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UNILATERAL ECONOMIC SANCTIONS
Immorality and Arrogance of Great Power Politics

Speech

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“The Moral Collapse of the Trans-Atlantic World and the Quest for a New Paradigm”

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Carl von Clausewitz famously said that war is a continuation of politics by other means. Looking back at the course of international affairs in the decades since the end of the Cold War, one might add, in analogy, "*sanctions are the continuation – or conduct, to be precise – of war by other means.*"

The juxtaposition highlights the crucial problem of the excessive use of unilateral sanctions in today's global system. Under the influence of the United States, economic coercion appears to be a more or less unquestioned instrument in the conduct of power politics. In the absence of a global *balance* of power, sanctions have indeed become a tool of choice in a new version of *asymmetric* warfare – in situations where the intervening state intends to achieve maximum results with minimum risk for itself. These in most cases *indiscriminate*, only pretendedly "targeted," measures are meant to *complement* the use of armed force – preceding, accompanying, or following it, with the aim to force the targeted country into submission. As such, they are part of the arsenal of warfare. Under no circumstances, whether in their unilateral or multilateral form, are sanctions compatible with a policy of diplomacy or peace. They are always – *sensu stricto* – a form of violence.

Right upon the end of the Cold War, the most obvious example of this "weaponized" foreign policy approach was the comprehensive economic sanctions régime imposed on Iraq from 1990 to 2003, up to the moment when the United States with her allies had achieved "régime change" by armed aggression, and subsequently had occupied the country.

In terms of moral philosophy, but also of legal doctrine, comprehensive as well as so-called "sectoral" sanctions (such as those now unilaterally enforced against Syria) are in-and-of-themselves a form of *collective punishment* and, thus, in violation of fundamental human rights, which, in our modern understanding, are part of *jus cogens* of general international law. Except in rare cases of self-defense, unilateral economic sanctions are always illegal. They are tantamount to an arrogation of sovereign power over other states. Only as *multilateral* enforcement measures – in the collective security system of the United Nations – may sanctions be legally justified, and this only on condition that the measures do not violate basic rights of the population in the targeted country.

In legal terms, the violation of a country's sovereignty is generally inadmissible, except if it occurs under the collective authority of the United Nations Security Council, in a resolution based on Chapter VII of the UN Charter. Such decisions can only be taken if the Council first has determined that there exists a breach of or threat to the peace in a particular situation. The Council is not above the law in the exercise of its coercive powers. It is bound by the rules of the UN Charter and by the fundamental norms of human rights. Nonetheless, as the sanctions against Iraq have demonstrated, the supreme executive organ of the United Nations may effectively act as if it were *above the law* – when its agenda gets hijacked by one or more powerful permanent members. The all-out sanctions against Iraq, pursued until the eventual invasion of the country, constituted one of the most serious international crimes in post-World War II history.

The answer why this was at all possible highlights the predicament the world is faced with today, when the most powerful country with increasing frequency enforces sanctions *unilaterally*, targeting countries at its discretion, according to what it declares its legitimate “national interests.” The (multilateral) Iraq sanctions were kept in place for more than a dozen years because the United States was able to keep the Security Council hostage of its Machiavellian agenda vis-à-vis that country. Due to the Security Council veto, the US had the power to prevent the lifting of the sanctions until it was satisfied with the “result,” namely the collapse of the governmental system. This happened after hundreds of thousands of people had died due to the sanctions and the damage caused to civilian infrastructure and services (a fact that was documented, *inter alia*, as early as 1996 in a report of the Harvard Study Team in the United States).¹

The historical facts, dictated by the logic of power politics, are plain and simple. In the unique constellation when the bipolar power balance between the US and the Soviet Union was about to disappear in 1990, the United States was able to get the other veto-wielding countries on board, so to speak. Not only did the US get the sanctions resolution adopted; by virtue of its veto, the US was also in a position to hold the entire Council hostage of its erstwhile decision. The sobering truth of the matter is that sanctions under Chapter VII of the UN Charter will go on

¹ *Unsanctioned Suffering: A Human Rights Assessment of United Sanctions on Iraq*. Center for Economic and Social Rights, May 1996.

indefinitely if only one permanent member objects to their suspension or lifting. Such is the reality of great power politics in the UN system.

The predicament of power politics is even more serious and consequential in cases of *unilateral* sanctions. In the years following the collapse of the Eastern bloc and the disintegration of the Soviet Union, the resulting unipolar power constellation (though temporary, as we now know) not only enabled the “Western bloc” to get mandatory resolutions such as those on Iraqi sanctions passed by the Security Council. Whenever endorsement of punitive measures by the Council could not be obtained, the United States with her allies felt strong enough “to go it alone.” This was also evident in the use of force against Yugoslavia in 1999.

It is no surprise that in a milieu of global anarchy – where checks and balances on the actions of a global superpower have become dysfunctional – a culture of impunity flourishes, and self-righteousness takes the place of the law. The so-called *Caesar Syria Protection Act* of 2019 is a case in point as are the (sectoral) sanctions against Yemen that took effect on 19 January 2021, the day before the coming into office of the new President of the United States. These are unilateral measures, imposed without even a semblance of consultation with the international community and not authorized by the United Nations. The US falsely claims to have the right to enforce the sanctions *extraterritorially* (i.e. vis-à-vis third parties that are not involved in the dispute). The euphemism of “secondary sanctions” cannot hide the fact that we are dealing here with an imperialist arrogation of sovereignty in total neglect of international law.

The hypocrisy and outright immorality of such a policy has by now become obvious to every fair observer. After stoking a civil war, by intervening – since ten years now – on one side of the conflict in Syria, the United States punishes the entire population of an already profoundly destabilized and weakened state with measures that cause widespread suffering and devastation of the economy. It reveals an attitude of arrogance and self-righteousness that is typical of imperial rule. Insisting to “punish” the Syrian government for committing atrocities and to bring about an end to human rights violations, the enforcers of the sanctions have effectively prolonged the war and caused even greater instability in the entire region. The extraterritorial enforcement of the measures means that, in the sectors

covered by the “Caesar Act,” transactions and business deals with Syria anywhere in the world are banned – even when they have no connection to the US.

Although such a practice is patently illegal, the international community is condemned to the role of a mere monitor of events. Due to the great power veto in the Security Council, the US enjoys virtual immunity in the conduct of its unilateral policies. The situation will only change if there is a shift in the global balance of power, and other states eventually feel strong enough to ignore – or challenge – US demands.

The tragedy inflicted upon the people of Syria – and more recently, of Yemen – is tantamount to a *crime against humanity* according to the Rome Statute of the International Criminal Court. However, neither the targeted countries nor the US are State Parties to the Court. The world is faced with the scandalous situation that, under the present system of international law, there is *no legal remedy*, whether in terms of public international law (before the International Court of Justice) or of international criminal law (before the International Criminal Court [ICC]). The ICC might only be able to exercise jurisdiction over officials of some US allies if it can be proven that they are/were complicit in the collective punishment of the Syrian and/or Yemeni peoples. US allies from Europe, including the United Kingdom, are State Parties to the ICC. In these cases, the Prosecutor of the Court would have the power to initiate an investigation. It all depends on the courage and moral integrity of the respective office holder. (Last year, the Prosecutor and other Court officials have come under serious pressure, including personal sanctions, from the US Administration over the investigation of war crimes in Afghanistan.)

Even before the enactment of the “Caesar Sanctions” by the United States, the Special Rapporteur of the UN Human Rights Council had, in a 2018 report, come to the, albeit timid, conclusion that the “accumulation of diverse and intertwined unilateral coercive measure regimes” has made the human rights situation in Syria “unnecessarily difficult.”² It is a sad and sobering *déjà vu*: The suffering of the Syrian people mirrors the tragedy inflicted upon the people of Iraq almost three decades ago, after a “New World Order” was proclaimed by the then

² UN Human Rights Council, Doc. A/HRC/39/54/Add.2, 11 September 2018.

President of the United States. It is important here to note that we are not alone in this judgment as is evident in a report of the *Foreign Policy* magazine.³ It is scandalous and morally revolting that a medieval mentality and tactic of *siege warfare* has become part and parcel of the inventory of great power politics at the beginning of the third millennium! Depriving an entire population of vital resources to force it into submission is nothing short of an international crime. If this is allowed to stand, there will be no progress of *humanitas* – in spite of all the humanitarian language used to justify such practices.

In conclusion: In today's realpolitik, unilateral sanctions follow the logic of blackmail and naked power. Because, according to the design of the current UN system, power ultimately trumps law, it is all the more important to raise the moral awareness of international civil society so as to put pressure on those governments that pursue or condone a Machiavellian policy of collective punishment. I would like to stress here the special role and responsibility of religious institutions in the defense of human dignity. This particularly relates to churches in those countries whose governments have made sanctions a tool of their foreign policy, to put it bluntly.

We value the public call of His Eminence Cardinal Mario Zenari for the lifting of the unilateral sanctions imposed on the Syrian people. In a global meeting of Caritas Internationalis, he minced no words, equating the consequences of sanctions to those of warfare.⁴ (Apart from condemning the policy of punitive sanctions in general, church leadership should also make clear vis-à-vis state leaders of Christian denomination that those acts violate the basic tenets of the Christian faith. As to our knowledge, most of the responsible office holders in the countries that use sanctions as a tool of foreign policy, including the current President of the United States, a Roman-Catholic, are members of Christian communities.)

At this juncture, the first priority must be the provision of humanitarian aid as called for by Caritas and other non-governmental organizations. (The

³ Anchal Vohra, "Assad's Syria Is Starting to Starve Like Saddam's Iraq: How sanctions against the Syrian regime are forcing the country into famine." *Foreign Policy*, Washington, DC, 2 December 2020, foreignpolicy.com.

⁴ "Stop sanctions. After 10 years of war Syria is now under the 'bomb' of poverty." *Caritas Internationalis*, 23 March 2021.

“Committee to Save the Children in Iraq,” sponsored by the Schiller Institute, launched a similar initiative after the 1991 Gulf War.) Emergency aid measures should be complemented by a civil society campaign in the countries that bear primary responsibility for the continuation of the war, and in particular the “war through sanctions.” Apart from dealing with the *symptoms*, it is required also to address the *causes* of the humanitarian catastrophe and to draw lessons for the future.

The noble principles of human rights – supposedly the core of our democratic polities and the basis of *international legitimacy* – will be utterly meaningless if we allow governments that claim to act *in our name* to put power above law, and to continue with punishing entire peoples in the name of “humanity.” This would indeed signify the *moral collapse* of the transatlantic world, which, at this stage of global affairs, only an alert and valiant civil society can prevent – through challenging its leaders in the court of public opinion.
