

Sanctions as siege warfare

By Tim Anderson

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Economic sanctions are usually acts of aggression

This paper studies the persistent use of economic ‘sanctions’ as a measure of hybrid warfare, and so part of the composite aggression which includes malicious propaganda, economic siege, sabotage, terrorism and at times open warfare.

This discussion largely ignores the debate over whether sanctions achieved the ‘foreign policy goals’ of the USA. Such goals are almost entirely contrary to the post-1945 international order. As it happens, even though US unilateral sanctions have expanded in recent decades (Carter 1987), studies have found such ‘success’ in only 12% to 34% of cases (Pape 1998: 66). Washington insiders like Richard Hass admit that “all too often sanctions ... hurt American economic interests without changing the target’s behaviour for the better” (Haas 1998). All this has occurred in a period in which ‘liberal’ trade and investment has been promoted through agencies such as the GATT/WTO and regional bodies. In these circumstances, the expansion of unilateral sanctions regimes is perhaps surprising, unless sanctions are understood as supplementary weapons of war.

In any case, this discussion keeps its focus on resistance to what is increasingly recognised as illegitimate economic aggression, and even great crimes. For this purpose the first question

must be, what are legitimate ‘sanctions’ or economic reprisals, and where does illegitimate economic aggression begin? Next, what are the parameters of this siege warfare? Several dozen countries have been directly targeted, by the USA and by the European Union. Finally, what resistance strategies have been adopted by key targets such as Cuba, Iran, Syria and North Korea?

1. When do ‘sanctions’ become warfare?

When does a simple refusal to engage in commercial relations (or ‘an embargo’) become the aggression of siege warfare? There is some law on this question, but it is not strictly a legal matter. Questions of political legitimacy also arise.

In traditional international law there are two principles said to limit a state’s retaliation against others: that the response should be ‘in proportion’ to an alleged action by the other; and that any reprisal only comes after attempts at negotiation (Shneyer and Barta 1981: 465). So for example, it is said that the initial US sanctions against Cuba (before the fuller measures imposed in 1962) could have been argued as justifiable counter-measures during the breakdown in negotiations over compensation for property nationalised in 1960-61 (White 2018: 8). Yet the later, stronger measures, with illegitimate political and coercive goals, breach a range of international laws.

As the US Office of Legal Counsel acknowledged in 1962, during Washington’s plan to launch a blockade of Cuba, the term ‘blockade’ has a special warlike meaning and “there is no such thing as a ‘pacific blockade’ or a ‘blockade during time of peace’”. It was, however, argued that a blockade might be justified ‘to preserve the peace’ (OLC 1962).

The US has maintained the softer term ‘embargo’ for its various economic measures against Cuba, to draw attention to the less aggressive sounding “prohibitions on exports between one country and another”. Nevertheless, since 1962 the US measures have comprised an ‘economic blockade’, as they attempted to pressure the Cuban people and “to control actions of third party states” (Shneyer and Barta 1981: 452). The tightening of this blockade in the 1990s has been described as a policy of imposing ‘deliberate harm’ (White 2018: 14).

Yet international law prohibits the exercise of economic coercion, by the principle of non-intervention and through an implied ban in the UN Charter. This is supplemented by customary and treaty law in areas such as trade, shipping and telecommunications. The illegality is more obvious when there is an ‘unlawful intent’, such as damaging the economy of another nation or retaliation for the purpose of political coercion (Shneyer and Barta 1981: 468, 471-475). Also illegal are measures which damage the rights of third parties. Unlawful aims, aggressive intent and damage to third parties can be seen throughout much of Washington’s unilateral sanctions regimes.

However, given that sanctions against nations affect entire populations, there is an additional question over their political legitimacy. Does the affected population ‘consent’ to the measures? This principle was respected in the process of building legitimate sanctions against the apartheid system in South Africa. It has particular force because political legitimacy pretexts (e.g. an alleged lack of democracy) are used for aggressive sanctions. So a fair question is: has there been any attempt to show the demand for sanctions, from those most likely to be affected?

The demand for boycott and sanctions on apartheid South Africa was charted very carefully by a broad coalition of popular movements. A consensus was developed for national and then international boycotts, in the late 1950s, then the call for sanctions came in the early 1960s, after many mass organisations were banned. Following this, the UN General Assembly adopted resolution 1761 (XVII) which called on members states to impose sanctions on South Africa. As Reddy (1965: 10) points out, “the initiative for boycott and sanctions came from the national liberation movement of South Africa, and [was] carried forward internationally with the support of African and other states, as well as men and women of conscience in western countries”. Western states eventually joined in with sanctions in the late 1980s. After they made their contribution to the ending of apartheid, Nelson Mandela in 1993 called for an end to sanctions (except for those on arms, until a transitional government was established), as concrete steps were by then being taken to dismantle the apartheid system (Preston 1993).

Unilateral sanctions from the EU and the USA do not take such a course. It is not hard to find evidence of unlawful and malign intent against entire populations, in the history of Washington’s sanction regimes. Concerning Cuba, in the early 1960s, senior US official Lester Mallory, argued for damaging economic attacks on the population, as a means of indirectly undermining what they acknowledged was a popular Cuban government: “The majority of Cubans support Castro (the lowest estimate I have seen is 50 percent) ... The only foreseeable means of alienating internal support is through disenchantment and disaffection based on economic dissatisfaction and hardship ... every possible means should be undertaken promptly to weaken the economic life of Cuba ... to bring about hunger, desperation and overthrow of government” (Mallory 1960). This was a calculated assault on an entire population.

Cuba, in its report for the UN in 2018 said that US blockade laws and regulations (a combination of ten laws and decrees) since 1962 breached the UN Charter and GATT-WTO trade law, while also violating the rights of third party sovereign nations. The sanctions in law are accompanied by “prohibitions, threats and blackmail” against third parties, by US Government representatives. The measures aimed at ‘bringing the Cuban people to its knees by hunger and diseases [and] has resulted in sensitive social sectors such as public health and food being kept among the principal objectives’ of the US blockade (MINREX 2018: 51-55).

Similarly, when speaking of measures against the democratically elected government of Salvador Allende in Chile, in the early 1970s, US President Nixon expressed the hope of forcing political upheaval and change by measures “to make the economy scream” (Kornbluh 2017). That meant Nixon intended direct damage to public health, food security, well-being and safety. It was effectively a criminal intent.

The reckless, war-linked nature of US sanctions was further illustrated in the economic measures against Iraq, prior to the illegal 2003 invasion. In that case US sanctions were reinforced by UN sanctions, after the First Gulf War of 1990-91. North American columnist Thomas Friedman urged Washington’s attacks on its former client state in Baghdad, calling for: “bombing Iraq, over and over and over again ... America will use force, without negotiation, hesitation or UN approval ... Blow up a different power station in Iraq every week, so no-one knows when the lights will go off or who’s in charge”. Diplomat Madeleine Albright infamously responded “We think the price is worth it”, to the question of whether she could justify, as the price of sanctions, the death of 500,000 Iraqi children. She later claimed “Saddam Hussein ... is the one responsible for starving children, not the United States of America” (Arnove 2000: 14-15, 112). That was a self-serving excuse, intended to deflect attention from a great criminal project.

A similarly illegal threat was heard more recently from US Secretary of State Mike Pompeo, in relation to a new round of US sanctions imposed on Iran. Washington’s lead diplomat threatened the Iranian people with imposed hunger if their government persisted with military support for the independent peoples of the region (Palestine, Lebanon, Syria, Iraq and Yemen): “The leadership has to make a decision that they want their people to eat” (Cole 2018), he said, trying to shift the blame for US aggression onto others. Successive US administrations have ‘normalised’ sanctions regimes as aggressive practice which forms part of broader war and illegitimate ‘regime change’ strategy.

In none of these examples of US sanctions regimes against Cuba, Chile, Iraq and Iran, was there any real attempt to seek consent or approval from the affected populations. These sanctions regimes had none of the democratic character of those imposed on apartheid South Africa.

2. The scope of economic war

Concern at the United Nations over the widespread use of ‘coercive unilateral measures’ led to a UN Human Rights Council statement in 2014, which rejected the use of unilateral coercive measures “not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among states” (UNGA 2014: 3). This was a welcome move.

Soon after, Mr Idriss Jazairy was appointed by the Human Rights Council as the first Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights. This move was fairly plainly aimed at the USA and the European Union, which maintain unilateral sanctions on dozens of smaller countries. At the time of writing the European Union maintained measures against 34 countries and the USA had some form of direct sanctions against 25 countries (see Table 1). Those figures do not include countries affected by thematic sanctions regimes (against drugs, terrorism, etc.) and the many countries affected by ‘third party’ measures. In a number of cases there were parallel (but often differently defined) multilateral measures, at the United Nations.

Table 1: Countries ‘sanctioned’ by the USA and the European Union

Countries ‘sanctioned’ by the USA and the European Union			
Country	USA	European Union	United Nations
Afghanistan		X	X
Balkans (6 countries)	X		
Belarus	X	X	
Bosnia and Herzegovina		X	
Burundi	X	X	
Central African Republic	X	X	X
China		X	
Cuba	X		
Dem Rep Congo	X	X	X
Egypt		X	
Eritrea		X	X
Guinea		X	
Guinea-Bissau		X	X
Haiti		X	
Iran	X	X	X

Iraq	X	X	X
Lebanon	X	X	X
Libya	X	X	X
Maldives		X	
Mali		X	X
Moldova		X	
Montenegro		X	
Myanmar (Burma)		X	
Nicaragua	X		
North Korea (DPRK)	X	X	X
Russia		X	
Serbia		X	
Somalia	X	X	X
South Sudan	X	X	X
Sudan	X	X	X
Syria	X	X	X
Tunisia		X	
Ukraine	X	X	
United States		X	
Venezuela	X	X	
Yemen	X	X	X
Zimbabwe	X	X	
Sources: European Union 2019; US Dept of Treasury 2019a			

US unilateral sanctions led the European Union to impose its own sanctions on the USA, in 1996, in response to Washington’s strong ‘third party’ sanctions on states and companies doing business with Cuba (‘The Cuban Liberty and Democratic Solidarity (Libertad) Act’ of 1996, known as the Helms–Burton law). Those EU measures simply managed to secure some temporary exemptions for European companies. However, beginning with the Obama administration from 2009 onwards, European banks were attacked with huge ‘fines’ for breaching US sanctions against Cuba, Iran and some other countries (See Table 2). That EU-US conflict escalated further in 2018, when the Trump administration arbitrarily re-imposed sanctions on Iran.

Prior to 2009, most of the ‘fines’ reported by the US Treasury’s ‘Office of Foreign Asset Control’ (OFAC) were on US citizens and residents, for such things as importing a box of Cuban cigars. Those fines amounted to a few million dollars per year. However, from 2009 onwards, apparently as part of the Democrat Party’s ‘smart power’ doctrine (Barzegar 2008), the scope of Washington’s economic penalties expanded rapidly into hundreds of millions of dollars. Individual companies, mostly European banks, were forced to ‘settle’ with huge individual payments to the US Treasury, effectively as the price for continuing to do business in the USA (see Table 2). In this way the third party character of US unilateral sanctions, reinforced by unilateral laws against Cuba (Hoffman 1998), became far more aggressive. At the same time the then Secretary General of Amnesty International, Irene Khan, denounced the fact that ‘millions of Cubans were being deprived of ‘vital medicines and medical equipment’ (Tution 2009).

Table 2: OFAC Major Penalties, 2008-2018

OFAC Major Penalties, 2008-2018		
Year	Total USD million	Of which the largest were (USD million):
2008	3.5	--
2009	772.4	Lloyds TSB 217m; Credit Suisse 536m

2010	200.7	Barclays Bank 176m
2011	91.6	J.P. Morgan 88m
2012	1,139.1	ING Bank 619m; HSBC Bank 375m; Standard Chartered 132m
2013	137.1	Weatherford Intl 91m
2014	1,205.2	BNP Paribas 963m; Clearstream Banking 151m; Fokker services 50m
2015	8.9bn + 599.7	BNP Paribas 8.9bn; Credit Agricole 329m; Commerzbank 258m
2016	21.6	--
2017	119.5	Zhongxing Telecom 100m
2018	91	Société Générale SA 53m
Source: US Dept. of Treasury 2019b; Raymond 2015		

These large fines on European banks were for multiple violations of US unilateral sanctions on Iran and Cuba, but also on Sudan, Libya, Sudan, Burma, Liberia and some of the thematic sanctions programs (such as the US program on ‘weapons of mass destruction’ and US drug programs). For example, the \$963m fine on BNP Paribas (in 2014) was for breaches of US sanctions on Sudan, Iran, Cuba and Burma; it seems that the year after this 2014 settlement a US court imposed an additional \$8.9 billion fine on the bank (Raymond 2015). The \$619m fine on the ING Bank (in 2012) was for breaches of US sanctions on Cuba, Burma, Sudan, Libya and Iran; and the \$329m fine on Credit Agricole (in 2015) was for breaches of US sanctions on Sudan, Burma, Cuba and Iran (US Department of Treasury 2019b). The US was acting against its target countries, but also trying to enforce blockades on their targets’ commerce with third parties.

Due to the scale of this economic aggression, concern reached the United Nations, where experts began to report on the humanitarian and legal implications. As Washington made a spectacle of trying deliver a small amount of aid to Venezuela – after imposing sanctions, seizing Venezuelan assets and designating an unelected opposition leader as the country’s ‘interim president’ – UN rapporteur Alfred de Zayas pointed out that US sanctions on Venezuela were ‘killing ordinary people’. The ‘economic warfare’ practised by the US, EU and Canada were ‘significant factors’ that had hurt Venezuela’s economy, he said (Selby-Green 2019), adding that US sanctions could amount to ‘crimes against humanity’, as they were contributing to ‘needless deaths’ (Webb 2019).

The UN’s Special Rapporteur on the use of ‘unilateral coercive measures’, Idriss Jazairy, was similarly critical of the economic aggression. He said “sanctions which can lead to starvation and medical shortages are not the answer to the crisis in Venezuela ... I am especially concerned to hear that these sanctions are aimed at changing the government of Venezuela” (UN News 2019). “Coercion, whether military or economic, must never be used to seek a change in government in a sovereign state” he said (OHCHR 2019). The Trump administration made no effort to disguise its overt political interference. It was widely recognised that sanctions were part of Washington’s efforts to overthrow the Venezuelan government ‘and install a more business friendly regime’ (Selby-Green 2019). ‘Business friendly’ was a euphemism for a plan for wide-scale privatisation, from which US companies would benefit through seizing control of the resources and productive assets of yet another oil-rich country (Parraga 2019).

US sanctions regimes often comprise a mixture of law and executive decree. The measures against Cuba date from 1962 and draw on older ‘trading with the enemy’ law. However these measures have been supplemented by 1992 and 1996 laws and by presidential decrees (US Dept. of Treasury 2019c). The more recent US sanctions imposed on Syria have been by US executive orders in 2004, 2006, 2008, 2011 and 2012. These decrees have created a list of ‘prohibited transactions and exempt transactions’, with general and specific licenses (OFAC 2013). Decrees and discretionary licensing (e.g. to allow certain business transactions that suit particular US business interests) introduces a fair degree of arbitrariness. Political demands over the form, policies and even the individuals that Washington requires removed foreign governments have been placed directly in US law, e.g. in the Helms Burton law 1996 (Hoffmann 1998). Such demands have no basis in international law.

However Washington managed to get UN Security Council support for sanctions on Iran in 2010, over that country’s nuclear energy program. This was despite the fact that, as was well recognised, ordinary people would be hurt (Farshneshani 2014) and that any attempt to disarm that large country would be ineffective. The then CIA Director, Leon Panetta, said that ‘sanctions could help weaken the regime [and] create serious economic problems’ but they would probably not affect Iran’s nuclear program (Vira 2010). As it happened the sanctions did limit access to finance and foreign exchange, decreasing investment and creating unemployment. That led to an economic slowdown, but also helped diversification, reducing vulnerability to external factors (Majidi and Zaroum 2016).

The eventual nuclear agreement of 2015 (JCPOA) aimed to allow the intervening parties “to gain confidence in the exclusively peaceful nature of Iran’s [nuclear] programme ... [and would in exchange] produce the comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran’s nuclear programme, including steps on access in areas of trade, technology, finance and energy” (JCPOA 2015). As it happened, the JCPOA delivered very few of those benefits to Iran, as the US under President Trump reneged on the deal. While the EU made some moves to bypass US financial enforcement, most European companies were reluctant to risk their US investments by resuming business with Iran.

Parallel to the economic war on Iran were attempts to weaken the most effective resistance forces in the region. Washington imposed sanctions on Hezbollah (which had saved Lebanon from Israeli invasion and occupation) and on some of the Iran-linked Popular Mobilisation Units of Iraq (which had saved Iraq from DAESH). In late 2015 the US Congress passed the *Hizbollah International Financing Prevention Act*. The US Ambassador to Lebanon, Elizabeth Richard, said soon after that the ‘main problem’ in Lebanon was Hezbollah. Her government wanted “to dismantle Hezbollah’s international financial network [but also] help the Lebanese institutions and the Lebanese people” (Ayyoub 2016). These were nice sounding but deceptive words. Once again ordinary people were the likely subjects of the aggression. The Great Prophet Hospital in Beirut (owned by Hezbollah) could be targeted, as could Jihad al Bina, the Hezbollah NGO for construction contracting, along with various educational institutions ‘with tens of thousands of students’ (Aziz 2016). The US uses a variety of pretexts, including the claim that Hezbollah is a “key player” in global narcotics trafficking and money laundering, so as “to finance its military operations”. Hezbollah denies this and its Lebanese allies called on Washington to avoid “collateral damage” (Arbid 2016).

3. Resistance strategies

The countries targeted by this economic warfare are typically relatively independent countries, in one form or another. They have been forced to pay a price for that independence. The countries have responded in different ways, according to their circumstances and cultural traditions. There have been many moves towards self-sufficient strategies, as also seeking strategic economic relationships with reliable partners. These moves to generate some relative ‘immunity’ to sanctions can be seen, for example, in the recent histories of Syria and Iran (Maloney and Takeyh 2011).

In Iran the strategy debate has been between liberals, who have pursued normalisation and greater openness with western countries, and ‘principalists’ (‘hard-liners’, in western terminology) who stress the need for strategic relationships in a ‘resistance economy’. The Supreme Leader Ayatollah Khamenei proposed the ‘resistance economy’ in response to the constant aggression, so as to be able to ‘withstand shocks’, to boost investment in energy and build a ‘knowledge economy’, alongside greater links with Russia and China (Toumaj 2014). The greater open-ness agenda, championed by President Rouhani, seemed to have made an advance with the JCPOA agreement of 2015; indeed there were some economic gains over 2016-2017 (Bokhari 2017). However Washington’s scrapping of JCPOA commitments helped turn the logic of the debate back towards the ‘resistance economy’.

Perhaps the two most interesting contrasts in strategy are long term targets Cuba and North Korea (DPRK). Cuba has pursued a diplomatic path, to undermine attempts by Washington to isolate the island. It does this with the understanding that it cannot physically escape its giant neighbour to the north, and so must seek some kind of coexistence, if not normalisation. It also has the advantage of strong historical links with most other Latin American and Caribbean countries, a common language and shared colonial and neo-colonial histories. Cuba has reinforced these bonds with its health cooperation programs, by which it sends doctors and trains students in medicine. Little Cuba has become the biggest trainer of foreign doctors in the world (Kirk and Erisman 2009). When the US took advantage of Cuba’s economic depression in the 1990s, due to the collapse of trading relations with the Soviet Union (Anderson 2002), Cuba began a diplomatic offensive with yearly motions at the United Nations General Assembly. Over more than two decades the small nation achieved tremendous success. Between 1992 and 2018 the UN General Assembly voted against the US blockade of Cuba 27 times. Since 2015 the Cuban motion has gained the support of 191 states (MINREX 2018: 51-55, 78-79). In 2013 Cuba under President Raul Castro was elected to the Presidency of the 600 million person bloc the Community of Latin American and Caribbean States (CELAC) (Henao 2013). In 2014, the Obama administration, when reopening diplomatic relations with the island, admitted that its isolation policy was ‘outdated’ and had ‘failed’, and that it was the USA which had become isolated (Baker 2014).

North Korea (the DPRK), which has always enjoyed good relations with Cuba, pursued a quite different strategy. After the demise of its strong political relations with China, in recent decades, and after its own economic depression following the collapse of trade with the Soviet Union, the country had fewer options. Its official ‘Juche’ ideology stresses human beings as masters of their own destiny and carries a strong degree of self-reliance (Kurbanov 2019). Circumstances have also conditioned this approach. From the 1990s onwards the DPRK was surrounded by enemies (the former colonial power Japan; and a US military occupation in the south of the peninsula) and two more indifferent giant neighbours. The possibilities for partnerships were few. North Korea’s response to aggression has been to reciprocate, at least verbally, to counter-threaten and give signs that it is not to be messed with (Green 2018). Developing nuclear weapons was a logical step for this reciprocal confrontationism.

UN sanctions over the country's deterrent nuclear weapons program were at first said to have had little impact on DPRK trade with its two largest partners, China and South Korea (Noland 2009). The DPRK did have "extensive trading relationships" with China and Russia and, until recently, with South Korea (Nanto and Chanlett-Avery 2010). However there is still relatively little impact from sanctions because of the "very thin and fragile financial links to the rest of the world" (Noland 2010). Even a news site antagonistic to Pyongyang recognised that the hunger of the 1990s has not returned. Despite UN sanctions, trade with China has increased and there has been some internal 'marketisation', bringing some expanded livelihood options (Kang Mi Jin 2016).

In recent times North Korea's relations with Russia and China have improved with both committed, at the least, to preventing the installation of another US puppet at their borders. Further, a new round of improved relations with south Korea, and the popular prospect of reunification, opens some real options (Power 2018). The greatest obstacle remains the US military presence, and Washington's fears over its own future role on the peninsula, if north and south Korea build closer relations. Those developments, in turn, have required greater diplomacy, at least to build confidence with Seoul and Beijing. Despite the nuclear threats in 2017, the embattled independent nation has launched a new diplomatic offensive. Yet, as is the case elsewhere, sanctions have become established as an everyday part of hybrid and siege warfare from the imperial power.

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