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COMMENT

Economic Sanctions, Morality and Escalation of Demands on Yugoslavia

JOVAN BABIĆ and ALEKSANDAR JOKIĆ

Economic sanctions are envisaged as a sort of punishment, based on what should be an institutional decision not unlike a court ruling. Hence, the conditions for their lifting should be clearly stated and once those are met sanctions should be lifted. But this is generally not what happens, and perhaps is precluded by the very nature of international sanctioning. Sanctions clearly have political, economic, military and strategic consequences, but the question raised here is whether sanctions can also have moral justification. Illustrated by the example of international sanctions against Yugoslavia, the authors show how the process of escalating demands on a target country, inherent to the very process of sanctioning, can lead ultimately even to overt aggression. As a result of this logic of escalation, economic sanctions cannot be articulated properly in any law-like system. Economic sanctions have much more in common with war than legal punishment, and in fact represent a form of siege. As such, they cannot be ended simply on the basis of their initial rationale, for the very process of sanctions implementation opens up possibilities for setting new goals and a continuous 'redefinition' of the goal that sanctions are seen to have.

While international economic sanctions enjoy wider than ever application, their moral status is rarely questioned. At the time of their implementation, whether unilateral or with UN blessing, strong moralistic language is employed to produce the semblance of justification. Clearly, sanctions can satisfy various political, economic, military and strategic goals, but could they ever be morally justified? This is the question we attend to here, and will illustrate the issue with the case of economic sanctions against Yugoslavia.

Sanctions, particularly when they are comprehensive and thoroughly enforced, embodying the quarantining of a nation, may

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properly be seen as a form of siege, and thus an act of war. Such were the sanctions levelled against Yugoslavia. UN Security Council Resolution 757 of 30 May 1992 had imposed a universal, binding blockage on all trade, international financial transactions, and all scientific, cultural and sports exchanges.¹ It will be difficult to find moral justification for placing an entire nation in such a predicament. Many negative and morally relevant consequences of sanctions can be cited, but here we want to focus on just one that will also raise questions regarding the morality and legality of this practice.²

This article focuses on the aspect of international economic sanctions that we call the 'escalation of demands'. Here we have in mind the difficulty, perhaps even impossibility, of formulating and clearly defining the conditions under which sanctions once implemented would be lifted. If sanctions were truly some sort of punishment, based on what should be an institutional decision not unlike a court ruling, then the conditions for their lifting would have to be clearly stated at the outset. What is more, some authority must be behind the 'punishment', providing assurances that once the conditions for lifting the sanctions are satisfied this would indeed happen. Difficulties exist on both these counts.

These shortcomings are not initially visible. Despite the fact that the issue of sanctions implementation has to be a matter of some quasi-court decisions, understood as a political act for extracting desired concessions, the need for sanctions must be formulated in terms of a *bona fide* public demand. For example, there must be public consensus that sanctions are merited. In the case of international sanctions, this may require world-consensus (or something equivalent). Without attaining this support, the coercive force of sanctions or even the threat of sanctions, could not be established as even appearing legitimate. The point is not that it would be hard to justify the implementation of sanctions without setting clear goals for them, but that the clear specification of those goals is a condition of their effectiveness.

The lifting of sanctions should follow, then, as soon as designated goals are achieved. But what may be put forward as a goal in this sort of case? Clearly, only something which is perceived as achievable. This is a matter of rationality, for if the demand is issued for more than can be achieved, the sanctioner's credibility is at stake as well as possible concessions that might have otherwise been obtainable. Effectiveness of the outcome is of crucial importance. The outcome is precisely what confirms the power and authority to issue a demand for anything in the first place. Without this power, we would be dealing with something entirely different, such as wishes, desires, visions, descriptions of

ideals, interpretations of the way things ought to be, and so on. Yet there would be no sanctions.

It is a matter of rationality that this power will make demands focused on the maximum it perceives as obtainable at a time. This is what underlies the fact that once implemented sanctions exhibit continuously changing conditions for lifting them. Thus, the constant amendments of the conditions required for lifting the sanctions are not due to initial deceitfulness or hypocrisy on the part of the sanctioner. Rather, the policy shifts that accompany the imposition of sanctions should be seen as a consequence of the power discrepancy, with the sanctioner having the ability to take more and more from the situation.

Undoubtedly, if there were more power in the first instance – for example if no attention had to be paid to the opinions of allies, or if there was no need to ‘excessively’ justify the act of implementing sanctions (that is, ‘selling’ it to the public), the sanctioner’s behaviour would be different. But, even where adequate power is at hand at the outset, the practice of setting additional goals would start at the point when new demands could be issued (that is, as soon as their satisfaction became feasible).

In short, in cases of this sort, the satisfaction of one goal opens up the possibility for setting another that could not, until then, have been imposed as a goal. However, when the first goal is achieved, then the opportunity for some other goal generally arises. This occurs even though up until that time there is no preset second goal, because it would have been irrational, since conditions for its satisfaction were simply not apparent. Given that such conditions inevitably present themselves, it would be utterly irrational to abstain from pursuing the new goal for it would look like giving up when one is already halfway there. It makes no difference that the point at which the sanctioner has now reached was initially perceived as the end of the road: it now becomes apparent that one is just halfway there! Thus the cycle starts all over again, with the possibility that the new opportunity will present itself, the opportunity to achieve some third goal, then the fourth and so on. This continues as long as two conditions remain in effect: that new opportunities continuously present themselves (which will generally be the case) while the power and will to exploit those opportunities remain in the hands of the sanctioner.

How long will this keep happening? This question is unanswerable in advance, for it is an empirical matter. Theoretically, opportunities will present themselves until they are all exhausted. And as long as they are not exhausted it will be irrational to abandon setting up new goals and to stop issuing new demands. For, the *reason* to adopt the second goal is

the same that presented itself as a reason for the first goal. It would be absurd to abandon the second goal, for this would in some sense mean giving up the first goal as well. If the reason for putting forward the first goal was sufficient to adopt it as a goal, and conditions have not changed dramatically, in particular the ability to issue demands, then what was once a sufficient reason continues its influence with full force.

Admittedly, once a goal has been achieved, a goal that was put forward as something which was wanted, and not simply desired,³ then the opportunity to really want something else (which might have earlier been simply in the domain of a mere wish) presents itself as a real possibility. And it will always turn out to be unthinkable to just give it up simply because it was *not put forward as a goal at some previous time*, at the time when this could not have even been entertained as a feasible goal. For this new possibility opened up only after accomplishing the first task. All the while, it may not even be known in advance what the new goal might be. This is a feature of the empirical situation: the openness and lack of certainty about the future. It is irrational not to want something which is perceived as good, achievable, and in some sense significant, simply because something else has been achieved which was at some prior occasion perceived as the sole achievable thing. And if something is desired and achievable, what is there to prevent it from happening? What principle could be applied here in order to draw the line in advance, other than the one that requires that, following the goal initially set, all opportunities that present themselves also be exhaustively pursued?

This is the reason why sanctions cannot be halted once implemented, or at least that it is much easier to set them in motion than to stop them. And since there is no internal barrier, which would be there from the outset, and no such barrier can be introduced *later* that was not there earlier (for example, in respect of those who are treated exploitatively or paternalistically), then there is no possibility to halt the onslaught of sanctions until all opportunities are exhausted. The conditions are just as in war: there is no end until final victory. There is no pre-established procedure or defined end, neither of these can be expressed in legal terms, only political. This is where it becomes perfectly apparent that sanctions have much more in common with war than with some court procedures. It is only rational to press all the way to final victory, or in any case to some point which is not the state of initially defined demands, but the state defined in terms of what is seen as the desirable end result.⁴

The desired end result does not have to amount to a complete obliteration, it could be any number of things, but the point is that

there is no principled possibility of determining in advance the conditions, or final conditions, for lifting the sanctions. New goals, of course, come into existence under a description of what is desired as the end state, but this does not mean that these were the goals put forward at the outset.

If this line of argument is plausible, then conditions for lifting the sanctions prove *unspecifiable* (in, say, the way that conditions for any legal punishment clearly are specifiable). That is, the argument implies that the lack of specificity here is not simply a kind of abuse of power, but that it is in the nature of the very thing we call sanctions. A sort of slippery slope is present here, which blocks the possibility of halting the demands at the initially chosen point. This necessitates that demands be pushed as far as they would go, until all possibilities for the use of sanctions are exploited. For, contrary to the (possible) initial conviction that sanctions are well defined and limited, this is not and could not be the case. This certainly may be seen by some as a (morally) bad consequence of sanctions as such.

However, this feature of sanctions does not indicate that in principle fair play is eliminated, or the requirements of justice somehow violated. Rather, this suggests that the kind of justification that can be offered when sanctions are at stake is not based on principles (that is, on morality). The issue is analogous to the question of whether a war (under a particular description of a convincingly just cause as its goal) is justifiable. This question cannot be answered in advance, nor before history reveals the results – that is, before the victor in the conflict is unveiled. If sanctions are successfully opposed, this will indicate that they were unjust; if the party succumbs to sanctions this may mean that they were just.⁵

Even the question of elementary impartiality cannot be raised here. What would it mean to say: ‘You have no right to impose sanctions against us as we have no capacity to reciprocate with a similar measure’? The rationality of sanctions precisely presupposes this kind of initial inequality of power – in the case of comparable power structure the war-like character of the conflict would have been fully visible from the outset. What country would voluntarily tolerate the blockade of its borders and restrictions on its freedom and well-being that ensues from it? Thus, clearly in a case of power equilibrium sanctions could play no role whatsoever. The disproportionality of power is an element of the logic of decision making in this context. Thus, insisting in any given case that sanctions are unfair carries no weight. For if the side imposing sanctions did not believe itself to be in the right – the proof of which is only in the effectiveness of

accomplishing the set goals, and nothing else – they would not get involved in this activity in the first place. This only goes to show that sanctions, as a distribution of power, are a way of making a claim that one is entitled to construct on behalf of others what their definition of value ought to be.

It may be said in the end that our ethical analysis shows it to be extremely difficult to justify international sanctions in moral terms. It is therefore an inherently suspect practice *morally* when calls are issued for social actions that include boycott, isolation and other forms of prohibition and containment that allegedly have no other justification than the one they cannot have, that is, moral justification.

The mechanism uncovered here is accurately illustrated by the case of sanctions against Yugoslavia. The escalation of demands can be historically traced in terms of the following sequence. Initially the imposition of sanctions (on 30 May 1992) played a substantial role in facilitating the secessions of Slovenia, Croatia, and later Bosnia and Herzegovina from Yugoslavia. Whatever were the declared intentions of the West at the time, the impact of its policies and activities was directly helping the secessionist federal units in achieving their goals, rather than preventing or easing the escalation of existing and commencing conflicts. Sanctions had an instrumental function in the destruction of the existing federal law by diminishing its legitimacy and credibility, thus preventing any viable solution within the scope of the (pre-existing) federal state. The political and final effect of sanctions functioned precisely in this way. It then became a question of the ‘internal logic’ in the functioning of this mechanism – how it would unfold and how far it would go. This mechanism *initiated* a process which made possible the activity of setting new goals and making new demands for as long as this was feasible, that is, for as long as there was any force to the motive which was constituted by the relevant interest firmly situated in the background.

And how far did things go? It led to NATO’s bombing of Serbs in Croatia and Bosnia (in 1995) in an effort to expel them from those areas, and all the way to the US-led NATO aggression against Yugoslavia in the spring of 1999. In fact, the escalation process went even further than that, lasting to the present day (with no sign of stopping in the near future), showing how the inertia of issuing new demands on a previously targeted country could become indefinitely prolonged, even after sanctions had been officially lifted and after a regime change had been accomplished.

This is evidenced, in the case under consideration, by the fact that the regime of the escalation of US demands on Serbia did not end after

political change took place. If one were to compare demands spelt out in an act of Congress, SEC. 575 of 20 December 2001 dealing with aid to foreign countries, one could discern no difference in kind between these latest demands issued to the new democratic regime in Serbia and those made during the period of the most stringent of sanctions.⁶ On 30 May 2002, President Bush signed a decree about continuing extraordinary measures against Yugoslavia, including the freeze on Yugoslav assets, exactly repeating the terminology used in 1999 against the Milosević regime. On 28 April 2002, Senator Joseph Biden, Chairman of Senate's Foreign Relations Committee, in a speech to the Albanian American Civil League, issued a set of four new conditions for continued financial aid to Serbia. The most forceful among them was the demand that both leading figures of the new regime, Prime Minister Djindjić and President Kostunica, publicly apologize for a 'campaign of genocide' in the wars of the 1990s.⁷ It remains to be seen what new demands will emerge in the future. The international sanctions against Yugoslavia show very clearly how the process of escalating demands on a target country, inherent to the very process of sanctioning, can lead all the way to overt aggression, and beyond. This is further evidence of how little hope there is for international sanctions to ever be on firm moral footing.

NOTES

1. Crucial, of course, as far as normal life of citizen is concerned is the ban on trade and financial dealings. Sanctions in the domain of science, culture and sport are in fact bargaining chips that may later help create the impression of easing sanctions, thus 'reciprocating' for concessions extracted from the target country while further maintaining in place the main components of sanctions.
2. Elsewhere we have explored in some detail six kinds of such consequences: susceptibility to manipulation, paternalism, abandonment of strict moral criteria, general decline in moral consciousness, a sweeping rise of violence, and continuous, seemingly arbitrary, redefining of the conditions for a final lifting of sanctions: 'The Ethics of International Sanctions: The Case of Yugoslavia', *Fletcher Forum of World Affairs*, Vol.24, spring 2000, pp.87-101.
3. This distinction is analogous to the one B. Williams has in mind when he distinguishes between the 'language of aspiration and wish' from the language of 'obligation and decision'. B. Williams, 'Is International Rescue a Moral Issue?', *Social Research*, Vol.62, No.1, spring, 1995, p.69.
4. However, this is also subject to change, as appetites may grow. But we are here talking about the escalation of demands under the assumptions of constancy of appetites, in terms of which the desirable is defined.
5. It may appear that we are here applying the apparatus of some consequentialist moral theory. Whether sanctions (or wars) are good or bad will depend on their consequences. We intend no such application. While this point cannot be argued here, the claim that prior to 'victory' (however it is conceived and whoever achieves it) there can be no valid claim to just or unjust causes is meant as a conceptual point (a part of

the concept of war, as a decision rule of sorts). This point is developed in more detail in J. Babić, 'War Crimes: Moral, Legal or Only Political?', in A. Jokić (ed.), *War Crimes and Collective Wrongdoing*, Oxford: Blackwell, 2001, pp.57–71.

6. SEC. 575 makes rigid demands on Serbia for the release of the previously conditionally approved aid (in a relatively small amount of \$115 million) that is of great import for Serbia's decimated economy. Among the demands are the conditions that Serbia must 'toe the Hague line', withdraw all 'financial, political, security and other help which keeps special Republic of Srpska institutions alive', and continue applying measures 'which maintain the honoring of minority rights and the rule of law – including the release of all political prisoners in Serbia'. Additionally, the administration is obliged to ensure that US representatives in all international financial institutions vote against any assistance if it is deemed that conditions set by Congress have not been satisfied.
7. The Albanian American Civil League, accessed at www.aacl.com; Reality Macedonia, www.realitymacedonia.org.mk/web/news_page.asp?nid=1874.