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**Umeh, Lucy Chinwe.**  
Godfrey Okoye University  
Enugu, International  
Relations Department, Enugu,  
Nigeria.

**Ugwuozor Samuel**  
Godfrey Okoye University  
Enugu, Political Science  
Department, Enugu, Nigeria.

**Correspondence:**  
**Umeh, Lucy Chinwe.**  
Godfrey Okoye University  
Enugu, International  
Relations Department, Enugu,  
Nigeria.

## International Sanctions; A Diplomatic Effort Towards Enhancement of Human Rights and Promotion of Global Peace.

**Umeh, Lucy Chinwe, Ugwuozor Samuel**

### Abstract

This study critically assessed international sanctions as a diplomatic effort towards enhancement of human rights and protection of global peace & security. This paper presented sanctions as an ill wind that blows no state any good. This is because of the interdependent nature of global interactions, where no state is so self-sufficient that it will not seek the cooperation or assistance of another state. Documentary method was adopted together with Functionalism theory propounded by David Mitrany in 1943. Ex post facto research design and content analysis was employed and based on the analysis, findings were made, that sanctions are used in enhancing human rights cooperation and promotion of global peace/security. However in most cases, it has failed in its objectives because the vulnerable population of the targeted state suffer it most, so in order to avoid such occasions repeating itself, the research paper concluded with the suggestion that sanctions on individual Government officials who violates human right, remains the only strategy to solve the problem.

**Keywords:** Sanctions, Global peace, Human Rights, Interdependence, Functionalism

### Introduction

International sanctions has remained an ill wind that blows no state nor individuals any good, this is because it serves as a measure used in persuading the state, organization or an individual to change their conduct in order to restore stability and security. Sanctions maybe multilateral or unilateral in nature but it comes with sole objective of modifying the targeted country's behavior.

These sanctions are imposed by a state through the application of its national legislation, which are prima facie extraterritorial in nature and against the established principles of jurisdiction under international Law (Mohammad: 2013). Yet when this instrument is used by the global officialdom, such as the United Nations, it refers to it as "military sanctions, economic sanction, political measures taken to express displeasure at certain action of a state or individuals". But when used by a state without global institutions consent, the state tries to germane the word "sanctions" despite the fact that it is of intense unilateral violence, which is contrary to the major concept of administration under global law, especially non-military sanctions.

In the United Nations system, the authority entitled to impose sanctions is the security council and according to the provision of chapter VII of the Charter of United Nations, If the security council dictates the presence of any menace or violation of the human rights, global peace and security or an act of aggression, it should immediately adopt resolutions or decision on imposing a specific type of sanction on the offending individual entity or a group of entities. It went further to urge other member states of this global institution, to also accept the decision of the council and help in its implementation.

Despite the above, before the imposition of this sanction, the Security Council usually encourages the conflicting parties through negotiation to surrender or ceasefire else sanctions follows. For instance, in August 1990, the United Nations Security Council decided that the World Trade organization should cease trade with Iraq. Its purpose was to force the immediate and unconditional withdrawal of Iraq from Kuwait since Iraq failed to comply to

the call for ceasefire negotiation with the United Nations Council.

### Categories of Sanctions;

1. Non military sanctions that do not require the use of armed forces rather it involves the interruption of Economic relations, severing of diplomatic relations, embargo and freezing of financial assets.
2. Military sanction includes: military interventions, air, and land and sea blockage.

According to Baldwin 2000, the rationale for regular employment of economic sanctions as instrument of influence stems largely from the fact that military sanctions which involves the use of armed forces can easily backfire. He went further to assert that economic sanctions have remained the most frequently used measure in convincing states to desist from some unacceptable behavior.

According to Charles W. (2007) U.S CIA records also noted that the economic sanctions are gaining prominence because more than 60 states of the world are highly vulnerable 'single commodity dependent economies that derive at least 40% of their foreign trade on a single product'. This high level of vulnerability makes sanctions appear potent enough to exercise influence, according to the classic reasoning of James Madison and Thomas Jefferson. This sanction includes a comprehensive assembling of instruments withholding foreign aid, boycotting its products, declaring an embargo on the scale of goods to the target and freezing of assets. Today, the states economies are interdependent via socioeconomic and trade transactions. Also globalization makes sanctions that threaten states with the loss of an export market more effective than in the past, when countries could better withstand a foreign embargo.

Despite these few successes of economic sanctions, the historical record cast great doubt on the effectiveness of non-military sanctions. Example when it was used by the World most powerful economic power, the United States between 1970 and 1990, it was just 5 of 39 unilateral U.S sanctions that achieved success (K. Elliott 1998, 58) In the many cases where economic coercion through sanctions failed to succeed, military sanctions becomes an immediate option for a sole reason of ensuring global security and peace.

### Literature Perspective

An attempt to assess critically the empirical evidence of relevant literature, concerning diplomatic effort of promoting human right and global peace via international sanctions.

Charles W. Kegley (2007) asserted sanctions as the punitive actions by one state against another to retaliate for its previous objectionable behavior.

According to the U.S CIA, non –military sanctions otherwise known as economic sanctions are also gaining proponents because more than 60 states are highly vulnerable “single-commodity-dependent economies” that derive at least 40% of their export revenues from foreign purchase of a single product. This high level of vulnerability makes sanctions appear potent enough to exercise influence.

In spite of that, between 1920 and 1990, 120 episodes of sanctions were undertaken, 104 of which have occurred

since World War II (Hufbauer, Schott and Elliot 1990).

Economic strategies have remained the most recently used foreign policy instrument and economic sanctions regime have also proliferated with the recent resolution of United Nations.

*Allen 2005, deposited that many states find themselves subject to external coercion and also vulnerable to manipulations by state because of imposed sanctions on them, and also because they are highly dependent on trade for their economic Prosperity for “without imports many products that consumers want would be unavailable or more expensive and without export many jobs would be eliminated”.*

When Libya posed a global threat, the international community placed a sanction on them and Libya suffered for decades from its isolated status which made them decide in 2003 to make amendment and regain its normal status. Libya conceded their various acts of terrorism and started paying reparation to victims of their terrorist activities, while accepting to shut down its weapons of mass destruction program. (Joshua Goldstein & Jon Pevelouse 2012-2013).

Fiji was sanctioned from the Commonwealth in 1987 following two military coups and was later readmitted 10years after its restoration of democracy. (BBC, 2009). Nigeria was also sanctioned from Commonwealth in 1995 for putting to death the civil rights Leader Ken Saro~Wiwa by the Military government of Sani Abacha but it was later restated in 1999.

More so, there are cases where the sanctions failed to achieve its aim and Cuba is often cited as perhaps the best example of the inherent obstacles to successful sanctions. Another is the inability of the Reagan administration in 1981 to use sanctions to stop Poland and Soviet Union from building the trans-Siberian gas Pipe land designed to bring Soviet energy into Western European markets. Also despite a United Nations embargo, Hussein Saddam continued exporting oil on the black market through dummy corporations and also purchase weapons from foreign manufacturers. Meanwhile, ordinary Iraqis suffered the death of more than 600,000 Iraqi children based on sanction which led, the United Nations to begin to experiment with the so-called “Smart Sanctions” (Cartwright and Lopez 2020) that would target governmental elites and not innocent citizens.

The above examples of challenges, demonstrated that sanctions are seldom effective in impairing or in bringing major changes in the policies of the target state (Hufbauer, Schott and Elliot 1990) and that they “have been absolutely ineffective in bringing about a change of government leadership within a target state (Cortright and Lopez, 1995). Rather than effectively achieving the foreign policy goals of making target states to comply with the global aspiration to achieve peace, Sanctions are primarily used for the political purpose of publicizing unacceptable behavior by other states.

### Methodology

The theoretical framework adopted for a better assessment of this research work is the theory of Structural Functionalism propounded by David Mitrany in 1943 and the fundamentals of this theory links with the philosophy of

peace through collaboration. He observed that collaboration in one technical sector contributes to collaboration in other technical sectors and that a felt need in one particular sector leads to felt needs for functional collaboration of another. Example: United Nation had that felt need of empowering the Security Council with the authority of sanctions according to the provision of chapter VII of the charter, in order to compel states to eschew any form of aggression nor violation of global peace.

The jurisdiction of functional agencies such as United Nations is only wide as widest limit of the functions it performs. United Nations has limitless functional jurisdiction when it comes to promoting compliance to human right and ensuring world peace via sanctioning of targeted states and individuals that jeopardizes the laws of international community.

### **International Sanctions and its Prospects**

Economic sanction according to Charles K (2007) is deliberate actions against a target state or society to deprive it of the benefits of continuing economic relations. Example was the United Nations sanction against South Africa for its occupation of Namibia during the Gerald Ford Administration that ultimately compelled South Africa to comply and ended Apartheid.

Economic threats were successfully used also against South Korea and Iran to stop them from pursuing their nuclear weapons program. President Carter imposed a gram sanctions against the Soviet Union in 1979 for attacking Afghanistan. In 1973, the Arab members of the Organization of Petroleum Exporting Countries (OPEC) placed an embargo for exporting oil to the United States and Netherlands. Their purpose was to alter these countries polices toward the Arab-Israeli conflicts in August 1990. The United Nations Security Council decided that the world organization should cease trade with Iraq, its purpose was to force the immediate and unconditional withdrawal of Iraq from Kuwait.

Under the right circumstance sanctions are potentially powerful instruments of ensuring international peace and security but they can sometimes exhibit great destructiveness.

### **The Challenges of International Sanctions**

Haass 1997 asserted that policymakers rarely advocate the use of sanctions without generating criticism and critics invariably argue that the frequent use of sanctions has been thwarted for not achieving the objectives for which they were initiated, for instance:

K. Elliott 1996, 58 demonstrated that there are cases where U.S economic coercion through sanctions failed. The U.S experience with Cuba in 1960, where United States placed sanctions on Cuba after Fidel Castor, a communist began to rule and forged an alliance with the Soviet Union. In response the United States banned all trade with Cuba and pressured other countries to do the same, hoping to overthrow the Castro regime but the goal was not realized. Castro survived for more than 45years.

In spite of that, the challenges of sanctions as a tool of coercive diplomacy can also be seen in the unsuccessful efforts to topple Iraqi dictator Saddam Hussein after the Persian Gulf War ended in 1991. Despite a United Nations embargo Hussein was able to continue to export oil on black market through dummy corporations. Meanwhile,

ordinary Iraqis suffered with death of more than 600,000 Iraqi children economic sanctions (Harper's November 2002, 13)

Again the imposition of unilateral sanctions contravenes the assumptions of United Nations Charter and its supplementary legal instruments-This is because it inflict pains and impoverishment on innocent citizens of other nations including mass rights violation. Example in Haiti, the United States authorized sanctions was of great destruction because the effect of the sanction was mostly on the vulnerable population-the poor, widows, women and children.

### **Vital Diplomatic Measures of Achieving Effective Aim of Sanctions.**

Instead of the vulnerable population suffering because of sanction that was caused by their head of state or government officials, comprehensive set of sanctions against such targeted individuals has appeared to be more effective. This is because most of these top officials possessed large economic, financial, and property investments overseas and any threat to such officials, is simply a threat to their businesses and future. Again it was discovered that the only time these authorities come to the aid of their citizens, is only when the foreign government or legislatures flaunt the sledgehammer of sanction which comes in different ways such as cessation of economic, financial and transactions agreements, suspension of military cooperation and intelligent sharing, travel bans, freezing of all their assets and fund.

To the above point, Europe Union have already determined and also imposed penalties under its new global human rights authorities, for human rights violations using the new sanction framework, which is of three kinds namely; sanction to the use of weapons of mass destruction, cyber-attack and terrorism. Eight close associates of Russian president Vladimir Putin, accused by the European Union of being involved in the poisoning in Russia of opponent Alexei Navalny, were sanctioned on October 15,2020 under the chemical weapon regime, which is unacceptable and contravenes international norms.

In spite of the above, US Magnitsky Act was used by Washington to slap tough sanctions on dozens of senior Russian Officials, blocking them from visiting the United States and also froze their finances. President Obama during his tenure in 2014, designated eleven Russian officials as targets for having their bank accounts and property frozen for supporting Crimea's vote to secede from Ukraine. European Union also sanctioned twenty one Russians and Ukrainians.

This research concluded with Sunnewsonline.com, report that the United Kingdom parliament's decision to impose sanctions on Nigerian government officials for abuses of citizen's human rights, as well as the coldblooded killings of peaceful protesters during the ENDSARS demonstrations has sent ripples through the backbone of government officials, which led the foreign affair minister Geoffrey Onyeama to get into negotiation with the UK Government.it is therefore certain that is only the imposition sanctions by foreign Parliaments or agencies that can get such top authorities and individuals to respect the rights of citizens because they know that the sanctions would impact negatively on their socioeconomic lives and their ability to travel freely to abroad.

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