

AKSU JOURNAL OF HISTORY & GLOBAL STUDIES

Vol. 3, No. 1 ■ June 2018 ■ ISSN: 199 006X

DEPARTMENT OF HISTORY & INTERNATIONAL STUDIES,
Akwa Ibom State University Nigeria

AJHGS, Vol. 3, No. 1, March 2017

AKSU Journal of History & Global Studies (AJHGS)
Volume 3, Number 1, March 2017

ISSN: 199 006X

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Akwa Ibom State University, Obio Akpa Campus

Coercive Diplomacy in Inter State Relations: A Study of the United Nations and Non-Military Sanctions, 1965-2003

Peter Sunday N. Equere^a

Abstract

One of the strategic challenges facing members of international community since the emergence of modern state system especially in the post Second World War era is the avoidance of great power war and the use of brute force in the settlement of international disputes. The risk that a local aimed conflict could escalate into another World War put a premium on policies and instruments that sought to prevent this worst-case scenario. One of the instruments used in achieving these objectives is the instruments of Coercive diplomacy which seeks to resolve crises and armed conflict without resorts to the use of force or a full scale War. Coercive diplomacy may take the form of moral condemnation, deterrence, sanctions, and severing of diplomatic relations, Article 41 of the United Nations Charter provides the use of non-military sanctions against states that threatens international peace and security. It further authorizes the Security Council to enforce its decisions through complete or practical interruptions of economic relations and of rail, sea, air, postal, telegraph, radio and other means of communication and the severance of diplomatic relations. This paper examines the use of non-military sanctions – diplomatic and economic measures by the United Nations in resolving international crisis. Using notable examples, as case studies, the paper submit that though the diplomatic strategy or the use of non-military sanctions has not been a resounding success, it remains veritable instruments of addressing conflict prone situations in the international political system.

Introduction

The international norm of peaceful settlement is embedded in article of paragraph I of the United Nations charter. It states that “All members shall settle their international disputes by peaceful means in such a manner that international peace and security and Justice are not endangered”¹

^a **Corresponding Author:** Department of History and International Studies Akwa Ibom State University, Obio-Akpa Campus, Akwa-Ibom State, equrepeter1@gmail.com

On its face, the injunction to settle disputes appears obligatory. Also, article 41 of the Charter empowers the Security Council to decide measures, not involving the use of armed forces to give effects to its decision to prevent a threat to international peace and security. These may include complete or partial interruption of economic relations, and of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic relations.

One of the means of implementing these provisions by the United Nations has been the use of instrument of coercive diplomacy – moral condemnation, compellence, deterrence, economic sanctions, severance of diplomatic relations, among others. Coercive diplomacy seeks to resolve crisis and armed conflicts without resolving to full scale war.

It seeks to resolve crisis and armed conflicts. It relies on threats and the use of force to influence an adversary to stop or undo the consequences of actions already taken. The use of threats and limited force (sticks) may be coupled with the use of inducements (carrots) to enhance the adversaries incentive to comply with the coercive demand, but the sticks has to instill fear in the mind of the adversary for the strategy to qualify as coercive diplomacy.

Compellence is another term for coercive diplomacy but it covers a broader set of phenomena. Whereas coercive diplomacy only covers reactive threats employed in response to actions taken by an adversary, compellence also involves threats aimed at initialing adversary action. Like the league covenant, the UN charter provides for non-military sanctions against states that threaten the peace². Moral condemnation, although frequently invoked, has seldom been very effective in encouraging states to comply with UN directives at least in the short run. In the longer term, the mobilization of shame can sometimes have productive results, as in the human rights commission.

Certainly, alleged violators do their best to tone down or eliminate words that condemns their behaviour. States may sometimes act with an eye to avoiding UN condemnation but UN scolding after the fact is more likely to harden positions than evoke repentance. Israel has been the constant object of UN railing, with little discernable effect on its policies. China was totally undeterred by the “aggressor” label attached to its Korean intervention, and UN censure did nothing to hamper either Soviet suppression of the 1956 Hungarian revolt or Soviet repression in Afghanistan. Nor has the United States

responded to UN disapproval of its support for Israel or such venture as the 1983 invasion and occupation of Grenada, the December 1989 invasion of Panama or the 2003 occupation of Iraq.³

Diplomatic and economic sanctions have had somewhat greater effect when kept in place over a long period of time, but they have seldom led the desired political effect in the short run. This paper examines notable cases of UN non-military sanctions. To achieve this goal, the paper is structured into three parts. Part one considers UN non-military sanctions against Rhodesia (new Zimbabwe) and South Africa. Part two takes a look at Iraq, Libya and Serbia and UN non-military sanctions. Part three is conclusion.

UN Non Military Sanctions against Rhodesia and South Africa

Sanctions against Rhodesia

Modest success might be claimed for UN effort to topple Ian Smith’s white minority regime in Rhodesia through the use of non-military sanctions. The initial Security Council response to Rhodesia’s 1965 unilateral declaration of independence from Britain was to apply a limited range of voluntary economic and diplomatic measures. This was followed in 1966 with the first ever UN mandatory sanctions under chapter VII of the Charter. Although invited in its initial stage to an embargo on arms, oil, and motor vehicles and a boycott of Rhodesian exports, the sanctions were expanded in subsequent years to include a ban on most economic dereliction, despite non observance by a member of states member states.⁴

These sanctions were lifted in 1980 when power was transferred to the black majority and Rhodesia was renamed Zimbabwe. This outcome was attributable to the British efforts to promote a settlement, but the UN sanctions linked with general delegitimation of the Rhodesian regime by the world community undoubtedly had a considerable effect.⁵

Sanctions against South Africa

South Africa was most frequent target of UN non military sanctions, which were aimed at altering its racial policies and securing the independence of Namibia. With Namibian independence achieved in 1990, and the repeal of

apartheid laws in 1991, some success for the sanctions policy can be claimed. The process took more than thirty years, however, not exactly a quick-fix. Started in 1962, the General Assembly, repeatedly called for severance of economic and diplomatic relations as well as an embargo on arms and war materials. The arms embargo was endorsed as initially voluntary measure of the Security Council in 1963 and eventually made mandatory under chapter VII in 1977. The UN sanctions were not well observed during those years and did not so much affect the economic and military strength of South Africa or its racial and colonial policies occasionally made modest concessions to pacify its western allies but were quite contemptuous of the majority of the member states of the UN⁶.

South African relations with the world entered a new phase in 1985 and 1986 when the white government's stern reaction to internal dissent induced a number of countries to take a hard look at their own policies toward South Africa. The Security Council at last endorsed voluntary economic sanctions, and a member of countries, including the United States and other important trading partners of South Africa – adopted new strengthened sanctions. Private multinational corporations also moved toward divesting themselves of asserts in South Africa under the watchful eye of UN monitoring groups⁷.

The combined effects of internal troubles and increased external economic pressures induced a substantial weakening of the South African economy and that this was a factor in South Africa's decision to seek fundamental change. In December 1988, with the U.S. prodding, South Africa signed a protocol on the independence of Namibia, leading to the creation of the new state in March 1990. Dismantling of apartheid was a little shower in coming, but in early 1990, under the leadership of president F.W. de-klerk South Africa began a gradual process of healing internal divisions and eliminating discriminatory practices. In December 1991, the UN General Assembly responded by voting to restore international sporting, cultural, scientific and academic ties with South Africa.

The assembly also suggested that states might consider lifting other restrictive measures as South Africa moved toward a new multi-social government and a democratic constitution. Many influences, both external and internal were at work, but the salutary changes in South

Africa undoubtedly owed something to the weight of economic sanctions. However slow in achieving their results, the sanctions imposed by the United nations achieved their most positive results when nelson Mandela, leader of the African national Congress, was released from an imprisonment of over twenty eight years, by South Africa's first general elections Mandela was elected president of the country, ending a sustained period of apartheid⁸.

Sanctions against Iraq

Iraq's invasion of Kuwait triggered the most extensive economic sanctions imposed by the United Nations. In august 1990, the Security Council ordered a mandatory trade and arms embargo with exception for medical supplies and humanitarian foodstuff and severance of all financial relations with Iraq. It also authorized member state to cut off maritime shipping to and from Iraq and imposed a cargo related air transport embargo⁹.

The sanctions received general compliance and had a severe effect on the Iraqi economy, which depended heavily on proceeds from oil exports. The sanctions also had economic impact in countries having close economic relations with Iraq and Kuwait, especially, Jordan, Yemen, Lebanon. Also, some states of South Asia that supplied migrant labourers to the gulf region were also affected. Twenty one states claimed economic hardship resulting from the sanctions and exercised their rights under Article 50 of the UN Charter to seek Security Council assistance in alleviating the problem. In most instances, no extensive relief was available¹⁰.

Although widely observed, the economic sanctions did not achieve their intended effect of securing Iraqi troop withdrawal and restoring the independence of Kuwait. Rather, military action was required, and one contemplates whether the economic sanctions would have succeeded over a longer period of time. For instance, UN sanctions on Rhodesia took fifteen years and South Africa was thirty years. Withdrawal from Kuwait after twenty five years would scarcely be a vindication of UN. The sanctions against Iraq were more comprehensive than previous efforts, and Iraq was more vulnerable, but Saddam Hussein was both stern and obdurate. After the "Operations Desert Storm" that ended in 1991, the economic sanctions remained in effect. This was necessary because Iraq even in military defeat, was slow to comply with Un demands to accept liability for the damage it

caused by invading Kuwait. Also, Iraq was ordered to submit to nuclear, biological and chemical disarmament¹¹.

The lifting of the UN sanctions became a major objective of the Iraqi government after the Gulf War. Iraq claimed that the embargo denied it the opportunity to meet the basic needs of its citizens and argued that the sanctions had caused the death of thousands of Iraqi children. Despite this claim, the United Nations sustained the restrictions. Effort by some UN member state to reduce the harshness of the sanctions was somewhat effective. Oil for food arrangement was pressed through the Security Council in 1997 and 1998. Baghdad was not satisfied and continues to demand the lifting of all sanctions. Failing to realize its objectives, Iraq demonstrated its dissatisfaction by blocking the work of UNSCOM inspection team.

Whereas members of Security Council began to waver, the United States and Britain increased their resolve and the sanction policy was perpetuated. Baghdad's decision to force all UNSCOM inspectors to leave the country in 1998 did not resolve the problems. sanctions remained in place in the years that followed driving Iraq into deeper economic depressions¹².

The renewal of hostilities in Iraq by the U.S. led coalition ended the regime of Saddam Hussein in April 2003 but not the UN sanctions. Members of the Security Council, opposed to the Was refused to lift the sanctions when the American government made the formal request. The main argument of those holding to the sanctions was that they had been imposed in major part to force Iraq to give up its weapons of mass destruction programme. But with the end of the war, and the Hussein was overthrown, the weapons of mass destruction had not been found. Hence Russia asserted that the sanctions would remain. The U.S. now the occupying power argued for the lifting of the restriction so that Iraq's economy could be restarted. Also, there was resistance to the U.S. request because lifting the sanctions also confirmed the United State as the Ruling authority in Iraq. Only after considerable debate and diplomatic pressure was Washington successful in having the sanctions terminated¹³.

Sanctions against Libya

In April 1992 the United States, Britain and France persuaded the Security Council to impose mandatory sanctions on Libya, consisting of a ban on air traffic and arms sales and a reduction in the size of Libyan diplomatic missions

abroad. The sanctions went into effect when Libya refused to surrender for trial two suspects in December 1988 bomb explosion on board Pan American 103 plane over Lockerbie, Scotland, which resulted in the death of 288 people. Libya attempted to nullify the sanctions by an appeal to the International Court of Justice. The court, however, concluded that the Security Council sanctions took precedence over any rights Libya might claim under the 1971 Montreal convention for the suppression of unlawful Acts against the safety of civil aviation, under which the two men might be tried in Libya. Libya subsequently called for direct negotiation with the United States, Britain and France about a possible agreed location of a trial of two suspects. In 1998, with the sanction still in force, the International Court of Justice agreed to hear a Libyan compliant concerning the venue for the trial of the alleged perpetrators of the Pan Am bombins¹⁴. Subsequently, with an agreement between Libya, the Netherlands, the United kingdom and the United States, in April 1999, Libya transferred the two suspects for trial in the Netherlands, but under Scottish law.

The UN imposed sanctions against Libya were suspended but not entirely lifted until September 2003. The UN sanction was prompted by the Libyan government's announcement that it would pay compensation to the families of the victim of the Lockerbie bombing as well as to the relatives of those killed in a 1989 bombing of a French Airliner. The United States abstained when the vote was taken to lift sanctions, arguing that Libya remained in violation of human rights and continued to pursue the development of weapons of mass destruction. France also abstained on more technical grounds that the deliberations over compensation for the 1989 action had not been finally completed. In January 2004, however, the French government announced that the Libyan government has agreed to pay a substantial sum to the families of the victims and that Paris would forth with drop all sanctions imposed on Tripoli. The Libya government in December 2003, declared that it had abandoned the development of all weapons of mass destruction. Within days of this announcement, the UN International Atomic Energy Agency officials were allowed to inspect Libya's nuclear facilities, and observes asserted that the Libyan government was sincere in seeking to normalize its relations with members of the International Community. In reaction, United States and Britain considered the lifting of all sanction against Libya¹⁵.

Sanctions against Serbia

The dissolution of Yugoslavia in 1991 provoked war between Serbia and Croatia that spilled over into Bosnia – Herzegovina and presented Europe with its first episode of a major bloodletting since the end of Second World War. Serbia and Montenegro were the only units of the old federation to stay together, while the Serbs inhabitants of the other states found themselves in a struggle for survival¹⁶.

Belgrade's attempt to assist these distant remnants of "greater Serbia", provoked violent clashes among the different ethnic groups, especially in Bosnia where the Serbs population tried to seize a portion of the territory in a campaign that came to be described as "ethnic cleansing". In a quasi-civil War that ensued, more than two hundred thousand casualties were recorded and Europe was again confronted with a vast and complex human tragedy. The Un Security Council as early as September 1991 imposed a general and complete embargo on all deliveries of weapons and military equipment to all the regions of all the former Yugoslavia. In 1992, another resolution re-affirmed the arms embargo and applied it to all areas of the collapsed state. By May 1992, it was determined that the Federal Republic of Yugoslavia comprising Serbia and Montenegro, was the principal purveyor of violence in the Balkans and a full trade embargo was imposed. Yugoslavia was also denied participation in all international sporting and cultural events, and on November 1992, another resolution blocked the shipment through Yugoslavia of petroleum, coal, steel and other products. In April 1993, these sanctions were strengthened and in September 1994, Bosnian Serbs were singled out when their leaders were prohibited from travelling to other states. The same resolution curtailed trade with the Bosnian Serbs and froze Bosnian Serb assets held abroad. In 1994, the Security Council suspended sanctions against Yugoslavia for an initial period of one hundred days when it was reported that Serbia had closed its border with the Bosnian Serbs¹⁷.

The lifting of the sanction permitted the resumption of civilian air-flight to and from Belgrade, allowed for the reinstatement of Ferry services to Italy, and cancelled the ban on participation in international events. In 1995 and 1996, following the Dayton Accords and the establishment of a case five under NATO supervision, the Security Council removed

the arms embargo and other sanctions that had been imposed on all the parties.

When the Organization of Security and Cooperation in Europe (OSCE) approved the September 14, 1996 elections in Bosnia Herzegovina, all sanctions against the Yugoslavia and Bosnian Serbs were terminated¹⁸.

Given the 1998 extension of NATO's mandate in policing the Bosnian cease-fire, efforts were made at restoring normalcy in the region, but conditions in Kosovo, claimed by Serbia, as an integral part of Yugoslavia deteriorated. Kosovo's being an overwhelmingly Albanian population and a Kosovo's Liberation Army (KLA) assaulted the Serbs minority in the region. Belgrade's response was immediate and violent, with regular Yugoslavian forces order to clear a western strip of the separatist region. The killing of hundreds of Kosovars and the flight of more refugees caused the European Union and the United States to impose new sanctions on Serbia in June 1998. Serbia called these sanctions arbitrary and unjustified because according to Belgrade, Kosovo was an integral part of Serbia and the government had a duty to quell civil unrest. The Serbs were more incensed that the sanctions had been directed against them and not Yugoslavia as a whole. Judged a more explosive problem than that in Bosnia, it was feared that the Kosovo conflict could spread to Albania and Macedonia, and if not contained, to Greece, Bulgaria and Turkey. And because, it was the NATO intervention, not the sanctions, that brought a semblance of peace to Bosnia, few believed the sanctions would work in the matter of Kosovo¹⁹.

Serbia's suppression of the Kosorvo Liberation Army (KLA) had had a spillover effect on the civilian population and Serbian ethnic cleansing operations raised new, more questions for the European Community. Fearing genocide, NATO Commander, General Wesley Clark warned the Serbian leader that NATO was ready to take military action in Kosovo. Milosevic promised General Clark that he would withdraw his forces, but in January 1999, more atrocities were committed. Clark again with Milosevic who refused to yield to pressure, and even Kofi Annan, the then UN Secretary General was forced to acknowledge NATO's right to use force against Serbia²⁰.

In the light of this dilemma, the United States, Russia, and major European powers insisted on a summit between the Leaders and Representatives of Belgrade government and the KLA. Pressurized by NATO, whose planes were ready for

assault on Serbia forces, the parties met in Rambouillet, France in February 1999. The deliberations were protracted and deadlines were allowed to pass to give the participants more opportunity to accept the terms of peace. The Peace plan envisaged an autonomous but not a full independence for Kosovo, policed by NATO forces similar to those in Bosnia.

The draft agreement was a take it or leaves it proposition and the meeting at Rambouillet was a of no positive consequence. The Serbs delegates, under the orders from Belgrade, eventually accepted the Rambouillet draft, but Belgrade used the hiatus provided by the deliberations to reinforce its military unit in the area. Determined to deal with KLA, the Serb resumed their military campaign of ethnic cleansing, defying repeated NATO warnings. Focused to follow through its threats, NATO forces in March 1999 struck Serbian military installations. The Serbs responded by accelerating their actions against the people of Kosovo, and NATO reluctant to use ground forces, did not prevent the forced removal of hundreds of thousands of ethnic Albanian from Kosovo. The Belgrade government not only ignored the renewed sanctions imposed upon it, it also refused to yield to NATO's increasingly deadly bombing campaign²¹.

Belgrade's brutal operations in Kosovo ultimately triggered NATO ground intervention. Russia tried to protect Serbia by breaking off relations with NATO and expelling NATO information officers from Moscow. However, Russia's cooperation in Bosnia did not affect NATO's operations. By June 1999, Yugoslav military commanders representing Serbia and Montenegro surrendered to NATO forces and military Technical Agreement was signed between NATO and the Yugoslav army.

The UN Secretary Council, quickly followed with Resolution 1244 of June 12, 1999, establishing the basis for an International Security presence in Kosovo, and a NATO Kosovo Force (KFOR) was created. Russia accepted the NATO role in a separate agreement signed in Finland. An interim administration was established for Kosovo by the International Community and was protected by a NATO force of forty thousand. Under terms of the UN resolution, working in tandem with KFOR, a limited number of Yugoslav personnel were allowed back into Kosovo to clear minefield and provide for a Serb presence at patrimonial sites and border crossings. A UN mission in Kosovo (UNMIK) was authorized by the Security Council to work with Local authorities and KFOR in

rebuilding the government; managing and paying teachers, railway and municipal workers, Judges and prosecutors, and training the new civil administration. The co-deployment arrangement developed between NATO and the United Nations, provided Kosovo with the distinction of being internationally administered province with the Sovereign state of Yugoslavia. It was not long, therefore before the Serb population questioned how they could have allowed Milosevic to so humiliate and divide the Old Yugoslavia²².

What followed was a general uprising that drove Milosevic from power and gave Yugoslavia an opportunity to develop democratic institutions. With only two republics remaining in the Federation, the new Yugoslav parliament in 2002, approved a broad plan for provincial autonomy with a single federal presidency. Milosevic was eventually taken to Hague for trial and the new state of Serbia and Montenegro was born on January 1, 2003 with Yugoslavia Federation pushed into the trash of history. UN sanctions were lifted with the beginning of the country's democratic programme²³.

Sanctions against Afghanistan

The Taliban Government of Afghanistan was recognized by the government of Pakistan, Saudi Arabia and the United Arab Emirates. Declaring itself the government of the Emirate of Afghanistan, it stated intention was the creation of a theocratic state founded in the Islamic religion and functioning under the austere version of Islamic Jurisprudence. The Taliban originated during the Soviet invasion of Afghanistan from among the displaced Afghan population, hundreds of thousands having found refuge in Pakistan. After the withdrawal of Soviet troops, the movement became a paramilitary force capable of imposing its will on most of Afghan territory. The Pakistan army was instrumental to the success of the Taliban, given the swelling of Taliban ranks by thousands of Pakistani volunteers.

When the Taliban seized Kabul and consolidated their position in 1996, its leader, Mullah Omar invited Osama bin Laden and his organization Al-Qaeda to establish their operations in his country. The Taliban and Al-Qaeda shared similar interests and goals, while the Taliban continued their campaign to dominate the country, Al-Qaeda plotted and carried out external attacks against American targets²⁴.

The destruction of the U.S. diplomatic missions in Kenya and Tanzania was traced to Afghanistan and the

machinations of Osama bin Laden. The United Nations called upon the government of Mullah Omar to hand over bin Laden to international authorities, Afghanistan defies the request. In response, the Security Council approved resolution 1267 in 1999 imposing sanctions on Afghanistan. The resolution imposed a flight ban on any aircraft owned, leased or operated on behalf of the Taliban, as well as a freeze on funds directly or indirectly owned or controlled by the Taliban. In 2000, the Security Council approved Resolution 1333 demanding that the Taliban comply with the earlier resolution. It also imposed an embargo on the direct or indirect supply, sale and transfer to Afghanistan of arms and related materials of all types, including weapons and ammunitions, military vehicles and equipment and paramilitary equipments and spare parts.

Furthermore, the resolution made it mandatory that states must not provide technical advice, assistance or training related to military activities and states that maintain military ties with the Taliban government, such as Pakistan, were ordered to withdraw their missions. In the same vein, states with offices in Taliban territory were told to close them. Funds and other financial assets, especially belonging to Osama bin Laden and individuals associated with were frozen. Chemicals that could be used in the making of high explosives were banned. And no flights from Taliban held territory were to be permitted landing rights in other countries²⁵.

An Afghanistan sanctions committee was authorized and chaired by Chile. Resolution of 1363 of 2001 authorized the UN Secretary General to establish a mechanism to monitor the implementation of sanctions against Afghanistan. A monitoring group was created in New York and an enforcement support team with states bordering the country. The U.S. led attack on the Taliban led to the Resolution 1388, which was adopted on January 15, 2002, by the Security Council. It terminated the sanctions applying to Ariana Afghan Airlines, noting that it was no longer essential to the running of the newly installed Afghan government. On January 16, 2002, another Resolution, Resolution 1390 sustained the remaining sanctions despite the scattering and displacement of the Taliban by American and Afghan forces from the Northern Alliance. On January 17, 2003, the Security Council declared its intention to improve by 2004 those measures found in the original sanctions, and the Monitoring Group was called to issue periodic reports on improvement in the situation²⁶.

The defeat of the Taliban did not mean the capture of Osama bin Laden or Mullah Omar. Moreover, lawlessness was an ongoing problem throughout Afghanistan where local warlords harboured private militias and paid no heed to the provisional government in Kabul, headed by Hamid Karzai. The UN aid and humanitarian workers were easy targets for an array of guerilla elements, making the country's reconstruction even more difficult. Sanctions were not entirely lifted²⁷.

Conclusion

Historically, collective sanctions failed during the era of the League of Nations and the United Nations has compiled a slightly better record. Generally speaking, the UN Security Council has been reluctant to use sanctions and in the first forty five years of the United Nations, two sanctions regimes were imposed, Southern Rhodesia in 1966 and South Africa in 1977. It was during the 1990s that the United Nations adopted sanctions as a major instrument in dealing with international questions. Starting with Iraq in 1990, the Security Council authorized sanctions against the former Yugoslavia in 1991, Libya in 1994, Afghanistan in 1999, 2000, 2001 and 2002.

All said, the Security Council has improved sanction policies. Steps have been taken toward improving the design of sanctions, applying more select measures, strengthening monitoring and enforcement. The dominant trend in UN policy making has been the shift away from general trade sanctions, travel ban, arms embargoes and commodity boycott have replaced general and commodity boycott have replaced general trade embargoes. The Counter-terrorism measures adopted in Security Council Resolution 1373 in 2001 extend the frontiers of this trend.

As earlier argued, diplomatic and economic sanctions have somewhat greater effect when kept in place over a long period of time but they have seldom had the expected political effect in the short run.

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