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The Enduring Lessons of the Iraq Sanctions

Joy Gordon *In: 294 (Spring 2020)*

The economic sanctions imposed on Iraq by the United Nations Security Council, from 1990 to 2003, may well lay claim to be the worst humanitarian catastrophe ever imposed in the name of global governance. The unconscionable human damage done by those sanctions is routinely dismissed as the unintended consequence of a well-intentioned policy from the past, which has since given way to more nuanced and humane measures. But in fact, the Iraq sanctions program is the template for the systemic, devastating sanctions we see in place today, albeit in a subtler and more circuitous form.

In August of 1990, Iraq invaded Kuwait. With the Soviet Union collapsing, the UN Security Council was no longer paralyzed by the mutual veto power of its permanent members—the United States, USSR, Britain, France and China—and entered a period of “activism,” where measures of unprecedented scope and severity were suddenly possible. The sanctions imposed on Iraq in UN Resolution 661 on August 6, 1990 were the first of these measures, prohibiting all imports and all exports with Iraq, with only the narrowest exemptions for medicine.

Global sanctions of such breadth had not been possible during the Cold War: if



Iraqis receive food rations in Baghdad, June 2000. Faleh Kheiber/Reuters

the United States sanctioned a country, it could turn to the Soviet bloc for trade, and vice versa. While there was broad international participation in the sanctions against South Africa, the sanctions themselves never went so far as to prevent imports of humanitarian goods or cripple the country's infrastructure. But the Security Council's sanctions against Iraq were a demonstration of just how far such economic measures could go, and how much damage could be done under the auspices of global governance. Those countries that were reluctant to join in this undertaking had little choice in the matter. Under Article 24 of the Charter of the United Nations, the Security Council has "primary responsibility for the maintenance of international peace and security," and notes that the member states agree that in this regard the Security Council "acts on their behalf." In Article 25, the implications of this are made explicit: the member states of the United Nations "agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." There is no provision for opting out, or even raising questions, in the event that the Council's decisions may themselves constitute violations of international humanitarian law.

The United States and Britain Maximize the Sanctions' Damage

The sanctions alone would not necessarily have been catastrophic for Iraq. The government immediately implemented a rationing system, which was critical in staving off famine, as well as measures to increase agricultural production. But then the bombing campaign of the Persian Gulf War of January 1991 destroyed much of Iraq's infrastructure. An envoy from the UN Secretary-General described Iraq's condition as "near-apocalyptic," noting that Iraq had been reduced to a "pre-industrial age."^[1] For the next 12 years, the sanctions crippled the efforts of Iraq, as well as UN agencies such as the United Nations Children's Fund (UNICEF), Food and Agriculture Organization (FAO) and the World Health Organization (WHO), to restore electricity, transportation, health care and food security.

If the sanctions could legitimately be compared to siege warfare, the enforcement of the "no-fly zones," as well as other military incursions, were warfare by more conventional means. With questionable authority, the United States and Britain (and France, until 1996) enforced no-fly zones that ultimately covered over 40 percent of Iraq. Over 250,000 sorties were flown, bombing hundreds of targets.^[2] In 1998, in Operation Desert Fox, the United States and Britain struck nearly 100 sites in Iraq, using over 1,000 bombs and cruise missiles. And airstrikes escalated considerably in the run-up to the US-led invasion in 2003.

The pattern that emerged throughout the sanctions period was that the United States and Britain, sometimes accompanied by other allies, consistently sought to maximize the damage done in Iraq, ostensibly to destabilize President Saddam Hussein's regime. The United States and its allies would sometimes agree to humanitarian provisions, but would then vitiate them in some way. This practice was apparent from the very beginning, and continued throughout George H.W. Bush's

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administration, both Clinton administrations and that of George W. Bush. Resolution 661 allowed food to be delivered to Iraq in the event of “humanitarian circumstances.” Some members of the Security Council argued that this wording meant food shipments should be allowed immediately, since Iraq was dependent on imports to meet two-thirds of its food needs. But the United States, Britain, Canada and others interpreted this language to mean that there must be irrefutable evidence of famine before food could be allowed into Iraq. As a result, no food imports to Iraq were permitted for eight months, until the entire country had been reduced to rubble. Only then did the Security Council acknowledge that “humanitarian circumstances” were present and started allowing food shipments.[3]

Soon after the start of shipments, as members of the Security Council called for explicit guidelines to allow food, clothing, agricultural equipment, water and sanitation equipment as well as educational materials, the United States would agree only to an informal agreement that members of the Council would “look favorably” on these goods. Within a few months, the United States was once again routinely blocking these items.[4]

The Oil for Food Program, initiated in 1995, in principle allowed Iraq to sell oil and to use the funds generated by oil sales to purchase humanitarian goods. In practice, both oil sales and humanitarian purchases were undermined at every juncture. To begin with, 30 percent of the proceeds from oil sales went to pay reparations for Iraq’s invasion of Kuwait, through a process that paid out considerable sums of money, sometimes on the basis of scant evidence. Then, in 2001, the Security Council introduced a policy of “retroactive oil pricing,” ostensibly in response to corruption in oil sales.[5] Under this policy, purchasers were required to sign oil contracts blindly, without knowing what the price would be; the Security Council committee overseeing the Iraq sanctions would set the price retroactively, in the following month. In effect, this rule made it commercially unfeasible to purchase oil from Iraq. Unsurprisingly, oil sales collapsed, and billions of dollars in contracts for humanitarian purchases were cancelled.[6]

The Deadly Impact of the Dual Use Rationale

The delivery of humanitarian goods was equally compromised, mainly because of the efforts of the United States and Britain within the 661 Committee, the committee of the Security Council that oversaw the Iraq sanctions, and whose approval was required for almost all contracts. Throughout the sanctions regime, this process was always highly politicized. After the mid-1990s, the only countries on the committee that blocked or delayed humanitarian goods were the United States and Britain; and of those, the United States was responsible for 90-95 percent of the holds. In principle, the so-called holds were different from denials: holds were ostensibly in place while members were reviewing the applications or awaiting further information. In practice, the holds involved an opaque and arbitrary process, in which billions of dollars of urgent goods related to food production, water treatment, road repair, electricity, transportation and telecommunications were prevented from arriving in Iraq for months or years.

Often, the US rationale was that these were dual use goods with both military and civilian uses. But of course, everything that is part of the infrastructure of a civilian economy is also used by the military: electricity, roads, telephones, construction equipment, vehicles and so on. It could be said that all of this came down to one determination: for goods that are critical for the basic needs and well-being of the civilian population, but are also used by the military, the decision was to impose almost a blanket denial, regardless of the hardship and suffering that the civilian population would bear. And that is indeed what happened. Medicines were allowed in, but not the refrigerators or trucks needed for the cold chain, without which the medicines would be unusable. A water treatment plant was allowed—something of great urgency, given the epidemics of water-borne diseases such as cholera and typhoid—but not the

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generator needed to run the plant, with the rationale that it was dual use. Nearly all computer equipment was blocked on the same grounds, including computers needed for hospitals and schools. A wide range of educational goods were blocked, ranging from medical textbooks to equipment for teaching science at the secondary school and university level. Equipment for irrigation and desalinization was blocked or delayed for months or years, compromising Iraq's agricultural production. Citing dual use concerns, fertilizer and pesticides were often blocked or delayed until the planting season was over, rendering them useless. Equipment for dairy production was blocked or delayed for months or years, as were animal vaccines necessary for raising sheep and goats. Some \$5.5 billion in these goods were still on hold up through the summer of 2002, when the process was taken over by professional UN staff, who quickly removed the majority of the holds to allow delivery.[7]

From the beginning, it was clear that the humanitarian cost was unconscionable; and there was continual condemnation from human rights organizations, and opposition from many members of the Security Council as well as numerous entities within the United Nations. At each point where there were calls to reduce the humanitarian damage, the United States and Britain went to great lengths to block reforms.

In 1996, Security Council Resolution 1051 provided a mechanism for monitoring the export of dual use goods to Iraq, involving the International Atomic Energy Agency as well as UN weapons inspectors (first the United Nations Special Commission, UNSCOM, and then its successor, the United Nations Monitoring, Verification and Inspection Commission, UNMOVIC). These weapons inspectors were tasked with determining whether vehicles, electrical equipment or other items in fact presented a security threat. In principle, this step ought to have depoliticized the process. Instead, throughout the Oil For Food Program, the United States continued to block critical supplies needed in areas such as agriculture, water treatment and electricity generation, claiming they presented a security risk, even though the weapons inspectors had made a determination to the contrary.

By 2001, as the United States faced harsh international condemnation for its practices, President George W. Bush's administration sought to deflect criticism

while maintaining its core practices. Framing their effort as “smart sanctions,” US diplomats proposed that the Security Council committee overseeing the sanctions adopt a Goods Review List. They proposed a list that would carry the imprimatur of the Security Council, although it would largely reflect the United States’ own very extreme views; for example, the United States had repeatedly prevented Iraq from importing atropine, a drug necessary for any surgery involving general anesthesia, on the very speculative grounds that it might somehow be self-injected by Iraqi soldiers during battle as an antidote to nerve gas.[8] By including atropine as a dual use item on the Goods Review List, the Security Council would be seen as the agent of this extreme and bizarre position, rather than the United States.

The Deep Human Damage of Sanctions

The invasion of Iraq in 2003, driven by baseless claims that Iraq had developed weapons of mass destruction, is well known. But little has been written on the enduring effects of the sanctions. In order to look at the current effects of the sanctions, they have to be disentangled from the 17 years of intervening events. But there are some observations that can be made about the long-term harm done by the UN sanctions regime.

One clear effect is the impact of the ongoing, widespread malnutrition that took place throughout the sanctions regime. In 1993, the UN’s World Food Program and the Food and Agriculture Organization reported that, “notwithstanding the justification for their imposition, the sanctions have caused persistent deprivation, severe hunger and malnutrition for a vast majority of the Iraqi population, particularly the vulnerable groups—children under five, expectant /nursing women, widows, orphans, the sick, the elderly and disabled.”[9] In 1997, Kofi Annan noted that 31 percent of children under the age of five suffered from malnutrition.[10] In 2000, a UNICEF official informed the 661 Committee that 25 percent of children in south and central governorates suffered from chronic malnutrition, which was often irreversible, and 9 percent from acute malnutrition.[11] Food insecurity and widespread malnutrition

continued throughout the 13 years of sanctions. The effects of ongoing malnutrition, particularly among children, are well known and include long-term health problems and cognitive deficits.

The enduring effects of the sanctions are also visible in less obvious ways. One of the explicit objectives of the sanctions, and certainly one of their achievements, was the bankrupting of the state. While this result was often framed as “denying Saddam access to funds,” in fact the impact was far broader. With the onset of hyperinflation, and the lack of income from oil sales, the state was unable to pay livable salaries. What followed was a massive loss of staffing throughout critical government institutions. Huge numbers of engineers, doctors, teachers and civil servants left their positions, and took up driving taxis or odd jobs to make ends meet. For example, 40,000 teachers left their jobs over the course of the 1990s, and the state filled in the gaps by hiring less-qualified teachers. Prior to 1990, teachers had three to five years of training after secondary school; by the end of the 1990s, 20 percent had only one year of training before starting to teach.^[12] At the same time, the expertise to manage the educational system eroded: 15 percent of planning personnel at the national level left their jobs; 22 percent at the regional level left. As a result, the Ministry of Education used school teachers with no training in management to plan and direct educational operations.^[13]

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At a time when ingenuity was badly needed to run the electricity facilities and water treatment plants without the necessary parts and equipment, the number of qualified technicians plummeted. As the most experienced professionals left their jobs, or left the country, they were replaced not only by fewer people, but by those with far less experience. Even after the sanctions were lifted, while new hires could be made, what could not be replaced was the level of experience and institutional memory. Prior to 1990, Iraqi doctors, scientists, diplomats and archaeologists routinely obtained advanced degrees

in Europe and the United States and circulated at the leading conferences in their fields. What we see now is a population with far lower levels of literacy, far fewer people with professional competence and professionals who are far less cosmopolitan. Now it is common to hear that university students are rarely fluent enough in English to read textbooks or research materials published in the United States or Europe. An Iraqi living in the United States told me that when he visited Iraq in the 1980s and early 1990s, his family members would sometimes ask his help in translating a document written in English. Now, he said, when he returns to Iraq, the level of basic literacy has deteriorated so profoundly that he is asked to help friends and family read documents in Arabic.

The deep, human damage that followed the sanctions was foreseeable, and indeed, was foreseen. In 1999, Anupama Rao Singh, the head of UNICEF in Iraq, met with US Congressional staff on a fact-finding mission to Iraq. In their report, they wrote: "She urged the delegation to look at the situation facing children now, and how these economic problems caused by sanctions will have a major impact on their future. She pointed to examples of civil unrest in Africa and elsewhere, usually caused by disaffected youth with no hope of education, job, or a future. There is just such a generation of Iraqis growing up now, she said, with no hope, no connection to the outside world, isolated. And that will be very dangerous."^[14]

Rethinking the Use of Sanctions

But the Iraq sanctions have left another legacy as well: a template for doing terrible and indiscriminate harm, by economic means, with little accountability. The United States imposes sanctions on more countries than all other nations or international institutions combined. Even when the United States acts unilaterally, the sanctions may effectively exclude a target country from much of the international banking system, or from the world's largest market. When the United States blacklists individuals or companies, the impact can be far reaching; when the United States blacklists government officials, national

shipping lines or a national oil company, the impact can go well beyond the “bad actor” who is the ostensible target. When the United States undermines a country’s access to fuel, to major banks and insurers, to shipping companies or in other ways compromises a country’s imports and exports generally, the damage to the economy can be tremendous. US sanctions routinely involve all of these practices.

In February, Rep. Ilhan Omar introduced the Congressional Oversight of Sanctions Act, intended to give Congress a greater role when the executive branch imposes sanctions regimes under the International Emergency Economic Powers Act (IEEPA). Under IEEPA, the president is given broad powers to act in times of national emergency. As the bill notes, however, the “emergencies” declared since 2000 have, on average, lasted over a decade each.^[15] The bill includes a safe harbor provision, requiring sanctions regimes to exempt goods related to civilian healthcare facilities, water infrastructure, civilian energy infrastructure and primary and secondary schools. It also calls for reports on the anticipated humanitarian impact of measures such as sanctions.

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Certainly this is a good start: if sanctions are to do less harm to vulnerable populations, it begins with accountability, by means of oversight and monitoring. But at the same time, the US Congress does not itself have a particularly good track record in attending to the humanitarian consequences of the sanctions regimes it establishes and maintains. The statutes that tightened the sanctions on Cuba in the 1990s, which are still in effect today, compromise Cuba’s access to shipping, penalize countries that import goods from Cuba, target Cuba’s major industries and exports and penalize banks that handle Cuba’s financial transactions—measures of vast scope, restricting and punishing not only US nationals, but foreign banks, foreign shipping companies and foreign manufacturers. Congress’ sanctions on Cuba have been almost universally condemned each year by the United Nations General Assembly, as violations of international commercial law and international humanitarian law.

But these measures remain in place; and Congress shows no interest in reversing them.

The standard narrative about the Iraq sanctions is that they were well-intentioned, with unfortunate and unforeseeable consequences for infants and children, women, the elderly, the poor; that the Security Council committee charged with their oversight did whatever was possible to mitigate those unfortunate consequences; that “smart sanctions” were introduced out of concern for Iraq’s vulnerable populations; and in any case, that was all in the past, and no one does that sort of thing any more. But the experience of the sanctions on Iraq is not at all in the past. We see the enduring effects of the sanctions on Iraqis today. Moreover, we see the cruel, devastating logic and strategy of the Iraq case in contemporary sanctions regimes. Any rethinking of US policy toward the Middle East must consider the legacies of the Iraq sanctions regime: it is not enough to express regret and vague remorse after the fact. As long as there is no independent monitoring, and a credible structure of accountability, to ensure that US measures abide by international law—particularly international humanitarian law—the tragedies will continue to take place.

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Endnotes

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