategy. A sociological explanation might focus on how multilateral support reinforces legitimacy and norms, which then set certain constraints on the U.S. sanctions strategy. Of the four independent variables, only the relationship between the U.S. and the target is derived from the concerns of strictly the sociological perspective.

CHAPTER 3: CASE STUDIES

U.S-led Sanctions on Iraq (1990-2003)

Background

Saddam Hussein rose to prominence in the Arab nationalist Ba’th party by training as a hit-man with a group of fellow young members (Marr, 2004: 92). The group attempted to assassinate Iraqi leader Abd al-Karim Qasim on 7 October 1959, but the attempt failed and Saddam Hussein had to flee to Syria. On the positive side for the Ba’thists, the assassination attempt brought the party national attention (Ibid.). By the time Saddam Hussein became president in 1979, he was the unquestioned leader of a Ba’th party that had grown in power and ruthlessness. Saddam Hussein’s first major foreign operation was the invasion of Iran – a move that the U.S. found a common cause with Saddam Hussein in weakening or replacing the new Islamist regime in Iran. The U.S. provided Iraq with massive amounts of military supplies and satellite pictures of Iranian positions during the Iran-Iraq war (Graham-Brown, 1999: 2-3). In 1987-1988, the U.S. got directly involved, destroying Iranian offshore oil platforms and sinking Iranian warships¹⁵ (Marr, 2004: 190).

In 1988 and 1989, there were many reports of the Iraqi government “clearing” villages, engaging in mass killings, and forcing the deportation of more than 100,000

¹⁵ A U.S. cruiser also shot down an Iranian passenger plane killing 290 people. While the U.S. claimed the incident was an accident, many Iranians saw it as intentional (Marr, 2004: 190).

Kurds during the Anfal campaigns. Iraq's use of chemical weapons in Halabja was particularly horrific (Graham-Brown, 1999: 5). Indeed, the Senate Foreign Relations Committee sponsored a resolution in 1988 calling for significant financial sanctions, but it was opposed by the first Bush administration. Graham-Brown (1999: 6) writes: "The White House called the sanctions proposed after Halabja 'terribly premature' and counterproductive for 'billions of dollars' of business for US companies."

No clear winner emerged from the Iran-Iraq War, which ended in 1988 and cost both sides dearly. Iraq came out heavily in debt to the fellow Arab states of Kuwait and Saudi Arabia, but Saddam Hussein argued for loan forgiveness due to his self-perceived role as the Arab protector against the Persian-Iranian enemy. The Saudis obliged but Kuwait would not, probably because it wanted to link any loan forgiveness to a settlement of Iraqi claims on the border (Marr, 2004: 220). In February 1990, Iraq became even more desperate when oil prices dropped. On 1 August 1990 Saudi Arabia mediated talks between Iraq and Kuwait. Iraq demanded Kuwait stop breaking OPEC quotas, and he signaled a warning by calling Kuwait's cheating as "a kind of war against Iraq" (Marr, 2004: 225). Along with his demand for loan forgiveness, Saddam Hussein demanded Kuwait relinquish control of territory in order to give Iraq direct access to the Persian Gulf. Kuwait rejected Saddam Hussein's demands and the talks fell apart (*Washington Post*, 3 August 1990).

U.S. leads a response to Iraq's invasion of Kuwait

On 2 August 1990 Saddam Hussein made his second fateful foreign policy decision by ordering the invasion of Kuwait. It was a surprise move, and the Iraqi army reached Kuwait's capital by early morning. Washington contacted U.S. ambassador to the

UN Thomas Pickering with news of the invasion and asked him to alert the Security Council members with a request that they immediately condemn the invasion (Hume, 1994: 187-188). In a matter of hours the Security Council agreed on Resolution 660, which found Iraq in breach of “international peace and security” in reference to Chapter VII of the UN Charter.

By the time of Iraq’s invasion of Kuwait, the permanent five members of the Security Council had built some trust due to its recent successes in Namibia, Central America, and Cambodia. International support for Namibia’s independence had been held up because of Cold War tensions, but by 1990 the UN organized and operated one of the most ambitious peacekeeping missions to date (Malone, 2006: 59). The USSR and U.S. worked together to convince the Front-Line states and South Africa to comply with the process and also rebuffed a military challenge from SWAPO forces in Angola. The Security Council achieved other successes in brokering a Vietnamese withdrawal of Cambodia in 1989 and achieving a reduction of Cold War tensions in Nicaragua and El Salvador (Malone, 2006: 58).

The Iraq invasion of Kuwait seemed to offer the international community an opportunity to further strengthen the institution of the UN and uphold international norms. All nations except Iraq and Yemen supported Resolution 660, which provided a foundation for the Council’s strategy in demanding an immediate and unconditional withdrawal of Iraqi troops from Kuwait. Consensus was built on a widespread understanding that a takeover of Kuwait would allow Iraq to become the regional economic and military hegemon (Marr, 2004: 230). In an unprecedented show of solidarity, the foreign ministers of the U.S. and the USSR, James Baker III and Eduard

Shevardnadze respectively, issued a joint statement condemning Iraq's invasion. Baker (1995: 16) said at the time, "That August night, a half-century after it began in mutual suspicion and ideological fervor, the Cold War breathed its last at an airport terminal on the outskirts of Moscow."

After a meeting on 9 September 1990, Presidents Gorbachev and Bush reinforced their cooperation on Iraq (Malone, 2006: 64). On 1 October, Bush addressed the UN General Assembly:

We have a vision of a new partnership that transcends the Cold War: a partnership based on consultation, cooperation, and collective action, especially through international and regional organizations; a partnership united by principle and the rule of law and supported by the equitable sharing of both cost and commitment; a partnership whose goals are to increase democracy, increase prosperity, increase the peace, and reduce arms.

The day before the Security Council passed Security Council Resolution 678, the General Assembly voted 148-1 to condemn the Iraqi invasion and occupation, which sent strong support to the Security Council. Resolution 678 gave Iraq "one final opportunity, as a pause of goodwill" to withdraw from Kuwait in accordance with Resolution 660. More importantly, it authorized the UN to "use all necessary means" to restore peace and security in the region if Iraq failed to comply. The resolution passed with only Cuba and Yemen voting against.

Moscow's vote showed a clear and significant shift in its foreign policy (Malone, 2006: 69). The cooperation in the Security Council seemed to promise for the UN a "new lease on life" (Malone, 2006: 77). From March 1991 to October 1993, the Security Council passed 185 resolutions (five times the rate in previous decades), initiated 15 new

peacekeeping and observer missions (as opposed to 17 in the previous 46 years), and vetoed resolutions at a rate 80 percent less (Malone, 2006: 78).

Saddam Hussein continued his occupation of Kuwait and on 12 January 1991 the U.S. Congress authorized President Bush to use force in Iraq. The war, codenamed Operation Desert Storm, began on 17 January 1991. Saddam Hussein promised the “mother of all battles,”¹⁶ but by 27 February the U.S.-led coalition troops destroyed the Iraqi military and liberated Kuwait. Mindful of the dangers of “another Vietnam,” the coalition forces aimed for a limited war with clear objectives. Graham-Brown (1997: 18) writes, “At this stage, the U.S. administration and the military establishment had one common and immediate goal: to get their troops home and declare a ‘victory’.”

U.S. nonintervention in the intifada

The UN troop withdrawal led to the intifada, or the “uprising” which began in Basra around 1 March 1991. The rebellion quickly spread through the predominately Shi’i South. A Kurdish uprising in the north of Iraq soon followed. The intifada was started by angry and humiliated Iraqi soldiers and strongly supported by a population who had enough of Saddam Hussein (Marr, 2004: 242). President Bush (*St. Petersburg Times*, 6 April 1991) seemed to encourage the possibility of rebellion during the Gulf War on 15 February, a month after the start of the allied bombing: “And there’s another

¹⁶ Louis Jay Herman, a retired UN translator, wrote a letter to the editor of the *New York Times* in which he argues that Saddam was mistranslated as saying the “mother of all battles.” Saddam’s Arabic phrase (umm al-ma’arik) can best be translated “the great battle,” “the mighty battle,” or the “decisive battle” (*New York Times*, 25 February 1991).

way for the bloodshed to stop, and that is for the Iraqi military and the Iraqi people to take matters in their own hands and force Saddam Hussein, the dictator, to step aside.”

On 6 March 1991, five days into the intifada, Bush (Ibid.) said in a joint session of Congress:

The war is over. This is a victory for every country in the coalition, for the United Nations. A victory for unprecedented international cooperation and diplomacy ... I'm sure that many of you saw on television the unforgettable scene of four terrified Iraqi soldiers surrendering. They emerged from their bunker broken, tears streaming from their eyes, fearing the worst. And then there was an American soldier. Remember what he said? He said: 'It's okay. You're all right now. You're all right now.' That scene says a lot about America, a lot about who we are.

Only three days later on 8 March, Bush's (Ibid.) focus was considerably less on U.S. solidarity with disaffected Iraqi soldiers: “In the first place, we never have felt that it was in the interest of the gulf or certainly of the United States to create a vacuum in Iraq. And we have not wanted an unstable Iraq.” The uprisings promised instability, and the U.S. worried that a revolution would usher in an Iranian-backed government (Marr, 2004: 246). Instead of supporting the intifada, the U.S. decided to stay out of the unfolding violence as Saddam Hussein unleashed helicopter gunships against rebellion forces in the North and South. On 2 April with Kurdish rebels near defeat, the Bush administration maintained it had never held the “goal” of ousting Saddam Hussein (*St. Petersburg Times*, 6 April 1991).

The next day, Bush (Ibid.) said he would not order Iraqi helicopters to be shot down: “I do not want to see us get sucked into the internal civil war inside of Iraq.” Essential to the U.S.'s careful Iraq policy were two assumptions: First, Saddam Hussein would not survive the Gulf War defeat and most likely would be deposed by a military coup. As Byman (2001: 498) writes, this assumption fit with U.S. designs: “The United

States has preferred a coup as a means of regime change, as this would be more likely to leave a strong government in power than would other methods.” Secretary of State James Baker III (1995: 442) wrote in his memoirs that “(the first Bush administration was) always very careful to negate (the deposing of Saddam Hussein) as a war aim or a political objective. At the same time, we never really expected him to survive a defeat of such magnitude.” During the sanctions period, the C.I.A. encouraged members in the Iraqi military to stage a coup, but the plots were always foiled by Iraqi intelligence (*Washington Post*, 16 May 2003).

The second U.S. assumption was that Iraq would comply with the disarmament portion of Security Council Resolution 687. This resolution came to be known as the “mother of all resolutions,” to mock Saddam Hussein’s earlier warning of a “mother of all battles” for Kuwait. Among its provisions: UN demarcation of the Iraq-Kuwait border; UN observers to monitor a demilitarized zone; the unconditional and complete disarmament of WMD, ballistic missiles with a range more than 94 miles, and all related production facilities; payment of debt and reparations to Kuwait, with a fund created to meet Kuwaiti claims with Iraqi oil money; and the return of all Kuwaiti citizens and property. It would provide the overarching legal framework for the sanctions regime that would last until the U.S.-led invasion of 2003.

A rift in the Security Council over bargaining strategy

The ensuing UN sanctions were the most comprehensive and long-lasting in history. Before the sanctions, oil production accounted for 60 percent of Iraq’s GDP (Hayes, 2006). With the embargo production decreased 85 percent and per capita income decreased from the prewar level of \$2,000 to \$609 in 1992 (Marr, 2004: 268). Former

UN chief arms inspector Richard Butler contends that a “carrots and sticks” approach was pursued – the stick was the sanctions and the carrot was the release of sanctions. However, the U.S. government made it clear that sanctions would remain as long as Saddam Hussein remained in power.

In 1991, National Security Adviser Brent Scowcroft said sanctions would remain as long as Saddam Hussein ruled Iraq (Niblock, 2001: 115). In early August 1992 Scowcroft reportedly assured Iraqi opposition leaders that the U.S. would support them until Saddam Hussein was removed (Observer, 2 August 1992). On 26 August 1992, Bush announced that the U.S., Britain, and France would enforce a no-fly zone over Southern Iraq and recommended the Iraqi people topple Saddam Hussein (Guardian, 27 August 1992). In November 1997, President Bill Clinton (Bovard, 2004) said, “Sanctions will be there until the end of time, or as long as (Saddam Hussein) lasts.” While no UN resolution called for the removal of Saddam Hussein, the evidence suggests the U.S. had linked sanctions to the regime’s survival. The U.S. stance effectively removed all carrots from the table because it sought to remove its bargaining partner – the Saddam Hussein government.

In 1993, a rift developed in the Security Council with the U.S. and Britain on one side and Russia, France, and China on the other. The two camps conflicted on whether to pursue a punitive or engagement strategy with Iraq. Cordesman and Hashim (1997: 358) write that it soon became clear that the U.S. was trying to win a more absolute victory after the Gulf War than it chose to win during it. As Malone (2006: 104) writes, the split signaled the rise of two important and competing conceptions of the Security Council – it was “a Council powered by rules versus a Council ruled by power.”

Paragraph 22 of Resolution 687 supports the view that originally the U.S. believed there should be an incentive to comply with the most punitive part of the resolution. The paragraph states that the embargo on Iraqi oil and other imports “shall have no further force or effect” once Iraq complied with the requirements of the resolution pertaining to the destruction and monitoring of its WMD and the establishment of the UN compensation fund. By 1994, the U.S. and British governments chose to ignore or play down the separate requirements of Paragraph 22 (Graham-Brown, 1997: 78). The U.S. and British governments instead chose to highlight Paragraph 21 of Security Council Resolution 687 in which a decision to reduce or lift the embargo is dependent on the 60-day review “in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council.”

The phrases “policies and practices” and “all relevant resolutions” were ambiguous enough to allow for different interpretations in the Security Council. From the U.S. and British position, there would never be enough trust in the “policies and practices” of a Saddam Hussein government to allow for a reduction or release of sanctions. Albright said in a 26 March 1997 speech: “Our view, which is unshakable, is that Iraq must prove its peaceful intentions. It can only do that by complying with all of the Security Council Resolutions to which it is subject.” This was, she said, out of the realm of “reality and probability.”

In contrast, France, Russia, and China¹⁷ favored an engagement strategy to change Iraq’s policies in the ways outlined in Resolution 687. In their view, if Saddam Hussein remained in power, it was “a fact of life” (Graham-Brown, 1999: 60). These

¹⁷ Compared to Russia and France, China played less of an outspoken role.

governments interpreted Paragraph 22 as allowing for the lifting of the oil embargo with evidence of compliance with the paragraphs relating to WMD, and not dependent on Iraqi compliance of any other part of the resolution. In their view, a favorable report from the UN Special Commission (UNSCOM), the agency in charge of weapons inspections, justified lifting of the embargo (Graham-Brown, 1997: 78). Rolf Ekeus, UNSCOM's first chairman, agreed with this view stating that it coincided with his understanding of Paragraph 22 (*New York Times*, 20 July 1993).

On 20 July 1993, Paul Lewis of the *New York Times* quoted a senior U.S. official who said that some UN officials and members of the Security Council believed that Iraq should be able to sell oil once it fulfills the terms of Paragraph 22. The U.S. official added: "We're trying to find a creative way to say no to that ... Their compliance has to go beyond 687. We haven't been holding out any carrot. We've been brandishing the stick."

Although the U.S. was careful not to destabilize Iraq, its punitive policy did not exclude the use of military force. In October 1994, the U.S. demonstrated its willingness to fight when intelligence agents discovered Iraq was deploying two Republican Guard divisions near the Iraq-Kuwait border (Byman, 2001: 506). After Iraq was notified of the discovery, it threatened to expel UNSCOM inspectors. This led the U.S. to bolster its forces in the region and to threaten Iraq with war if it refused to withdraw its forces from the border. Iraq not only withdrew, but it went further in recognizing Kuwait's independence and accepting the revised Iraq-Kuwait border (Ibid.).

Despite Iraq's capitulations in 1994 and the growing rift in the Council, the U.S. could continue its punitive sanctions policy because the sanctions were based on Security

Council resolutions. This ensured that only a unanimous vote from the Council could lift the sanctions. However, the U.S. could not afford to be impervious to the UN criticism of its policy when it reached a point where it threatened the sanctions' legitimacy. As Byman (2001: 499) writes, "Washington believes that international support increases the legitimacy of U.S. policy in general, helping sustain the backing of key regional states such as Saudi Arabia and Turkey."

The humanitarian disaster became the focal point of widespread criticism. Under sanctions, hyperinflation caused the price of food to skyrocket, and drugs and essential medical supplies became scarce under sanctions. Iraq's GDP went from \$64.4 billion in 1988 to \$15.4 billion in 1997. In 1996, The UN Food and Agriculture Association (FAO) reported that 29 percent of children were moderate to severely malnourished – one of the worst rates in the world (FAO Report, 1995). The FAO medical team also estimated that 567,000 children had died as a consequence of the sanctions (The Lancet, 2 December 1995). While it is impossible to completely separate the effects of sanctions from the first Gulf War (Baram, 2000), even conservative estimates put the number of deaths due to sanctions at 350,000. The 1999 United Nations Children Emergency Fund (UNICEF) survey supported FAO's 1995 report concluding that at least half a million children died as a result of the sanctions.

Table 1. Iraq prices of selected foods (dinars per kilogram)

Commodity	July 1990	August 1991	February 1993	June 1993
Wheat flour	0.12	2.36	4.00	21.00
Rice	0.20	3.62	9.50	17.00
Vegetable oil	0.70	9.82	22.00	65.50
Sugar	0.20	4.42	11.50	29.50
Tea	1.00	25.18	58.00	192.00
Red meat	6.00	15.18	75.00	90.00
Eggs (per 30)	2.25	13.25	68.00	80.00

Source: Clawson (1993), The Peterson Institute for International Economics (2003) based on data from the World Food Program.

Oil-for-food resolutions: de facto positive sanctions?

By 1995, the pressure from member countries in the UN was strong enough to convince the U.S. that it was in its best interest to offer Iraq the “oil-for-food” Resolution 986. At first, Saddam Hussein rejected Resolution 986, apparently convinced UNSCOM was close to issuing a favorable report that could lead to the end of sanctions altogether (Marr, 2004: 281). The U.S. intended Resolution 986 as a measure to save the sanctions regime as Robert Pelletreau, Assistant Secretary for Near Eastern Affairs, said before the House International Relations Committee on 12 June 1996: “(The Resolution) is a humanitarian exception that preserves and even reinforces the sanctions regime.”

However, Saddam Hussein’s strategic calculation seemed to change after his son-in-law, Hussein Kamel al-Majid, defected from Iraq. Kamel revealed that Iraq had a large biological weapons program, something weapons inspectors had not even suspected until

that point (Byman, 2001: 506). Not only were inspections deemed less reliable after Kamel's revelations, but suddenly the chance of an UNSCOM report clearing Saddam Hussein seemed remote. After months of negotiations, Iraq agreed to Resolution 986 and exported its first shipment of oil in years in December 1996. The Resolution allowed Iraq to sell \$2 billion of its own over six months, and its terms were renewable every 180 days. Resolution 986 could be considered the first positive sanction offered to Iraq because it increased Saddam Hussein's power and wealth. The U.S. had long argued that Saddam was exploiting the suffering of his people, but one could argue that the UN inadvertently connected positive sanctions to humanitarian suffering. Given the link, Saddam Hussein's exploitation seems more rational – if extremely callous.¹⁸

¹⁸ Others (Graham-Brown, 1999; Niblock, 2001; Bovard, 2004) argue that it was the U.S. sanctions strategy that was callous, a position perhaps supported by Madeline Albright's statement that the deaths of 500,000 Iraqis was "worth it."

Table 2. Oil-for-Food program

Phase ^a	Volume of oil (millions of barrels)	Value of oil exported (millions of dollars)
I	120	2,150
II	127	2,125
III	182	2,085
IV	308	3,027
V	360.8	3,947
VI	389.6	7,402
VII	343.4	8,302
VIII	375.7	9,564
IX ^b	293.0	5,638
X	300.2	5,350
XI	225.9	4,589
XII	232.7	5,639
XIII	169.6	4,413

Source: UN, Office of Iraq Programme

In 1998 dissenting voices in the Security Council and General Assembly became louder when reports surfaced of U.S. spy infiltration of UNSCOM. U.S. spies, undercover as UNSCOM technicians, had installed secret monitoring equipment in Iraqi facilities. Officials in Washington obtained the information without UNSCOM knowledge and guarded it closely (Wright, 1999: 24). Wright (1999: 24) writes that the agency suffered from a blurring of boundaries that eventually compromised its integrity. From the very beginning the agency was sharing intelligence with the U.S., Britain, and Israel. According to Ekeus, UNSCOM's first chairman, governments provided intelligence expecting to be given feedback about whether the information checked out (Wright, 1999: 23). The spy devices were particularly valuable to the U.S. because they

tracked the actions of Saddam Hussein's elite security forces – the forces that protected Saddam Hussein's whereabouts.

The spying allegations led to a conflagration of hostilities between the two sides. On 13 January 1998 Iraq announced it was suspending UNSCOM's weapons inspection team led by Scott Ritter. A few weeks later the U.S. and Britain built up their military presence in the Gulf, leading to the total military presence of about 30,000 troops (Byman, 2001: 506). There was, however, little support in the Arab world for the use of military force. On 22 February 1998 the UN Secretary General attempted to end the crisis by negotiating and signing the Memorandum of Understanding with Iraq. In the Memorandum, Iraq "reconfirmed" its acceptance of all relevant resolutions and the UN reiterated the commitment of all Member States to respect the sovereignty of Iraq. Further, Iraq agreed to allow UNSCOM and IAEA inspectors unrestricted access, including eight presidential sites. Lastly, it underscored Iraq's anxiety over the apparent open-endedness of sanctions. It stated, "The lifting of sanctions is obviously of paramount importance to the people and Government of Iraq and the Secretary-General undertook to bring this matter to the full attention of the members of the Security Council."

On 2 March 1998 the Security Council passed Resolution 1154, endorsing the Memorandum and threatening the severest consequences if Iraq did not comply. On 1 November 1998 Iraq once again stopped cooperating with weapons inspections, and all inspectors were withdrawn on 7 November (White, 1999: 50-51). Iraq agreed to allow weapons inspectors back in only after the U.S. deployed forces to the region. The U.S. and Britain warned Iraq of military force if it did not comply. After UNSCOM Chairman

Richard Butler, the person who replaced Scott Ritter, reported to the Security Council that Iraq had not been cooperating with inspections, U.S. and British forces launched a four-night air raid codenamed Operation Desert Fox. In the bombing, the U.S. and Britain struck about 100 targets including WMD sites, military facilities, and presidential palaces. France, Russia, China protested the operation and there were demonstrations across the Arab world (Byman, 2001: 510). Iraq subsequently barred weapons inspectors from entering Iraq.

Rousing further controversy, Scott Ritter claimed that in 1998 the U.S. urged Richard Butler and his team of UN weapons inspectors to provoke a confrontation with Baghdad in order to provide political cover for Operation Desert Fox (CNN, 19 July 2001). Butler denied the allegations and defended the agency in an interview with Arms Control Today (June 1999):

UNSCOM has always remained the best instrument for disarming Iraq. Its track record has been terrific. What it lost was the political support of the Security Council. And so according to the Russians, who are supported by the Chinese, UNSCOM is dead ... It's pathetic -- I want that on record -- pathetic ... It focuses on the mechanism, not the problem. The problem is what it always has been, which is the refusal of Saddam Hussein to stop making or secretly acquiring illegal weapons of mass destruction.

The U.S. was also facing a public relations battle on the humanitarian front. Denis Halliday, the UN administrator of the oil-for-food program, resigned in 1998 to protest the sanctions' negative impact on Iraqis. Halliday (Bovard, 2004) said, "We are in the process of destroying an entire country" and denounced the sanctions as "nothing less than genocide." Halliday's replacement, Hans von Sponeck, resigned in protest only two years later, and called the sanctions a "criminal policy" (Ibid.). The U.S. again suggested an expanded oil-for-food resolution to mollify international pressure against the

sanctions. In December 1999 the UN passed Resolution 1284, lifting all oil production and export ceilings. By 2000, per capita GDP had almost doubled from its previous level of \$725 in 1997 (Quarterly Economic Report, Iraq, 1 March 2003). The influx of oil money allowed Saddam Hussein to buy domestic and international support. The director of the General Accounting Office (GAO) issued a report establishing that from 1997 to 2002 the Iraqi government had received \$5.7 billion in illegal oil sales and \$4.4 billion in overbilling, for a total of \$10.1 billion (Document GAO-04-651T).

Saddam Hussein's use of illegal oil kick-backs became known as the oil-for-food scandal. Allegations pointed to CEO of the French firm SOCO International and ally of Jacques Chirac, former French UN ambassador Jean Bernard Merimee; British MP George Galloway; and the Russian government (Malone, 2006: 124). According to the Iraq Survey Group Final Report (30 September 2004), the Iraqi government gave preferential treatment to Russian companies in order to gain Russia's support in the Security Council. French companies also benefited with contracts totaling \$1.78 billion.

The last phase of punitive sanctions

After 11 September 2001, President George W. Bush went after Iraq with renewed vigor for its refusal to allow weapons inspections. In November 2001, the UN Security Council demanded that Iraq let in inspectors. Iraq agreed to the terms, apparently afraid of a U.S. military attack (Marr, 2004: 305). President Bush ratcheted up the rhetoric in his 2002 State of the Union address, calling Iraq, Iran, and North Korea part of an "axis of evil." Despite Iraq's acceptance of new weapons inspections headed by Hans Blix and wide international support for the continuation of inspections, on 18 March 2003 Bush gave Saddam Hussein 48 hours to leave the country. After the deadline

passed, the military invasion of Iraq codenamed Operation Iraqi Freedom began (Marr, 2004: 305).

The end of all nonmilitary sanctions came about a month after the invasion on 22 May 2003. In June 2004 the Council approved Resolution 1546 which called on all “Member States, as well as international and regional organizations, to support the Iraq reconstruction effort, (and urged) the international financial institutions and bilateral donors to take the immediate steps necessary to provide their full range of loans and other financial assistance and arrangements to Iraq.” With Saddam Hussein out of power, the U.S. and the Council had effectively offered the first positive sanctions to help the government of Iraq and not its suffering people.

U.S. strategy toward Iraq

A glance into the decade before Iraq’s invasion of Kuwait shows a U.S. that was willing to support Saddam Hussein militarily and economically while overlooking Saddam Hussein’s brutal methods of exerting control. After Iraq’s invasion of Kuwait the U.S. never wavered in its position that punitive sanctions were the proper way to deal with Iraq. As the two figures below demonstrate, the U.S. successfully led a multilateral sanctions regime that was largely punitive.

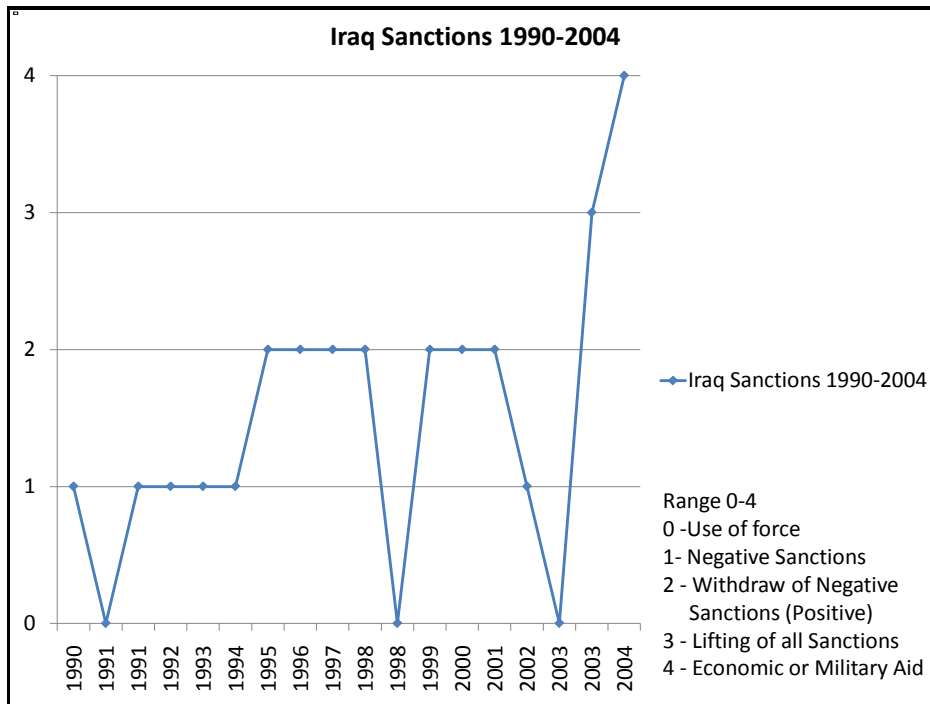
Still, the U.S. strategy exhibited a few important changes that lessened the punitive impact of sanctions on Iraq. In 1996, Saddam Hussein was allowed to export oil as the result of Security Council Resolution 986. Of the 28 oil-for-food resolutions that followed, only a few added value to Iraq’s status quo and therefore should be considered positive sanctions. Still, the multilateral sanctions regime led by the U.S. became less punitive over time. By the end of 1999 Iraq was rid of all export ceilings, and Saddam

Hussein and the Iraqi people benefited immensely (although in different ways). The presence of positive sanctions showed the U.S. was willing to mitigate some of the harmful effects of the punitive sanctions, but it did not display any move to an engagement strategy. This is due to the fact that the UN connected positive sanctions to civilian suffering, not to compliance of the part of the Saddam Hussein government. Indeed, this may have inadvertently incentivized Saddam Hussein to continue to exploit the humanitarian disaster in Iraq.

Table 3. Iraqi Sanctions (1990-2004)

Date	Description	Positive/Negative	Scale
Pre-8-2-1990	Status quo	Positive	2
8-2-1990	Resolution 660	Negative	1
1-17-1991	Operation Desert Storm	Negative	0
4-3-1991	Resolution 687, “Mother of all Resolutions”	Negative	1
10-1994	U.S. threatens Iraq with force to counter Iraq’s buildup on Kuwait’s border	Negative	1
4-14-1995	Resolution 986, First oil-for-food Resolution	Positive	2
2-22-1998	Memorandum of Understanding	Positive	2
12-16-1998	Operation Desert Fox	Negative	0
12-17-1999	Resolution 1284, lift of all oil production and export ceilings	Positive	2
1-29-2002	Bush’s “Axis of Evil” speech	Negative	1
3-20-2003	Invasion of Iraq	Negative	0
5-22-2003	The end of all non-military sanctions	Positive	3
6-8-2004	Resolution 1546, international support for Iraq reconstruction	Positive	4

Figure 4. The trajectory of U.S. strategy toward Iraq



U.S.-led Sanctions on North Korea (1993-present)

Background

After the surrender of Japan in World War II, General MacArthur partitioned the Korean peninsula at the 38th parallel with Proclamation No.1 on 7 September 1945. The Soviet Union controlled the North and the U.S. controlled the South, but the U.S., Britain, Soviet Union, and China intended the division to be temporary while they worked together to arrange for a new Korean administration. Cold War tensions, however, prevented any cooperation in this regard. On 15 August 1948 the UN helped establish the Republic of Korea (ROK), and Syngman Rhee became its first president. On 9 September 1948 the USSR helped Kim Il-Sung become the leader of the new Democratic People's Republic of Korea (DPRK).

After a series of skirmishes between the new states, North Korea launched a surprise attack on South Korea on 25 June 1950. The U.S. perceived the move as an attempted communist takeover, a challenge to the UN's credibility, and a threat to Japan's security interests (Jeon, 2006: 1). Three days after the invasion, the U.S. instituted a total economic embargo on North Korea under the U.S. Export Control Act of 1949 (Kim, 2007: 1). These U.S. sanctions, in various frameworks and degrees, have been a constant until the present day.

On 7 July, the UN Security Council established the Unified Command (UNC) with Resolution 84 and MacArthur was made its commander. After China intervened for the North, the battle lines became entrenched at the 38th parallel. By 1951, UN forces and North Korea began negotiating for an armistice, but fighting continued until 1953. On 27 July North Korea and the UNC signed an armistice agreement.¹⁹ The U.S., North Korea, and South Korea have never signed a peace treaty. On 1 October 1953 South Korea and the U.S. signed the Mutual Defense Treaty, which permitted U.S. troops to be stationed in Korea and provided the legal ground for any future cooperative security action. The treaty was meant to deter another war in Korea by stationing 300,000 troops on the border (Jeon, 2006: 2). Today, the number is about 28,500 (Washington Times, 5 March 2009).

North Korea's bargaining power

Despite losing its most powerful supporter in the Soviet Union in 1990, North Korea remains, as Rozman (2007: 55) writes, in "the intersection of great powers." While Rozman (2007: 49) considers North Korea's military capabilities its greatest asset, North

¹⁹ The U.S. and South Korea never signed the armistice agreement, but observe it through the UNC.

Korea also occupies a geopolitical position that allows it to bargain with the U.S. to the point of brinkmanship. Schelling (1960: 200) defines this technique:

Brinkmanship is thus the deliberate creation of a recognizable risk of war, a risk that one does not completely control. It is the tactic of deliberately letting the situation get somewhat out of hand, just because its being out of hand may be intolerable to the other party and force his accommodation.

For very weak states, the willingness to move toward a feared outcome can be the major source of bargaining leverage. In the case of North Korea, the prospect of its instability is intolerable to every state in the region – especially its most important neighbors, China and South Korea. Both neighboring countries fear the possible deluge of refugees and the economic and political dislocations that could follow.

China's interest in a stable North Korea is reflected in its aid policy: China provides North Korea with 70 percent of its energy and almost half its food (Bishop, 2005: 2). Sigal likens the Chinese-North Korean border to the U.S.'s border with Mexico. He (2000: 74) writes: "Smuggling runs rampant, often with the connivance of local authorities, who benefit both politically and financially from the profitable cross-border traffic in goods and currency. With ethnic Koreans in substantial numbers on the Korean side of the border, it could serve as a convenient escape route for those fleeing deprivation in North Korea in the event of an economic embargo."

For the U.S., war or even stiff Iraq-style sanctions are not appropriate options because they would not garner support from the key regional actors – China, South Korea, and Russia (Sigal, 2000: 90). North Korea has exhibited a keen understanding of its geopolitical position, and as any clever bargainer would do, exploited it. Since 1993

North Korea has continuously leveraged its nuclear program for political and economic concessions. This study focuses on this period in the U.S.-led sanctions.

Sanctions and the North Korean nuclear issue

North Korea promised to adhere to the Nuclear Proliferation Treaty in 1985, but it took until 20 January 1992 for it to meet with South Korea to sign the Joint Declaration on the Denuclearization of the Korean Peninsula (Korea Herald, 18 June 2007). Under the Declaration the two Korean states agreed not to test, produce, receive, or deploy nuclear weapons. They also agreed to use nuclear energy for only peaceful purposes and not to build facilities for nuclear weapons production. In order to implement the Declaration it called for a North-South Joint Nuclear Control Commission to conduct inspections (Ibid.).

The commission never developed. Kim Il-Sung repeatedly ignored or rejected South Korean deadlines for mutual trial inspections. On 12 June 1992 South Korea announced North Korea was breaking the agreement by building a reprocessing plant. At first North Korea claimed the facility was a “radiochemical” laboratory, but then it admitted it was reprocessing nuclear fuel for weapons purposes. North Korea then used the nuclear lab as a bargaining chip by demanding access to all U.S. military installations in South Korea before it stopped reprocessing. When the U.S. and South Korea rejected this offer, North Korea said it would stop reprocessing nuclear fuel in return for a light-water nuclear reactor. The U.S. and South Korea again rejected the offer and resumed their “Team Spirit” joint military exercises. The negotiating continued until 1993 when North Korea refused the IAEA access to two suspected nuclear sites, withdrew from the NPT, and expelled the IAEA inspectors (Korea Herald, 18 June 2007).

Bargaining to the brink of war

This prompted the first North Korean nuclear crisis. On 11 May 1993 the UN Security Council issued its first resolution concerning North Korea. Resolution 825 “urged” North Korea to comply with the Joint Declaration, but it contained no specific provisions to apply pressure. This reflected the aversion China and Russia had for tough sanctions, a measure that the Clinton administration favored but North Korea made clear would be seen as an act of war. Still, the U.S. was very close to sending reinforcements to South Korea or instituting an embargo unilaterally. Feffer (*Foreign Policy in Focus*, 22 May 2009) writes that the Clinton administration pushed North Korea to the brink of war but “Pyongyang didn’t blink.”

In reality, the process was more complicated. Clinton had approved Pentagon plans to send military reinforcements, making the possibility of war real enough to scare the South Korean stock market into a plummet (Sigal, 2000: 80). Clinton was also ready to go forward with tough sanctions. But it was former U.S. president Jimmy Carter, on an independent trip to Pyongyang, who prevented the brinkmanship from going any further. Carter interrupted a Washington war room meeting to say he had the basis for a deal with North Korea and that he was ready to go public with the announcement (Sigal, 2000: 81). Carter told CNN on 15 June 1994, “Nothing should be done to exacerbate the situation now.”²⁰

Carter’s intervention spurred the U.S. and North Korea back into negotiations, which led to the 1994 Agreed Framework four months later. Whether North Korea “blinked” or not, one cannot rule out the possibility that the U.S. show of resolve had

²⁰ Sigal (2000: 81) also quotes this interview.

something to do with North Korea's willingness to negotiate – or, for that matter, on the terms reached. The Framework called for North Korea to freeze its nuclear weapons program and allow IAEA monitoring. As part of its end of the deal, the U.S. agreed to “organize under its leadership” an international consortium to finance light-water reactors to replace North Korea's graphite-moderated reactors.²¹ The U.S. also agreed that North Korea would receive 50,000 tons of heavy fuel a year for heating and electricity until the light-water reactors were built.²² Finally, as part of a normalization process, the U.S. cancelled the joint military exercises with South Korea and agreed to reduce barriers to trade and investment. In addition, the U.S. and North Korea opened a liaison office in the each other's capital.

The Clinton administration found it politically difficult to live up to its end of the bargain in the 1994 Agreed Framework. Fuel deliveries fell behind schedule due to U.S. congressional reluctance to provide the funding. Sigal (2000: 85) writes: “Washington did not even take the modest steps to ease U.S. unilateral sanctions that North Korea was promised in February 1995: unfreezing assets seized during the Korean War, allowing commercial loans from U.S. banks,²³ and licensing private investment projects in mining and agriculture.” In addition, South Korea and Japan refused to help pay for the light-

²¹ The Agreed Framework set a target date of 2003 for when the consortium, which became known as the Korean Energy Development Organization (KEDO), would finish the light-water nuclear reactor.

²² Most of the estimated \$4.7 cost of the reactors and fuel would be supplied by other states, especially Japan and South Korea (Sigal, 2000: 83).

²³ Semore (*Council on Foreign Relations*, 27 June 2008) argues that it is unlikely that American businesses would invest in North Korea even if the U.S. did lift negative sanctions.

water reactors. However, as the following figure shows, the U.S. did step up its assistance to North Korea significantly.

Table 4. U.S. assistance to North Korea, 1995–2005 (millions of dollars)

FY	Food aid	Medical supplies	KEDO assistance (including fuel oil)	Total
1995	0	0.2	9.5	9.7
1996	8.3	0	22	30.3
1997	52.4	5	25	82.4
1998	72.9	0	50	122.9
1999	222.1	0	65.1	287.2
2000	74.3	0	64.4	138.7
2001	102.8	0	74.9	177.6
2002	82.4	0	90.5	172.9
2003	25.5	0	2.3	27.8
2004	52.8	0.1	0	52.9
2005	7.5	n.a.	n.a.	n.a.
Total	701	5.3	403.7	1,102.40

Source: CRS 2003, 1; CRS 2006, 2; White House Press Release, Presidential Determination regarding KEDO Funding, 15 September 2003.

Clinton's North Korean policy review, engagement as the way forward

On 31 August 1998 North Korea conducted tests of the Taepo Dong-1 ballistic missile. The timing of the tests coincided with talks in the U.S. on the implementation agreement. North Korea reportedly wanted to use the tests to pressure the U.S. into lifting its economic sanctions, something the U.S. had previously agreed to but had not done

(*Washington Post*, 1 September 1998). In response, Clinton ordered a full policy review. Instead of a saber-rattling report, William Perry, the top U.S. diplomat for North Korea policy, recommended that the U.S. seek to engage with North Korea by offering positive sanctions in exchange for North Korean assurances it would give up efforts to develop nuclear weapons and ballistic missiles. After stressing the mutual deterrence that existed between the U.S. and North Korea, Perry advocated a two-path approach. The first path outlined a clear engagement strategy. The U.S. sought “complete and verifiable” assurances of North Korean nuclear and ballistic missile disarmament. In exchange, Perry (12 October 1999: 8) writes, “The United States would normalize relations with the DPRK, relax sanctions that have long constrained trade with the DPRK and take other steps that would provide opportunities for the DPRK.” The second path was a backup plan in case North Korea did not take to the first path, but it was also less clear in its ramifications. Perry (12 October 1999: 9) writes:

If North Korea rejects the first path, it will not be possible for the United States to pursue a new relationship with the DPRK. In that case, the United States and its allies would have to take other steps to assure their security and contain the threat. The U.S. and allied states should seek to keep the Agreed Framework intact and avoid, if possible, direct conflict. But they would also have to take firm but measured steps to persuade the DPRK that it should return to the first path and avoid destabilizing the security situation in the region.

North Korea responded to the positive sanctions by announcing a voluntary moratorium on testing of long-range missiles. This status quo held into the George W. Bush administration. Bush initially rejected the Clinton administration’s engagement strategy and included North Korea in the “axis of evil” in his 2002 State of the Union address. On 16 October 2002 a U.S. delegation headed by Assistant Secretary James Kelly visited Pyongyang and claimed that North Korea acknowledged having a program

to enrich uranium for nuclear weapons. North Korean newspaper Nodong Sinmun (*BBC*, 13 September 2005) commented after the visit:

During a visit to our country in October of this year, US Assistant Secretary of State Kelly pressured and coerced us in a manner of delivering an ultimatum while blabbering about some kind of “uranium enrichment programme.” Since then, the United States has been deceiving public opinion with the wildly absurd lie that we had “admitted to pursuing a uranium enrichment programme.”

To verify U.S. claims, the IAEA offered to send inspectors. North Korea, however, issued no reply (*Korea Herald*, 18 June 2007). North Korea then admitted to the program, but refused to end it unless the U.S. held bilateral talks to normalize relations. The U.S. refused and instead issued a statement along with Japan and South Korea that North Korea’s program was a violation of its agreements under the NPT, the 1992 North-South Joint Declaration on Denuclearization of the Korean Peninsula, and the 1994 Agreed Framework.

North Korea withdrew from the NPT, forced the IAEA inspectors to leave, and restarted its plutonium-enrichment program. At a time of high tensions on the Korean peninsula the U.S. proposed multilateral talks on the North Korean nuclear issue in 2003. North Korea opposed the U.S. offer at first, reiterating its desire for bilateral talks. By April 2003, however, North Korea agreed to three-party talks with the U.S and China. South Korea had lobbied for the “Six-Party” model of talks consisting of the two Koreas, the U.S., China, Japan, and Russia.²⁴ North Korea, on the other hand, preferred that Japan and Russia sit out the talks and instead wanted the European Union (EU) to join the forum (*Kyodo News Service*, 15 April 2003). North Korea may have hoped that the EU play a role in giving it economic aid (*Ibid.*). North Korea backed down from this position,

²⁴ This is also known as the two plus four model of talks.

arguing that it was willing to use whatever forum it took to get the U.S. to soften its hard-line policy (Ibid.). A North Korean foreign ministry spokesman (Ibid.) said, “If the US is ready to make a bold switch-over in its Korea policy for a settlement of the nuclear issue, the DPRK will not stick to any particular dialogue format.”

During the subsequent negotiations North Korea agreed to dismantle its nuclear program if the U.S. supplied it with substantial amounts of aid, normalized relations, and signed a bilateral non-aggression treaty. The U.S. was not averse to giving aid but would not provide it until North Korea completely dismantled its nuclear weapons program. It also insisted on a multilateral resolution with North Korea. On the issue of a non-aggression treaty, Bush proposed a multilateral non-aggression treaty if North Korea dismantled its nuclear program (*New York Times*, 31 October 2003). Talks continued until 10 February 2005 when North Korea declared it was a nuclear state and was suspending its participation in the Six-Party Talks.

This revelation spurred intense negotiation that led to all six parties agreeing to a Joint Statement of Principles. In the statement, North Korea agreed to give up its nuclear program and to once again accept the terms of the NPT. However, this progress stalled when the U.S. levied another negative sanction on North Korea, freezing \$24 million of North Korean funds in a Macau bank. Not only was this a sizable amount of money for the poor state, but the act scared off business from other banks (*Economist*, 2 February 2007). The U.S. claimed the Macau bank, Banko Delta Asia, was laundering money North Korea had made through counterfeiting American currency. An outraged North Korea boycotted the next round of Six-Party Talks (*Wall Street Journal*, 17 September 2005).

On 5 July 2006 North Korea fired a series of ballistic missiles without any advance notice, breaking its pledge to keep a moratorium on missile launching. The UN Security Council responded unanimously in adopting Resolution 1695 on 15 July 2006, which expressed “grave concern at the launch of ballistic missiles by the Democratic People’s Republic of Korea (DPRK), given the potential of such systems to be used as a means to deliver nuclear, chemical, or biological payloads.” The resolution demanded that North Korea suspend all activities related to its ballistic missile program, reestablish its previous commitments to the missile launching moratorium, and return to the Six-Party Talks without precondition. Further, it required all UN states to keep surveillance on North Korea to prevent all shipments of “missile and missile-related items, materials, goods and technology” and refuse the transfer of any financial resources in relation to the North Korea’s missile or WMD programs (The Japan Times, 2 September 2006). For the first time North Korea would be subject to UN as well as U.S. sanctions.

A nuclear North Korea and the start of multilateral sanctions

On 9 October 2006 North Korea officially became a nuclear power. Citing Chapter VII of the UN Charter the Security Council passed Resolution 1718, determining North Korea’s nuclear test as a “clear threat to international peace and security.” These sanctions covered most military goods including tanks and aircraft, WMD material and technology, and luxury goods. This resolution was more explicit than Resolution 1695 in calling on UN member states to inspect cargo to and from North Korea.

In January 2007 North Korea was able to procure a bilateral talk with the U.S., resulting in North Korea agreeing to resume Six-Party Talks for the following month. On 13 February 2007 the parties reached an agreement called the “Initial Actions for the

Implementation of the Joint Statement” in which North Korea agreed to shut down its nuclear weapons facility and to allow back IAEA inspectors. Christopher Hill, the U.S.’s negotiator in the talks, visited Pyongyang for the second time in 2007 and brought a letter from President Bush. Hill felt sure enough of the progress to tell China, Japan, Russia and South Korea that America would resolve the sanctions issue in the following 30 days (*Economist*, 17 February 2007). At this stage in the bargaining process, in return for North Korean denuclearization, the U.S. was offering to unfreeze North Korean assets, remove North Korea from its list terrorism sponsors, and lift trade sanctions that had been in place since the Korean War (Ibid.).

To add to the positive sanctions, the other five states agreed to provide 50,000 tons of heavy fuel. The parties promised another 950,000 tons of heavy fuel after North Korea's denuclearization and an aid package worth \$300 million (CNN, 13 February 2007). This was essentially the same positive sanctions offered to North Korea as in 1994 with one crucial difference: the U.S. tied positive sanctions to verifiable North Korean progress on denuclearization (Ibid.). Of course, North Korean progress was implied in the 1994 agreement, but its lack of explicitness caused negotiation problems in the following years.

The Bush policy shift with North Korea

The Bush administration got less than it originally wanted out of this agreement. It did not include details of suspected uranium enrichment, did not address WMD proliferation efforts with states such as Syria, and did not account for the nuclear weapons already produced. Some reports said North Korea may have up to a dozen nuclear bombs (Ibid). As both administration hardliners and Democrat critics of Bush

noted, this agreement signaled a different Bush policy toward North Korea – one of engagement and compromise. Bush tried to assure hardliners that North Korea would remain isolated, but some still called the agreement a “reckless abandonment of principle” (*Economist*, 17 February 2007). Bush’s ex-ambassador to the UN, John Bolton, told CNN (13 February 2007) that the deal made Bush look weak and was “very bad...It sends exactly the wrong signal to would-be proliferators around the world: If you hold out long enough and wear down the State Department negotiators, eventually you get rewarded.”

Bolton had previously argued that North Korea would never be a suitable negotiating partner until there was regime change (Nautilus Institute, 22 March 2005). However, the chance Bush would choose this option was quite slim considering the U.S. was at war in Iraq and Afghanistan. A U.S. regime-change policy toward North Korea would probably also lead to considerable strain to its relations with its partners and allies. Indeed, U.S. interest in close relations with China may have exerted influence on Bush’s engagement approach with North Korea. The *Economist* reported on 17 February 2007:

After the agreement on North Korea was announced, Hill was effusive in his praise for the Chinese. He said it would have been “a little surprising” a few years ago to see America and China “working together the way we are”. Talk, in the early days of Bush’s presidency, of China as a “strategic competitor” has long since been erased from America’s official vocabulary – despite the Pentagon’s continuing concerns about China’s growing military power.

In June 2008 North Korea followed through on its promise and destroyed the cooling tower at the Yongbyon facility, allowing the international media to document the action. It also turned in a full account of its nuclear program to Chinese officials (Council on Foreign Relations, 27 June 2008). Following this, President Bush lifted the Trading

with the Enemy Act (TWEA) on North Korea and removed it from the list as a state sponsor of terror.

On 5 April 2009 North Korea launched a Taepo Dong-2 missile over the Sea of Japan. While the UN Security Council issued a unanimous Presidential Statement condemning the launch as a violation of UN Security Resolution 1718, the Obama administration's special envoy for North Korea, Stephen Bosworth, signaled the U.S. would hold bilateral talks with North Korea (Belfast Telegraph, 6 April 2009). As such, the new Obama administration signaled to North Korea that it was willing to continue an engagement policy. North Korea rejected Bosworth's visit and once again withdrew from the Six-Party Talks and expelled the IAEA inspectors (Choi and Jung, 22 May 2009). On 25 May 2009 North Korea announced it had conducted a second test of a nuclear explosive device.

On 12 June 2009 the UN Security Council unanimously adopted Resolution 1874, which expanded the provisions of Resolution 1718 to include a complete arms embargo of North Korea. It implores states to inspect vessels in their territory when there are "reasonable grounds" that there is banned cargo on a ship. It also calls on states to be vigilant and deny financial services to North Korea if they could contribute to the WMD programs banned by the UN. As of 2010, the UN sanctions have received multilateral cooperation with the U.A.E., South Korea, Austria, Thailand, and South Africa reporting potential violations.

The U.S. strategy toward North Korea

Since 1993, the U.S. has pursued an engagement strategy with North Korea. When on 12 June 1992 North Korea admitted it was reprocessing nuclear material for

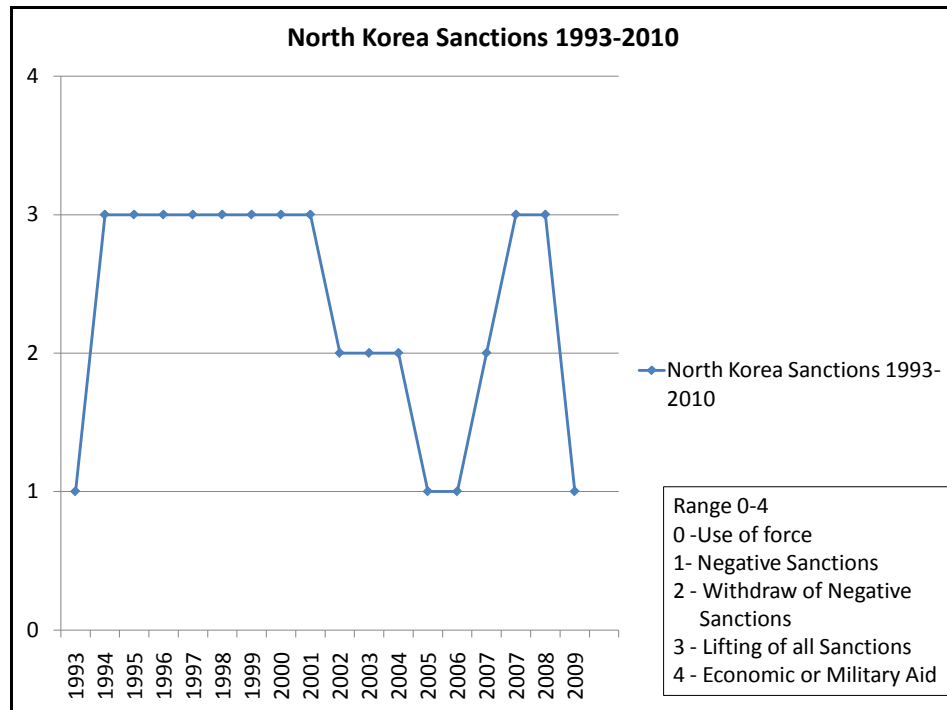
weapons purposes, the U.S. responded with military threats and resumed Team Spirit military exercises with South Korea. Still, by 1994 the U.S. was willing to negotiate to get North Korea to freeze its nuclear weapons program and allow IAEA monitoring. North Korea received significant positive sanctions in the deal, including U.S. assurances it would end barriers to trade and investment.

When North Korea launched a Taepo Dong-1 missile in 1998, the U.S. responded by reiterating the condition of mutual deterrence the two states shared and again assured North Korea it would take steps to normalize relations. In the 2002 “axis of evil” speech, George W. Bush initially sent a strong signal that the U.S. would pursue a punitive strategy with North Korea. However, after North Korea declared itself a nuclear power on 9 October 2006, Bush chose to engage North Korea to the dismay of hardliners such as John Bolton. While the U.S. is currently working through the UN to strengthen an arms embargo on North Korea, the U.S. policy remains open to further engagement.

Table 5. North Korean Sanctions (1993-present)

Date	Description	Positive/Negative	Scale
1953-1993	Status quo	Negative	1
5-11-1993	Diplomatic Sanctions	Negative	1
6-15-1994	U.S. military mobilization	Negative	1
10-20-1994	Agreed Framework	Positive	3
8-31-1998	U.S. reinforces its engagement policy	Positive	3
1-29-2002	Bush's "Axis of Evil" speech	Negative	1
9-15-2005	U.S. freezes North Korean funds in Macao bank	Negative	1
7-15-2006	Resolution 1695, first UN sanctions on North Korea	Negative	1
10-9-2006	Resolution 1718, more stringent UN sanctions	Negative	1
1-17-2007	U.S. North Korea bilateral talk	Positive	2
2-13-2007	Joint Statement	Positive	2
6-12-2009	Resolution 1874, complete UN arms embargo	Negative	1

Figure 5. The trajectory of U.S. strategy toward North Korea



U.S.-led sanctions on Libya (1972-2006)

Background

Libya is a primarily Sunni Arab state that relies on oil for income, and it is this resource that has made it possible for Libya to attain international importance. Since Libya's 1951 war for independence against the French and British, King Idris ruled an autocratic regime with a "passive" foreign policy (Davis, 1990: 2). Oil was discovered in Libya in 1959, and the resulting wealth was concentrated in only a few hands (Ibid.). King Idris' rule ended in 1969 when Muammar al-Qaddafi led a military coup while the leader was vacationing abroad (Ibid.). After assuming power, Qaddafi outlawed business ownership by non-Arabs, closed churches and synagogues, and evacuated the state's American and British military bases (Ibid.). His foreign policy

stances were equally hard-line and confrontational to U.S. interests. He advocated the destruction of Israel,²⁵ became an ally of the Soviet Union, supported terrorists and hijackers from various groups and countries, and openly advocated for the assassinations of dissidents (*New York Times*, 7 May 1981). By 1981, 11 Libyan dissidents had been murdered abroad.

U.S. first imposes negative sanctions on Libya

In 1972 the U.S. ambassador left Libya when a senior Libyan official refused to meet with him. Libya also participated in the wave of oil sector nationalizations during the period, taking shares of four U.S. oil companies in September 1973. The same year, the U.S. blocked the sale of eight fighter planes for which Libya had already paid. This move was accompanied by broader U.S. sanctions on any military sales that would increase Libya's marshal capabilities (Niblock, 2001: 27). The military embargo strengthened after Libya's participation in the 1973 Arab-Israeli War (Ibid.).

In December 1979, less than a year before Ronald Reagan was elected president, a mob of demonstrators burned the U.S embassy in Tripoli. This act came soon after the seizure of the U.S. Embassy in Tehran by Iranian militants and an attack on the Grand Mosque in Mecca by Saudi rebels (*New York Times*, 7 May 1981). In response, the U.S. pulled out its entire Libyan diplomatic staff, expelled six Libyan diplomats from Washington, and designated Libya a "state sponsor of terrorism." However, diplomatic relations remained open. In general, President Reagan took a more confrontational stance toward the Middle East than his predecessor Jimmy Carter. For example, Reagan's

²⁵ According to the *New York Times*, Qaddafi said to a close associate that he wanted to acquire a nuclear weapon and drop it on Tel Aviv.

Secretary of State Alexander Haig likened Qaddafi to “a cancer” (New York Daily News, 17 May 1981).

In May 1981 the U.S. closed the Libyan embassy and accused the regime of international terrorism, undermining African governments, and operating a hit squad to assassinate Libyan opponents within the U.S. (*New York Times*, 7 May 1981). For its part, the U.S. was helping foment an opposition group to Qaddafi made up of Libyan exiles (*New York Times*, 17 May 1991).²⁶ Niblock (2001: 29) writes, “The confrontation was thus willed by both sides: the United States was eager to strike at a regime that was undermining its influence, and the Libyan regime was eager to confront the growing U.S. involvement and military presence in the Middle East.”

Hostilities increased in August 1981 when two Libyan jets fired on U.S. aircraft over disputed waters in the Gulf of Sidra – an incitement that ended with U.S. planes destroying the Libyan aircraft. A Radio Moscow correspondent in North Africa (Yevgeniy Likyanov, *BBC*, 23 March 1982) called the incident a U.S. “pirate attack ... meant to intimidate Libya and make it abandon its consistent anti-imperialist policy.” In October 1982 the U.S. ordered all citizens to leave Libya and instituted a travel ban. In addition, the U.S. unilaterally sanctioned Libyan oil imports and tightened export controls

²⁶ U.S. intelligence officials trained the Libyan exiles in sabotage and guerilla war tactics from a base in Chad. However, after Gen. Ibris Debry’s takeover of the Chad government in December 1990, the new leader transported the exiles to Zaire. Of the 600 exiles, 250 returned to Libya. Despite lobbying to Zaire and others, the U.S. was not able to find a state willing to give permanent asylum to the exiles. Finally in 1991, the remaining 350 exiles were allowed to take residence in the U.S. (*New York Times*, 12 March 1991; *New York Times*, 17 May 1991).

on any American goods except for food and medical supplies (Niblock, 2001: 29). Libya was the third largest exporter of oil to the U.S., and its exports to the U.S. brought in \$12 billion a year to the Libyan treasury (*Washington Post*, 4 May 1980; *Globe and Mail*, 7 May 1981). These sanctions would cost Libya almost \$4 billion in its first year (*Guardian*, 3 January 1986; IMF Direction of Trade Statistics Yearbooks, 2005).

Table 6. Libya: Trade with U.S. and total trade, 1980-88 (millions of dollars)

Year	US exports to Libya	US imports from Libya	Total Libyan exports	Total Libyan imports
1980	509	8,905	21,919	6,776
1981	813	5,476	15,575	8,382
1982	301	533	13,300	8,608
1983	191	1	12,116	7,730
1984	200	10	10,655	7,058
1985	311	47	10,897	5,488
1986	46	2	6,204	4,607
1987	-	-	6,878	5,142
1988	-	-	6,793	6,225
1989	-	-	8,617	4,393
1990	-	-	13,878	5,663
1991	70	-	11,212	5,339
1992	70	-	9,942	5,164
1993	-	-	7,535	5,370
1994	-	-	7,790	4,153
1995	-	-	8,465	4,850
1996	-	-	10,033	5,137
1997	-	-	9,910	5,597
1998	-	-	6,032	5,600
1999	-	-	7,961	4,253
2000	18	-	12,716	4,018
2001	9	-	11,337	4,425
2002	18	-	9,879	5,517
2003	-	-	13,763	6,102
2004	39	346	19,314	8,120

Source: IMF, Direction of Trade Statistics Yearbooks, 1995, 1996, 2005; Direction of Trade Statistics Quarterly, June 1998.

Table 7. Libya: Petroleum exports, revenues, and prices, 1985-2004

Year	Crude oil exports (1000 barrels / day)	Value of petroleum exports (billions of dollars)	Libyan crude (Brega spot price per barrel, \$)
1985	880	12	27.79
1986	1,051	8	14.31
1987	804	6	18.08
1988	882	6	14.72
1989	868	7	18.21
1990	1,300	10	23.82
1991	1,445	10	20.41
1992	1,370	9	19.54
1993	1,270	7	17.08
1994	1,285	8	15.91
1995	1,310	7	17.21
1996	1,295	10	21.06
1997	1,116	9	19.36
1998	1,161	6	12.90
1999	992	8	18.08
2000	1,005	12	28.65
2001	988	11	24.70
2002	984	10	24.96
2003	1,127	14	29.00
2004	1,285	19	38.35

Sources: OPEC Annual Statistical Bulletin, 1996, 2004; CIA Handbook of International Statistics, 1996.

U.S. bombs Libya

After the Palestinian group Abu Nidal bombed airports in Rome and Vienna in 1985 with alleged help from the Libyan government, the U.S. increased its negative sanctions to include all diplomatic and economic transactions with the exception of

humanitarian goods. Economic and diplomatic sanctions only accounted for some of the U.S.'s response. The U.S. also moved a substantial force into the disputed waters in the Gulf of Sidra, including aircraft carriers, around 200 fighter planes, and almost 25,000 soldiers (Niblock, 2001: 31; Davis, 1990: 101-110).

Another Libyan-supported terrorist attack on a Berlin disco killed two U.S. service personnel, and for the first time the U.S. received sanctions support with the European Community (EC) in instituting diplomatic and trade sanctions. The U.S. responded to the Berlin terrorist attack by bombing targets including Qaddafi's home in Tripoli. It was reported that the U.S. intended to kill Qaddafi (Sunday Times, 22 February 1987). Qaddafi escaped, but his adopted daughter died in the raid along with 36 others (*New York Times*, 15 April 1992).

The Lockerbie bombing, first UN sanctions on Libya

On 21 December 1988 Pan Am Flight 103 exploded over Lockerbie, Scotland killing 170 people. At first Iran and Syria were suspected, but French authorities found evidence of the same type of detonator in the bombing of French UTA flight 772 over Niger that killed 171. This evidence helped connect the two crimes to Libya. In November 1991, French police issued arrest warrants for four Libyan men suspected in the UTA 772 bombing. Shortly after, U.S. and Scottish prosecutors indicted Abdel Basset Ali al-Megrahi and Al-Amin Khalifa Fhima for their involvement in the Lockerbie bombing (Hurd, 2005: 503; Niblock, 2001: 36-37).

As a result of the two terrorist acts, the U.S., Britain, and France lobbied the UN Security Council to condemn Libya as a threat to "international peace and security." While there were the votes in the Security Council to approve a resolution in December

1991, the three sponsors – U.S., Britain, and France – delayed the vote to allow for the two-year terms of Cuba and Yemen on the Council to expire. As Hurd (2005: 506) writes, the sponsors wanted the added legitimacy of a unanimous vote. On 21 January 1992, the UN Security Council approved Resolution 731 in principle with Article 2, Paragraph 4 of the UN Charter: “Every state has a duty to refrain from organizing, instigating, assisting, or participating in terrorist acts in another State.” The resolution ordered Libya to disclose all information related to the Pan Am 103 and UTA investigations, surrender the two suspects, pay compensation to the victims’ families, and renounce terrorism. Although the Security Council vote was unanimous, Council members China, India, Morocco, Cape Verde, and Zimbabwe abstained from the vote. This signaled some difference in opinion among the Council, but the abstaining states were not willing to sacrifice their relations with the U.S. to vote against the measure (*New York Times*, 15 April 1992).

In response to Libyan noncompliance, the UN Security Council passed Resolution 748 on 31 March 1992. It broadened sanctions on Libya by calling on UN member states to embargo weapons sales and technology, pull out any military advisors, limit diplomatic relations, deny entry to any Libyan involved in terrorism, and ban any travel in or out of Libya. In protest, Libya observed a day of mourning for victims of the 1986 U.S. bombing raid and petitioned the World Court to declare the sanctions invalid (*New York Times*, 15 April 1992). The World Court rejected the appeal.

Libya faces negative sanctions but no oil embargo

In two letters to the UN Secretary-General, Libya’s foreign liaison said that Libya intended to “encourage” the suspects to appear for trial in Scotland and that it was willing

to cooperate with the French authorities in regards to the UTA case. He also offered a compromise, saying Libya was ready to hand over the two suspects for trial by a court on the island of Malta, a government with whom Libya had good relations. The U.S. and Britain rejected the offer (*New York Times*, 15 April 1992). Almost two years after Resolution 731, the UN adopted Resolution 883 calling for an embargo on Libyan Arab Airlines, flight technology, and oil equipment. It also froze Libyan assets of more than \$1 billion. Although petroleum accounted for 85 percent of Libyan imports, the UN did not attempt to pass an oil embargo because this measure lacked UN member state support (Hurd, 2005: 505).

Consequently, Libya remained a major oil producer. This allowed it to escape the severe economic and humanitarian consequences that befell Iraq under sanctions. Still, for Libya, the release of international sanctions was its first priority. Qaddafi thought the election of George H.W. Bush would allow for a U.S.-Libya rapprochement (John, 2004: 388). In January 1989, Libya returned the body of a U.S. pilot shot down in the 1986 air raid (Ibid.). Bush did not change the Reagan policy, and continued to support anti-Qaddafi commandos. In 1992, Qaddafi was again mistaken to think U.S. policy would change with a new administration. John (2004: 389) writes, “In a virtually seamless transition, the Clinton administration initially pursued a policy toward Libya that was difficult to distinguish in direction, tone, or content from that of its predecessor.”

Given the firm U.S. stance, Libya attempted to undermine UN sanctions by making the Lockerbie issue one of conflicting interpretations of procedural justice. Libya

referred to the Article 7 of the Montreal Convention on Civil Aviation,²⁷ which found that the “contracting state in the territory on which the alleged offender is found shall, if it does not extradite him, be obliged, without exception and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purposes of prosecution.” Given that all the parties involved were signatories to the Convention, Libya argued that it had every legal right to handle the investigation of the two suspects itself. Libya next proposed that due to competing legal proscriptions, the International Court of Justice (ICJ) should rule on which venue holds authority (Niblock, 2001: 37). The ICJ is an arena where the U.S. often loses arguments, and indeed the U.S. and British argument lost in 1998 when the Court ruled that the case fell under jurisdiction of the Montreal Convention.

Negative sanctions start to lose high support, compromise reached

By the time the ICJ entered this ruling in 1998, many African nations, the Organization of African Unity (OAU), and Italy had broken the UN flight restrictions. Qadaffi (Viorst, 1999: 60) asserted in 1998 that “(Libya) want(s) a reconciliation with America, but America doesn’t want a reconciliation with us.” The Security Council’s position, driven primarily by the U.S. and Britain, was losing followers. For the U.S. and Britain, the ICJ’s decision threatened to undermine the sanctions’ legitimacy. Kofi Annan, the UN secretary-general, (*New York Times*, 7 April 1999) said: “I realized that if we didn’t find a way forward (the sanctions would lose all legitimacy). By rejecting

²⁷ Formally the Montreal Convention on the Suppression of Unlawful Acts Against the Safety of Civil Aviation, 23 September 1971.

every Libyan proposal (the U.S. and Britain) had boxed themselves into a situation of being the stubborn negative ones.”

The Libyan position had originally been to conduct its own investigation of the suspects. By 1994 though, Libya began advocating for the two suspects to be tried in a Scottish court under Scottish law and bought full-page ads in major U.S. newspapers to advocate for this position. However, it took five more years and the threat of widespread leakage on the Libyan sanctions for the U.S., Britain, and France to accept the Libyan offer and propose it to the Security Council as their own (Hurd, 2005: 519-520). This initiative represented a compromise between the two sides. The Council’s original position required Libya to extradite the two suspects to stand trial in the U.S. or Britain. Libya had wanted to conduct its own investigation under the authority of the Montreal Convention.

The result of the compromise was UN Security Council Resolution 1192 adopted on 27 May 1998. It stated that the Security Council “welcomes the initiative for the trial of the two persons charged with the bombing of Pan Am flight 103 (“the accused”) before a Scottish court sitting in the Netherlands, as contained in the letter dated 24 August 1998 from the Acting Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America (“the initiative”) and its attachments.” While the U.S. and Britain finally got a chance to administer justice to the two suspects, Libya’s bargaining won certain assurances. One, Britain promised Libya that the investigation would not go beyond the two suspects (Hurd, 2005: 521). Two, the families of the accused would be able to visit the suspects during the trial. Three, the defense could call any witness they liked, including British and U.S. officials (Niblock,

2001: 56). Four, the Council would consider the trial to be a major step toward ending the sanctions (Ibid.). As stated in Resolution 1192, the lifting of sanctions still required Libya to satisfy French officials of its cooperation on the bombing of UTA 772. However, through diplomatic channels, Libya was assured UN sanctions would end with the suspects' turnover (John, 2004: 390). Five, the suspects would serve prison sentences in the Netherlands if found guilty. These five measures can be understood as positive sanctions when compared to the status quo of the previous six years and outlined in Resolutions 731, 748, and 883.

UN suspends negative sanctions, U.S. unilateral sanctions remain

Libya surrendered the two suspects on 5 April 1999, working through intermediaries such as Prince Bandar bin Sultan, the Saudi ambassador in Washington, and Nelson Mandela (Niblock, 2001: 58). While the UN suspended sanctions, the U.S. maintained that unilateral sanctions would remain until Libya accepted responsibility for the Lockerbie bombing, provided restitution to the victims' families, and renounced terrorism. As a U.S. presidential letter stated, Libya's failure to take the preceding measures would vindicate U.S. "concerns about the Libyan government's support for terrorist activities and its noncompliance with United Nations Security Council Resolutions 731 (1992), 748 (1992), and 883 (1993)" (White House Press Office, 4 January 2001). While the U.S. took a hard line publicly, it privately signaled it was willing to pursue an engagement policy through backchannel talks with Libya. However, there were two conditions – Libya would have to stop lobbying the UN to completely lift sanctions and keep the talks secret.

On 31 January 2001, a Scottish court found one of the suspects, Abdel Basset Ali al-Megrahi, guilty of murder and acquitted the second suspect, Al-Amin Khalifa Fhima. Signaling a U.S. punitive strategy, Secretary of State Colin Powell said the day before the verdict that U.S. sanctions on Libya would stay in place no matter what the court's decision (*New York Times*, 1 February 2001). After the court announced the verdict, Bush called for the Libyan government to pay compensation to the families of the victims and accept responsibility for the bombing.

Qaddafi makes moves to warm relations

In response to the terrorist attacks on 11 September 2001, Qaddafi expressed sympathy with the victims and shared intelligence with the U.S. on Islamic militant groups including al-Qaeda (John, 2004: 394). Qaddafi also soon agreed to pay up to \$10 million to each of the 270 victims of the Lockerbie bombing. On 12 September 2003 the Council voted that Libya had fulfilled its international obligations and lifted its sanctions. Again, Powell signaled a U.S. punitive strategy toward Libya by saying that unilateral U.S. sanctions would remain because of Libya's unconventional weapons program, poor human rights record, and illiberal regime. However, in months of secret talks, the U.S. was engaging Libya by assuring Qaddafi it would lift its sanctions in return for dismantlement of Libyan WMD programs. On 19 December 2003 Libya announced its decision to dismantle its WMD capabilities and President Bush reciprocated by signing an executive order lifting sanctions. The next day, Tripoli described the lifting of the embargo as a "victory" (Platts Oilgram Price Report, 17 April 2004). Powell insisted Libya's decision was a byproduct of the U.S. invasion of Iraq, but Ronald Bruce St. John (2004: 398-402) writes that this connection is spurious: "It is clear that the war in Iraq

had little or nothing to do with Qaddafi's decision to come clean on weapons of mass destruction."

On 30 June 2006 the U.S. rescinded Libya's designation as a state sponsor of terrorism in recognition of Libya meeting the requirements of not providing any support for acts of international terrorism in the preceding six months and assuring that it would not do so in the future. Secretary of State Condoleezza Rice said that Libya had shown a "continued commitment to its renunciation of terrorism" and praised its "excellent co-operation" in the US-led operations in Afghanistan and Iraq (The Times, 16 May 2006). This move effectively ended all sanctions against Libya, economic and diplomatic. It also paved the way for Libyan Foreign Minister Shalgam to make the first official visit to Washington by a Libyan Foreign Minister since 1972. During this visit the U.S. and Libya signed the Science and Technology Cooperation Agreement, the first bilateral agreement since President Carter downgraded diplomatic relations.

On 4 August 2008 President Bush signed into law the Libyan Claims Resolution Act. This legislation provided for the restoration of Libya's sovereign, diplomatic, and official immunities before U.S. courts once Libya resolved its outstanding terrorism-related death and physical injury claims. Qaddafi promptly responded by paying the \$1.5 billion to compensate the families of Lockerbie victims. On 31 October 2008 President Bush issued an executive order to implement the claims settlement agreement that allowed for the full normalization of U.S.-Libya relations. In January 2009, the U.S. and Libya exchanged ambassadors for the first time since 1973.

Qaddafi made his first trip to the U.S. in September 2009 to deliver a speech to the UN General Assembly. Although the trip seemed to represent a step forward in U.S.-Libya relations, Qaddafi's speech struck at the legitimacy of the Security Council and the U.S.'s leadership role within it. Among his incendiary comments, Qaddafi said (*New York Times*, 23 September 2009): "It should not be called the Security Council; it should be called the terror council." Qaddafi's tirade notwithstanding, relations between the U.S. and Libya are stable.

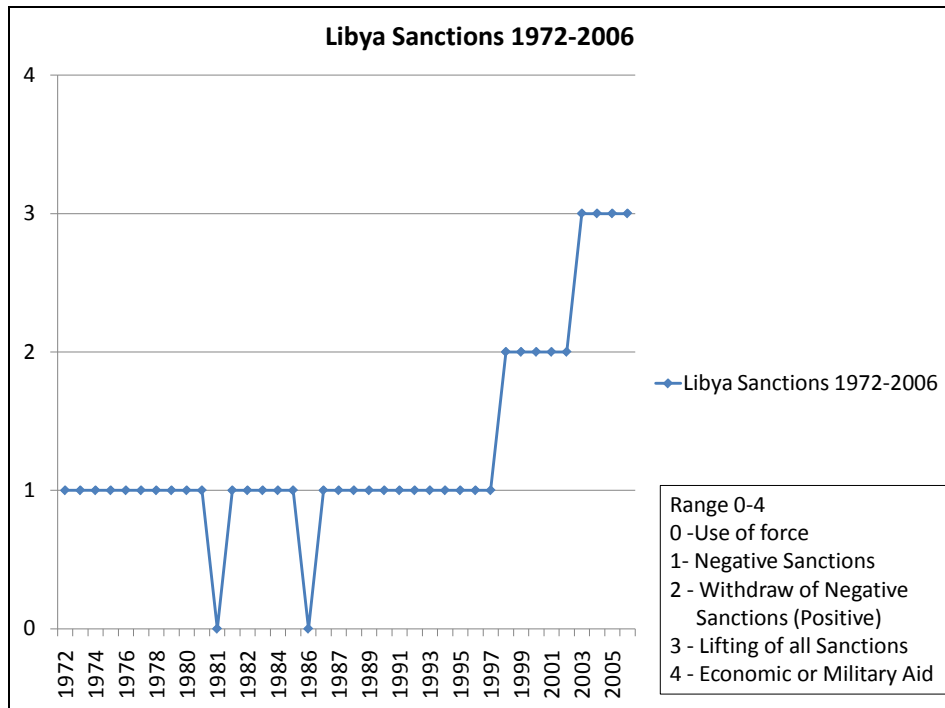
The U.S. strategy toward Libya

From 1972 until 1999 the U.S. pursued a punitive sanctions strategy with Libya and sought Libyan capitulation on all of its demands. Until 1994, Qaddafi not only refused to give in to U.S. pressure, but he continued to support terrorism and assassination around the world. In the mid-1990s, however, Qaddafi softened his stance and tried to present himself as a more responsible member of the international community than the U.S. He sought compromise on the trial of the two suspects in the Lockerbie bombing, and by 1998-1999 he had found a receptive international audience. In addition, many African nations had begun to flaunt the UN travel ban. In a particularly important development to the U.S., Italy also disregarded the travel ban. The subsequent compromise on the Lockerbie issue was the beginning of the U.S. shift to an engagement strategy with Libya. Over the next decade the U.S. often struck a punitive note publically with regard to Libya while conducting an engagement policy through backchannels and secret talks.

Table 8. Libyan Sanctions (1972-2006)

Date	Description	Positive/Negative	Scale
1951-1972	Pre-sanctions status quo	Positive	3
1972	U.S. ambassador leaves	Negative	1
1973	U.S. unilateral military sanctions	Negative	1
12-2-1979	U.S. Removes Diplomatic Staff	Negative	1
12-29-1979	U.S. designates Libya “state sponsor of terror”	Negative	1
5-6-1981	U.S. closes Libyan Embassy	Negative	1
8-19-1981	U.S. shoots down two Libyan jets	Negative	0
12-11-1981	U.S. travel ban	Negative	1
3-10-1982	U.S. oil embargo	Negative	1
12-27-1985	U.S. military mobilizes	Negative	1
4-15-1986	U.S. bombs military targets	Negative	0
1-21-1992	Resolution 731, demands related to terrorist bombing of Pan Am 103	Negative	1
3-31-1992	Resolution 748, broader sanctions of Libya	Negative	1
11-11-1993	Resolution 883, further expansion of sanctions	Negative	1
5-27-1998	Resolution 1192, welcomes Libyan compliance on Pan Am issues	Positive	2
9-12-2003	UN lifts sanctions	Positive	3
12-19-2003	U.S. lifts economic sanctions	Positive	3
6-30-2006	U.S. lifts all diplomatic sanctions	Positive	3

Figure 6. The trajectory of U.S. strategy toward Libya



CHAPTER 4: ANALYSIS AND CONCLUSION

The following table presents the significant U.S. strategy changes for the three cases in the study. When two values are entered for a variable in one box, the first is the value in the status quo ante and the second the new value. Otherwise, the status quo ante value is the same as the observation before.

Table 9. Strategy changes for all cases

Strategy changes	Year	Target	Direction	Magnitude	Nuclear Weapons	Threat	Support	Dyad relationship
1	1991*	Iraq	P	2	N	Lo/Hi	Lo/Hi	Ally/adversary
2	1991	Iraq	E	1	N	Med	Hi	Adversary
3	1995	Iraq	E	1	N	Med	Med	Adversary
4	1998*	Iraq	P	2	N	Med	Med	Adversary
5	1998	Iraq	E	1	N	Med	Med	Adversary
6	1999	Iraq	E	1	N	Med	High	Adversary
7	2003*	Iraq	P	2	N	High	Low	Adversary
8	2003* *	Iraq	E	3	N	Low	High	Adversary
9	2004	Iraq	E	1	N	Low	Hi	Adversary
10	1994*	NK	E	2	N	Med/Hi	Med	Adversary
11	2002*	NK	P:	2	N	Med/Hi	Med	Adversary
12	2007	NK	E	1	Y	Med/Hi	Hi	Adversary
13	2009	NK	P	1	Y	Med/Hi	Hi	Adversary
14	1972*	Libya	P	2	N	Low	Low	Adversary
15	1981	Libya	P	1	N	Med	Low	Adversary
16	1981	Libya	E	1	N	Low	Low	Adversary
17	1986	Libya	P	1	N	Med	Low	Adversary
18	1986	Libya	E	1	N	Med	Low	Adversary
19	1998	Libya	E	1	N	Med	Hi/ Med	Adversary
20	2003	Libya	E	1	N	Low	Hi	Ally

Analysis of hypotheses

Of the 20 changes, 12 involved a corresponding change in target threat (60 percent), 1 with a change in nuclear weapons capability (5 percent), 8 with a change in

sanctions support (40 percent), and 3 with change in dyad relationship (20 percent). In 3 observations there was no change in any independent variables. However, in 2 of these observations, the U.S. was returning to a punitive status quo with the target after quick military operations – the bombing raid on Libya in 1986 and Operation Desert Fox in Iraq in 1998. Given their speed and small scope, it should be no surprise that the independent variables showed no change following these operations.

In the 20 observations above, this study coded seven that changed 2 points or more on the strategy change continuum.²⁸ In 5 of these observations, the steep change in was in the punitive direction. It seems U.S. sanctions strategy falls faster toward war than it rises toward peace. Indeed, 3 of the 5 steep punitive changes do signify military force. All of these observations were in Iraq – 1991, 1998, and 2003. In the remaining 2 punitive changes, the steep change represents a shift from relatively high engagement (coded as 3) to punitive diplomatic sanctions (coded as 1). These cases were in Libya in 1972 and North Korea in 2002. Of the 2 cases in which there was a steep shift to engagement, 1 came after the U.S. invasion, and 1 was the result of the U.S.-North Korean brinkmanship that led to the 1994 Agreed Framework. It seems remarkable that the only two steep shifts toward engagement came after or in the shadow of military force.

In 5 of the 7 steep changes, the target threat also changed. All of the changes were in the direction expected in the hypothesis. Both relationship changes were in the expected direction, and the nuclear weapons variable did not change at all. Of the four

²⁸ These observations are marked with an asterisk (*). Only 1 observation is marked with two asterisks to signify a 3-point shift.

variables, clearly the target threat variable was the most potent. In order to better investigate the degree of support for the four hypotheses, this study looks at each individually. For clarity purposes, the following figures derived from the figure above will keep the original observation number in parentheses.

Hypothesis 1: If the threat level increases, then the U.S. will respond with a punitive strategy. If the threat level decreases, then the U.S. will use engagement.

Null hypothesis 1: The threat level to the U.S. has no effect on its decision to use a punitive or engagement sanctions strategy.

Table 10. Changes in target threat

Strate gy chang es	Year	Target	Direction	Magnitude	Nuclear Weapons	Threat	Support	Dyad relationship
1 (1)	1991*	Iraq	P	2	N	Lo/Hi	Low- Hi	Ally/Adv ersary
2 (2)	1991	Iraq	E	1	N	Med	Hi	Adversary
(6)	1999	Iraq	E	1	N	Med	Hi	Adversary
3 (7)	2003*	Iraq	P	2	N	Hi	Low	Adversary
4 (8)	2003* *	Iraq	E	3	N	Low	Hi	Ally
5 (10)	1994*	NK	E	2	N	Med/Hi	Med	Adversary
6 (11)	2002*	NK	P:	2	N	Med/Hi	Med	Adversary
7 (12)	2007	NK	E	1	Y	Med/Hi	Hi	Adversary
8 (13)	2009	NK	P	1	Y	Med/Hi	Hi	Adversary
(14)	1972*	Liby a	P	2	N	Low	Low	Adversary
9 (15)	1981	Liby a	P	1	N	Med	Low	Adversary
10 (16)	1981	Liby a	E	1	N	Low	Low	Adversary
11 (17)	1986	Liby a	P	1	N	Med	Low	Adversary
(19)	1998	Liby a	E	1	N	Med	Hi/ Med	Adversary
12 (20)	2003	Liby a	E	1	N	Low	Hi	Ally

Ten out of 12 threat changes (about 83 percent) move in the direction expected by this study: When threat level increases, the U.S. uses a punitive strategy; when threat level decreases, the U.S. uses an engagement strategy. Therefore, in 10 of the entire 20 strategy changes (50 percent) found in this study, the threat variable and strategy variable change in accordance with the hypothesis. This suggests the threat level does condition the U.S.'s sanctions strategy. It provides stronger evidence that if the target does change its threat level, the U.S. will respond punitively.

The 2 threat level changes that went counter to the hypothesis were both in North Korea. One was in 1994 after North Korea refused the IAEA access to two suspected nuclear sites, withdrew from the NPT, and expelled IAEA inspectors. Although the U.S. supposedly came close to using force, it instead pursued engagement with the 1994 Agreed Framework. The other instance was in 2007 after North Korea declared it was a nuclear power. Although the U.S. and UN tightened sanctions at first, in January 2007 the U.S. agreed to the North Korean demand of bilateral talks. Soon after the U.S. signed the Joint Statement, outlining a lucrative engagement policy for North Korea. The question of what possibly led to these exceptions will be taken up in the analysis of hypothesis two regarding nuclear weapons.

Of the 12 threat changes, 7 occurred alone among the other independent variables. The remaining 5 threat changes occurred with the support variable – 3 also along with the dyad relationship variable, and 1 with the nuclear weapons capabilities variable. Although the support variable changes about 58 percent of the time with the threat level variable, it does not change in same way. In three cases (7, 8, 20) the threat and support variables both increase, and in two cases (1, 12) one decreases and the other increases.

Hypothesis 2: If the target possesses a nuclear weapon, then the U.S will use an engagement strategy. If the target does not have a nuclear weapon, then the U.S. will employ a punitive strategy.

Null hypothesis 2: A target’s possession of a nuclear weapon has no effect on the U.S. sanctions strategy.

Table 11. Changes in nuclear weapons capability

Strate gy chang es	Year	Target	Direction	Magnitude	Nuclear Weapons	Threat	Support	Dyad relationshi p
(11)	2002*	NK	P:	2	N	Med/Hi	Med	Adversar y
1 (12)	2007	NK	E	1	Y	Med/Hi	Hi	Adversar y

Given only one change in the independent variable, there are clearly not enough empirics in this study to accept this hypothesis and reject the null. Still, it is interesting to note that the variable’s one change appears in one of the only two exceptions in the threat variable hypothesis. Indeed, North Korea’s nuclear weapons capability – of uncertain degree in 1994 and proven in 2006 – may have deterred the U.S. from taking a punitive strategy. This is the argument the North Korean leadership often takes to justify its pursuit of nuclear weapons (*Unclassified Report*, 12 October 1999).

It is also possible that North Korea’s geopolitical position and its instability deterred the U.S. from a punitive strategy. To William Perry, North Korea has strong deterrence without nuclear weapons, and this deterrence leads the U.S. to pursue its objectives with “prudence and patience”:

In sharp contrast to the Desert Storm campaign in Kuwait and Iraq, war on the Korean Peninsula would take place in densely populated areas. Considering the million-man DPRK army arrayed near the DMZ, the intensity of combat in another war on the Peninsula would be unparalleled in U.S. experience since the Korean War of 1950-53. It is likely that hundreds of thousands of persons – U.S., ROK, and DPRK – military and civilian – would perish, and millions of refugees would be created.

North Korea is the only state this study examined that developed nuclear weapons. It is also the only state to raise its threat level and be met with a U.S. engagement strategy. The findings in this study are insufficient to say whether these two phenomena are linked or whether there is any relationship between the variables. Still, it may be an interesting topic for future inquiry.

Hypothesis 3: If the support level for U.S. sanctions decreases, then the U.S. will use a punitive strategy. If the support level increases, then the U.S. will use an engagement strategy.

Null hypothesis 3: The support level for U.S. sanctions has no effect on its decision to use a punitive or engagement sanctions strategy.

Table 12. Changes in support level

Strategy changes	Year	Target	Direction	Magnitude	Nuclear Weapons	Threat	Support	Dyad relationship
1 (1)	1991 *	Iraq	P	2	N	Low/Hi	Low/ Hi	Ally/Adv ersary
(2)	1991	Iraq	E	1	N	Med	Hi	Adversary
2 (3)	1995	Iraq	E	1	N	Med	Med	Adversary
(5)	1998	Iraq	E	1	N	Med	Med	Adversary
3 (6)	1999	Iraq	E	1	N	Med	Hi	Adversary
4 (7)	2003 *	Iraq	P	2	N	Hi	Low	Adversary
5 (8)	2003 **	Iraq	E	3	N	Low	Hi	Ally
(11)	2002 *	NK	P:	2	N	Med/Hi	Med	Adversary
6 (12)	2007	NK	E	1	Y	Med/Hi	Hi	Adversary
7 (19)	1998	Libya	E	1	N	Med	Hi/ Med	Adversary
8 (20)	2003	Libya	E	1	N	Low	Hi	Ally

The support level changed 8 times in the 20 observations. Of these 8 changes, 5 moved in the direction outlined in the hypothesis. Therefore, in 5 of the 20 (25 percent) observations, the independent variable behaved as expected in hypothesis 3. Still, of the 8 support variable changes, only 3 occurred alone (3, 6, and 19). The support and threat variables occurred together in 5 observations. In 3 observations the relationship, threat, and support variables changed together. In order to disentangle what – if any – effect the support variable had on U.S. sanctions strategy, it is useful to look closer at the three observations in which it changed alone among the independent variables.

Two of these observations (3 and 19) run counter to the hypothesis – the support level decreased from “high” to “medium” while the U.S. strategy moved toward engagement. In 1995 the U.S. was trying to get back sanctions support by offering Iraq the “oil-for-food” Resolution 986. In 1998 the U.S. lost support for the flight restrictions on Libya and responded with a compromise in Resolution 1192. In 1999 Iraq (observation 6), on the other hand, an increase in the support variable corresponded with a step toward engagement. This change follows the hypothesis.

Although one cannot draw broad conclusions from these 3 observations, it seems likely that international support does often affect the U.S. sanctions strategy in the way expected. However, it may be necessary to add two addendums. First, the U.S. demonstrated it could garner “high” international support initially for a punitive strategy. Second, once the U.S. obtained “high” international support for a punitive strategy, the support tended to call for engagement over time. Eventually, the support decreased due to the U.S.’s continued pursuit of punitive sanctions. This loss of support, in turn, led the U.S. to move toward engagement with the target. In both the Libya and Iraq cases in which this dynamic occurred, this process took about 5 years.

Hypothesis 4: If the U.S. is allies with the target, the U.S. will use an engagement strategy. If the U.S. and the target are adversaries, the U.S. will use a punitive strategy.

Null hypothesis 4: The relationship between the U.S. and the target has no effect on the sanctions strategy.

Table 13. Changes in U.S.-target relationship

Strate gy chang es	Year	Target	Direction	Magnitude	Nuclear Weapons	Threat	Support	Dyad relationshi p
1 (1)	1991*	Iraq	P	2	N	Low/Hi	Low/ Hi	Ally/adv ersary
(7)	2003*	Iraq	P	2	N	Hi	Low	Adversa ry
2 (8)	2003* *	Iraq	E	3	N	Low	Hi	Ally
(19)	1998	Libya	E	1	N	Med	Hi/ Med	Adversa ry
3 (20)	2003	Libya	E	1	N	Low	Hi	Ally

Out of the 20 observations in this study, 3 contain a change in the relationship variable. None of the relationship changes occur alone among the independent variables, and all of them move with the threat variable. Given its lack of change, the relationship between the U.S. and the target – or the way it was operationalized – did not play a significant role in the U.S. sanctions strategies described in this study. It is quite possible relationship does condition U.S. sanctions strategy, but in order to investigate the effect more study should be done on cases in which the U.S. sanctioned allies. Still, there is no support here for Galtung’s (1967: 381) statement that positive sanctions are “out of the question” when hatred is strong. The U.S. offered positive sanctions to its adversaries in all three cases.

Sanctions as bargaining: Conception and execution

Cortright and Lopez (2000: 28) write that the bargaining model of sanctions is “designed to encourage political compromise and spark a process of dialogue and

negotiation.” This study did not claim to know the designs of policymakers. Sanctions, as encompassing both positive and negative additions to the status quo, may be part of dialogue or war. As Schelling (1960) elucidates, either way, sanctions are a part of a bargaining process. Scholars often presume to know decisionmakers’ designs in order to measure the success of the strategy. The dependent variable in this study is the U.S. sanctions strategy – not success.

Taking the suggestion of Baldwin (1985) especially, this study conceived sanctions as part of a continuum of policy tools from the negative to the positive and codified the U.S. strategy shifts on a policy continuum from punitive to engagement. In doing so, it was hopefully able to clarify the general trajectory of U.S. sanctions strategy in the three cases and make some inroads into understanding the underlying conditions. The analysis found the most support for the hypotheses regarding the level of target threat and international support. The impact of the target threat level was particularly strong in support of the hypothesis.

The impact of the international support level was largely in support of the hypothesis but with two qualifications. Initially in the Iraq and Libya cases, “high” support was not correlated with an engagement strategy. Also, a decrease from “high” support to “medium” support seemed to lead to a U.S. move toward engagement in the Iraq and Libya cases. Indeed, the potential of losing “high” support in the mid-1990s appeared to pressure the U.S. into mitigating its punitive Iraq sanctions with the Oil-for-Food program. The U.S. received “high” sanctions support for punitive Libya sanctions in 1992 with UN Resolutions 731 and 748. However, this support did not lead to a U.S.

engagement strategy. It was only when the U.S. was faced with the potential of losing “high” support for Libya sanctions in 1998 did it move toward an engagement strategy.

Implications

Of all international actors, targets and potential targets of U.S. sanctions have perhaps the most to gain from an understanding of what conditions U.S. sanctions strategy. The strongest findings of this study suggest a target should downgrade its threat level to the U.S. if it desires U.S. engagement. There is certainly a range of possibilities for a target to lower its threat level, the most obvious being to comply with some or all of the U.S. demands. Although a target may fear the U.S. will take advantage of its position, according to the findings here, the U.S. seems more likely to respond in a Tit-for-Tat fashion with a step toward engagement.

Considering the findings, the target can also attempt to push the U.S. toward engagement by undermining the level of support of sanctions. Although the U.S. enjoyed “high” support for punitive sanctions in both the Iraq and Libya cases, it did so for a limited period of time. For their part, potential supporting states should not assume the U.S. will engage the target, even if an engagement strategy appears to be coded into UN resolutions. It may take a full defection from the sanctions in order to move U.S. strategy toward engagement with the target. Indeed, over the course of the study, the U.S. appears to drive a hard bargain with targets and sanctions supporters. War and limited military strikes played a significant role as did rewards and inducements. In fact, U.S. strategy was quite fluid between the two poles.

Chain of causality

This study may have the chain of causality backward. For instance, a punitive U.S. strategy may raise the target's threat level and not the other way around. U.S. strategy may affect international support – not vice versa. An ideal experimental design would have the researcher assign states different values of the independent variables – target threat level, etc. – and measure the U.S. response to the “treatment.” So far, however, nations have not allowed scientists to manipulate and test vital interests. As King et al. (1994: 198) write, “Endogeneity is not always a problem to be fixed but is often an integral part of the process by which the world produces our observations.” Considering the bargaining nature of state interaction, one should expect feedback between the dependent and independent variables. In a Tit-for-Tat interaction, the sender's move affects the target's move, which in turn affects the sender.

The conclusions here are tentative and its efforts largely explorative. This study selected the three cases to represent the population of U.S. sanctions, but it seems clear that further investigation is needed to judge whether the findings are generalizable – and if so, to what extent. This study found that the target's threat level to the U.S. and the level of international support for sanctions affected U.S. strategy, but the precise effect needs the clarification that comes with further inquiry. The U.S. may be the dominant force and leader in international politics for a while longer, but it must assert this position through hard bargaining with adversaries and allies – through war, economic aid, and all measures in between. Insight into its choice of action is as valuable as ever.

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