“Let me conclude by saying that the humanitarian situation in Iraq poses a serious moral dilemma for this Organization. The United Nations has always been on the side of the vulnerable and the weak, and has always sought to relieve suffering, yet here we are accused of causing suffering to an entire population. We are in danger of losing the argument, or the propaganda war - if we haven’t already lost it - about who is responsible for this situation in Iraq – President Saddam Hussein or the United Nations.”

Kofi Annan

1. Introduction

For a long time, it was commonly believed that sanctions were a humane alternative to war. Former US President Woodrow Wilson stated in 1919: “A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost life outside the nation boycotted, but it brings a pressure upon the nation which, in my judgement, no modern nation could resist.”

During the last decade, however, sanctions have come under harsh criticism. The experience of the economic sanctions imposed on Iraq by the UN Security Council in 1990, and still in place eleven years later show...
the ethical and legal ambiguity of sanctions. In September 1999, the UN Co-ordinator for Iraq, Hans von Sponeck, called for an end to many of the sanctions against Iraq in order to facilitate larger flows of food and medicine. In the same month, several speakers in the UN General Assembly’s debate emphasised the need to lift the sanctions in order to end human suffering in Iraq.

This article focuses on the UN sanctions regime imposed on Iraq and its compatibility with international law. After briefly defining sanctions and summarizing the UN sanctions debate, it analyses the Iraqi case and examines the legality of the sanctions regime. The objective is to determine whether the sanctions violate international law, in particular international humanitarian law and human rights law.

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4 UN Press Release GA/9618, 30 September 1999.