

Revised and Updated Terms of Reference

The Impacts and Effectiveness of UN Targeted Sanctions Plan for Comparative Case Research^{*}

April 2011

The international research consortium assembled to conduct a comprehensive analysis of UN targeted sanctions is a collective enterprise. In the broadest sense, we are completing elements of a comprehensive, qualitative data base on the most important examples of UN targeted sanctions since the end of the Cold War. Thus rather than drafting stand-alone narrative accounts of targeted sanctions cases, such as chapters in a published volume of case studies of targeted sanctions, different research teams will be filling in elements of a collective data base that scholars and policy practitioners will eventually be able to draw upon to analyse (and reanalyse) the impacts and effectiveness of targeted sanctions. Since this is a collective enterprise, it is important that all participants employ a common framework, share some basic definitions, and address, to the best of their ability, the different elements of each case, as specified below.

This is a question-driven and theoretically-informed, but flexible and open-ended approach to information gathering. Definitions are provided for clarity and consistency in usage, and examples are included to illustrate the terms being used. At the same time, however, we also want to remain open to the unanticipated aspects of targeted sanctions (their changing purposes, politics, impacts, and effectiveness), that will be provided by the exploration of these different elements in the diverse array of targeted sanctions cases included in this project.

Targeted sanctions

Targeted sanctions are commonly defined in terms of what they are not: comprehensive restrictive economic measures that affect an entire country. They can be targeted in a number of different ways – against an individual, a corporate entity (such as a firm, a political party, or a non-state armed group), a sector of an economy (such as an arms embargo, aviation ban, the trade in high value commodities like diamonds, oil, timber, or luxury goods), or a region of a country (as in the DRC or

^{*} This document draws on the discussions of research priorities, concepts, definitions, and methodological approaches at the October 2009 Geneva Workshop and the February 2010 ISA meeting. It also benefits from constructive comments and written suggestions on the February 2010 draft of this document from nearly twenty consortium members, principally from those in the academy. It has been updated following the receipt of first drafts of different cases and again following discussions at the March 2011 ISA meeting in Montreal.

Sudan). Targeted sanctions range on a continuum from extremely limited sanctions (such as those imposed against the Sudan, where only four names have been listed) to measures that begin to approximate comprehensive sanctions (such as the timber sanctions on Liberia) because of their widespread scope and impact throughout an economy. To be considered targeted, sanctions should be in some way discriminating in their scope of application and impact.

Cases

The research will be principally focused, at a minimum, on the most important cases of targeted sanctions imposed by the UN Security Council since it introduced targeted measures against Somalia and Libya in 1992.[†] As some sanctions research suggests, the threat of sanctions is often more effective than their actual imposition (Drezner 2003 and Hovi, J., R. Huseby, and D. Sprinz (2005), thus the sample of 19 may eventually be expanded to include instances in the half dozen or so of cases in which sanctions were proposed or considered publicly by the UN Security Council, but not subsequently imposed.

Cases are broadly defined here, as UN sanctions committee regimes, or country-based instances in which targets of sanctions have been identified by the UN Security Council or its subsidiary bodies. For comparative purposes at a later date, important unilateral or regional measures such as the EU and US targeted sanctions against Myanmar or Zimbabwe, or AU measures on Mauritania and Madagascar, may also be considered.

Case episodes

Following the work of Mikael Eriksson (Eriksson 2009), each case should be broken down into separate “case episodes” that enable researchers to examine the impacts of sanctions as they are tightened, expanded, or relaxed over time, typically by actions taken by the Security Council or one of its Sanctions Committees. For example, the impacts of sanctions against Iran might be examined when they were first threatened (prior to the imposition of targeted sanctions), and after each succeeding resolution (UNSCR 1737, UNSCR 1747, UNSCR 1803, and UNSCR 1929). Similarly, the sanctions against Al Qaida and the Taliban might be examined before and after the significant expansion of the list of targets following the attacks of 11 September 2001. Changes in sanctions regimes over time can be assessed by incorporating a number of different episodes per case, which also increases the sample size for comparative analysis. **Case episodes will therefore constitute our core unit of analysis in the project.**

The use of case episodes requires, however, a comparable operational definition of “episode” across the different cases. We need a non-arbitrary and consistent definition of an episode, but one which also affords research teams enough latitude to define episodes appropriate to the unique conditions of different cases. Rigidly defining each episode only in terms of discrete actions taken by the UN Security Council might

[†] The complete list of UN targeted sanctions in the post Cold War period includes Somalia, Libya I, Liberia, Haiti, UNITA (Angola), Yugoslavia (1160), Rwanda, Sudan I and II, Sierra Leone, Al Qaida and the Taliban (Afghanistan), Iraq (1518), Eritrea/Ethiopia, Côte d’Ivoire, Lebanon/Syria (1636), DRC, DPRK, Iran and Libya II.

produce too many episodes (particularly if they are simply renewals of existing mandates) and the actions may not be immediately felt or experienced by the intended targets due to delays in implementation.

As a first step, we recommend proceeding from the vantage point of the senders of targeted sanctions, and define discrete episodes in terms of significant modifications of the sanctions regime. Operationally this would include a major expansion of designees or lists of proscribed items, the addition of new sanctions, a significant relaxation of existing measures, or changes in the stated objectives of the sanctions (e.g. from counter-terrorism to non-proliferation). Renewals of mandates or periodic extensions of existing measures would not ordinarily constitute a new sanctions episode. At a later stage in the analysis, we might consider defining episodes in more relational terms, as arguably distinct periods of discernibly different relationships between senders and targets. Depending on the length of time under review, most cases will probably have a number of different episodes. Targeted sanctions imposed over a longer period (Somalia), or those which have morphed over time in their central purposes (Libya, Liberia, or Al-Qaida/Taliban) will likely require more episodes than those that have been relatively stable and inactive (Lebanon).

In the construction of episodes, it will be important to include the period before sanctions were first imposed, the period in which sanctions were first threatened or “in the air.” Some research teams have systematically differentiated between a threat and an imposition phase for each episode. Case chronologies should not begin with the onset of sanctions. We also need to consider lags in implementation, as targets may not react until the sanction is implemented, not when the UN Security Council first threatens or takes an action to impose a targeted sanction. This will complicate the analysis of both impacts and effectiveness.

Elements to be included in each case

For comparative purposes, it is essential that each of the cases include the following elements. We have prepared a template for data base construction, appended to this document, to guide your research. The following elements (corresponding to the elements of the template) are to be included in each final version of each case study.

1. Background and overview: Situate each case generally in the history of the conflict between sender[s] and target; also identify the place of UN targeted sanctions in the context of pre-existing unilateral or regional sanctions measures and their relationship with those measures. Identify where in the conflict cycle UN targeted sanctions were first imposed

2. Determination of the beginning of the string of episodes: Identify what incidents or specific norm violations prompted UN sanctions; the beginning of the first sanction episode is not when the UNSC passes a resolution, but when it identifies and responds to an incident or a norm violation with a threat of sanctions from the UN Security Council, even if only a single member is agitating for sanctions.

3. General objective/purpose of the sanctions; that is, identify the category of threats to international peace and security as defined by the UN Security Council in general terms: counter terrorism (CT), non-proliferation (NP), conflict prevention

(CP), human rights (HR), democracy promotion (DP), other, or some combination of the above.

4. Identification of principal episodes: For the purposes of comparative research, a *sanctions episode* is defined as a distinctive period in the larger sanctions regime **predicated by an action of the UN Security Council that qualitatively changes the relationship between the Council and the intended target(s)** of the sanctions. Operationally, this can mean significant modifications of the sanctions regime, including a major expansion of designees or lists of proscribed items, the addition of new sanctions, a significant relaxation of existing measures, or changes in the stated objectives of the sanctions (e.g. from counter-terrorism to non-proliferation). It can also mean changes in the seriousness of the implementation of the existing measures (indicated by a new monitoring team or significant procedural changes accepted by the sanctions committee). Indicate clearly why you think there is a significant modification of the sanctions regime (e.g. new sanctions are added, a major expansion of designees, a change in stated objectives, or new resolve to implement). Renewals of mandates or periodic extension of existing measures would not ordinarily constitute a new sanctions episode. An episode begins when targeted sanctions are first threatened (“in the air”), not just when a sanctions resolution is passed. Thus, depending on the pace of the decision by the UN Security Council, a given episode might include both the threat phase and an implementation phase (typically there is a lag between the passing of a sanctions resolution and its implementation).

Note that changes on the ground in ongoing conflicts (a major escalation of violence, change in territorial control, the detonation of a nuclear device, or rapid diminution of violence) may change qualitatively the relationship between the UN and the target(s). The UN may or may not have responded to these change, for a variety of different reasons, and this may be worthy of study on its own.

While it is important not to predetermine the number of episodes in advance (given the diversity of applications of UN targeted sanctions), it is equally important not to divide cases into too many episodes, because only with fairly lengthy episodes can the bargaining interactions between senders and targets be discerned and impacts assessed. Although there will be considerable historical continuity, ***note that elements will need to be described for each of the principal case episodes identified.***

5. Episode 1

a. Context

Describe the specific circumstances precipitating the episode. While the first episode will follow directly from the discussion in Background and Overview and Beginning of the string of episodes (1 and 2 above), subsequent episodes should identify the changed conditions triggering a new episode. Here is where changes on the ground in ongoing conflicts should be discussed even if they do not necessarily result in a qualitative change or reaction by the Council. Be sure to give the start and end date for each episode identified.

b. UNSC decision making process

Identify how quickly the UN responded and which UN Security Council member(s) took the lead in the process and drafted the initial text of the sanctions resolution; identify which other states and/or non-governmental actors encouraged, supported or attempted to block action; remaining mindful of David Baldwin's insights about the context within which policy-makers decide to impose sanctions, particularly his argument that they need to be evaluated in comparison with other policy alternatives (Baldwin 2000), describe and analyze the decision-making process, including the bargaining and compromising that goes on among Member States.

c. Assessment of political will

Assess the political will present at time of decision to impose sanctions and at the start of each successive episode. The degree of political consensus ("political will") can be operationalized by considering for example, the vote on the resolution (how long did it take to achieve consensus, were there any trade-offs involved, were there any abstentions or negative votes, if so, by whom?), the degree of formalization of implementation and enforcement mechanisms, including the presence or absence of an expert group or monitoring team, the length of time between the passage of the resolution and the actual designation of targeted parties, resources provided to expert panels, and whether there is reporting on Member State implementation, among other indicators. Note again that this estimate should be made not only at the time the targeted sanctions measures were first imposed, but also over the course of their subsequent adaptation and implementation.

d. Purposes of the sanctions (including principal purpose)

Building upon, but adapting the typology proposed by Francesco Giumelli (Giumelli 2009), assess whether sanctions are intended to 1) coerce or change behavior, 2) constrain proscribed activities and limit access to essential resources, and/or 3) signal or stigmatize. Most sanctions encompass more than one and often all three purposes, at least in part because sender interests vary. Thus, there should be an identification of the purposes as stated explicitly in the UNSCR, as well as different purposes intended by major actors on the Security Council at the time the resolution is passed (see decision-making process above). However, it is also important to **identify the principal purpose of each sanctions episode**. The purposes must be identified for each episode, since the principal purposes of sanctions may change over time. A further elaboration of the application of this typology is contained in section p. on effectiveness, below.

e. Audiences for signaling

All sanctions entail signaling (indeed one could evaluate them solely with regard to this impact). An effort should be made to identify the principal audiences of signals (targets, their supporters, domestic constituencies, or regional and global constituencies in the case of global norm enforcement such as against weapons proliferation or in support of human rights norms).

f. Type of targeted sanctions imposed

As identified above, targeted sanctions vary in their composition, and often in their combination. Identify the specific measures adopted in each episode. This could be characterized as the “design” of the targeted sanctions. What specific measures did the Council adopt? Were they targeted financial sanctions, a travel ban, sectoral sanctions (such as an arms embargo or commodity restrictions), or some combination of the above?

g. Coordination within the UN System and related multilateral initiatives

Explore the relationship(s) between the UN sanctions and the activities of other UN agencies, particularly UN peacekeeping forces, the office of the Special Representative of the UN Secretary-General (SRSGs), and UN agencies with a field presence in the targeted country or region (UNHCR, WFP, UNDP, etc.). In addition, the connection of sanctions to related multilateral initiatives such as the IAEA and multi-party talks (P5+1 or 6 party talks) should be addressed. Each case episode should consider how the UN sanctions related to, complemented, or created conflict with other UN actors or initiatives. Pay attention to positive incentives offered to targeted parties and whether the targeted sanctions are complementary or contradictory to coordinated action by the UN. This will help highlight priorities with regard to sanctions coordination, an ongoing policy concern.

h. Coordination with other sanctions

Explore the relationship(s) between the UN sanctions and other sanctions imposed on the target(s), particularly US unilateral measures, other national measures, or regional sanctions measures imposed by the EU or the AU. Identify to the extent possible the dynamic between the various sanctions and consider how the UN sanctions related to, complemented, or contradicted sanctions imposed by other actors. Pay attention to positive incentives offered to targeted parties and whether the targeted sanctions are complementary or contradictory to coordinated action. This will help highlight priorities with regard to sanctions coordination, an ongoing policy concern.

i. Relationship to other international instruments

Explore the relationship(s) between UN sanctions and alternative policy instruments, such as the use of force, covert actions (sabotage), tribunals and/or referral to the ICC. Consider how sanctions related to, complemented, or conflicted with the alternative instruments.

j. Assessment of implementation

Review key member state actions taken to implement measures, including legal justifications, dissemination of information to implementing parties, administrative changes, and evidence of enforcement (and/or sanctions violations), paying particular attention to expert panel reports and Member States reports on the sanctions committee websites. In addition, specific concerns (not to mention

potential roles) of principal trading partners, firms, and neighboring states should be assessed using (as appropriate) time-series sectoral economic indicators of changes in the pattern of trade and economic transactions (as potential indicators of diversion or sanctions evasion). Such time-series data should be assessed to enable systematic analysis of the dynamics of potential diversion of finance, of investment, or of trade, as well as resistance to, and implementation of targeted sanctions over time.

k. Direct impacts

Differentiate between direct and indirect impacts (and separate assessments of impacts from measures of effectiveness). Identify both “winners and losers” from targeted sanctions in an effort to gauge how different key societal groups are affected by targeted sanctions (are they advantaged or disadvantaged, empowered or disempowered by the sanctions)? Empirical research on each case should utilize measures to analyze the direct impacts of targeted sanctions on principal parties to the conflict or situation that prompted sanctions. Direct impacts include assessments of the economic disadvantages to the target of sanctions and on the target’s ability to continue proscribed activities (assets frozen, change in arms supplies, measure of resource exports, and other measures of diminished trade and/or access to financing.) Estimating the psychological (stigmatizing or isolating) effects on the targeted parties should also be attempted, including assessments of reputational costs to legitimate actors engaged with targeted parties.

Causal analysis of impacts requires the identification and/or selection of paired counterfactual case(s). Each case team should identify a control group of cases or a paired case with similar characteristics, but that was not sanctioned. Ways to address sources of bias include careful comparison with a non-sanctioned case, trying to control for as many factors as possible, or comparing different country periods with and without targeted sanctions, examining countries before and after the sanctions have been imposed (interrupted time series techniques), and identifying factors that affect the imposition of sanctions, but not their impacts, and therefore identifying these impacts indirectly through the fact that targeted sanctions have been imposed. The Uppsala Conflict Data Program (UCDP) conflict data base might be a good source for identifying potentially relevant comparative control cases.

l. Indirect impacts

Measures of indirect impact also need to be developed, to gauge the extent to which the measures had impacts on non-targeted, but inter-related sectors of the economy (such as creating incentives for import substitution, the development of new technologies, or the diversion of foreign investment and credit). The gender, (and in some instances, ethnic and/or racial) implications of targeted measures should also be explored.

m. Evasion

What are the principal means of evasion of the sanctions by the targets? Organize your analysis in terms of type of target, differentiating between individuals and corporate entities, as appropriate. Did the targets employ fronts, use the accounts of

closely related family members, divert trade through friendly third countries (particularly neighboring states), apply coercive threats or put pressure on major economic players not to enforce the sanctions, and/or use other means to evade the sanctions?

n. Unintended consequences

Identify the principal unintended consequences (both positive and negative) of the sanctions imposed in each episode. Among the possible negative externalities of targeted sanctions are the legacies of corruption and criminality often left by sanctions, the strengthening of instruments of authoritarian rule, a “rally around the flag” effect, an increase in human rights violations, and their harmful effects on neighbouring states. Positive externalities might include increased capacity to regulate internationally in different issue domains (such as financial controls) or opportunities for capacity building training for financial controls, immigration, or customs. .

o. Integrate impacts and unintended consequences

For each case episode, analysts should attempt to analyze impacts and unintended consequences in a two dimensional matrix. An episode of the UNSCR 1267 Al-Qaida/Taliban sanctions regime is provided as an illustration.

	Intended consequences	Unintended consequences
Direct impacts	On listed firm (al Barakaat)	On Somali public (decline in transfer of remittances to Somalia)
Indirect impacts	Increase in due diligence regarding charitable giving	Decline in charitable giving to Muslim charities globally

p. Assessment of effectiveness

This is the crux of our project and one of the most difficult analytical exercises. Based on the direct and indirect impacts and unintended consequences, assess the effectiveness or policy outcomes of the targeted sanctions in each episode, differentiating according to the three purposes (change behaviour, constrain, signal/stigmatize) identified above in section d. Assess effectiveness not only in terms of changing target behaviour (coercion), but also in terms of the ability of sanctions to constrain target activities and to send powerful signals and to stigmatize. Effectiveness is not a binary determination, but rather a multi-faceted and conditional one.

Coercion. Effectiveness could be viewed along on a continuum ranging from:

- (1) Meeting the terms as literally stated in the UNSCR
- (2) Approximating the core purposes as originally articulated in the UNSCR (but not necessarily according to the explicit terms spelled out in the original UNSCR)
- (3) Adopting face saving measures (on both sides) to accommodate each other in an effort to resolve the dispute

- (4) Engaging in negotiations to settle or resolve the dispute
- (5) Complete intransigence

Constraint includes limiting access to essential resources (finance, goods/technology, expertise), slowing target activities and buying time for negotiations, and raising costs for targets to continue proscribed activities. Effectiveness could be viewed along on a continuum ranging from:

- (1) Clear indications that target was constrained from engaging in proscribed activity (bank accounts frozen, travel prevented) **and** statement that target is experiencing financial/material/logistical difficulties
- (2) Indications that target is constrained, but no public statement about any difficulties experienced
- (3) Some anecdotal indications that target is constrained (as evidenced by delay in engaging in proscribed activity and/or diminution in the frequency of engagement in proscribed activity)
- (4) Evidence of evasion and/or limited application of the sanction
- (5) Little to no discernable indicators that target experienced any constraints (combined with evidence of the ease of evasion)

Signaling/Stigmatizing includes *signaling* targets, third parties, domestic constituencies, and the international community, and *stigmatizing or isolating* targets and activities violating international norms.

In her classic 1972 *IO* article on sanctions against Rhodesia, Margaret Doxey argued that the target's knowledge about both the norm and the penalty were essential for evaluating the effectiveness of sanctions. In what she termed "the communication factor," she emphasized the importance of "the extent to which norms and penalties are comprehended." This is similar to our conception of "signaling/stigmatizing" in this project, and the following continuum can be useful in gauging effectiveness.

- (1) Norm articulated, penalties clearly communicated, message received, and fully comprehended by the target(s)
- (2) Norm articulated, penalties communicated, message received, but not fully comprehended by the target(s)
- (3) Norm articulated, penalties communicated, uncertain whether message received or comprehended by target(s)
- (4) Norm articulated, but penalties not clearly communicated, received, nor comprehended by the target(s)
- (5) Norm poorly articulated, penalties vague, and message neither received nor comprehended by the target(s)

Note that this range of communications signaling can be applied directly to the target or to third parties, depending on the audience(s) being signaled.

Finally, an assessment of the sanctions contribution to the policy outcomes, following the measures developed by Hufbauer, Schott, and Elliott (Hufbauer, Schott, and Elliott, 1983) must also be undertaken. Some evidence of impact on the target is a minimal condition, but some kind of acknowledgement of the impact by the target is even more indicative of a sanctions contribution.

6. Episode 2

Address components a through p above.

7. Episode X (3, 4, 5...depending on number of episodes)

Address components a through p above.

8. Evaluation of when, how, and why sanctions were lifted (if applicable)

This is likely to be contained implicitly in some of the later case episodes. Research teams should assess how long the sanctions were operative against the target(s), the duration of the discussion of ending the sanctions among sender states, and whether national or regional measures were lifted or eased prior to, or following, the lifting of UN targeted sanctions. Was the lifting of sanctions due to the purposes being met, other target concessions, or more to sender fatigue?

9. Reflections

We encourage and invite any general reflections on the part of the case research teams on distinctive or unique aspects of their cases, and particularly whether it is possible to infer any evidence of learning on the part of key institutional actors on the utility and effectiveness of targeted sanctions measures.

10. Timeline

Please provide a general timeline for each case, identifying the origins, episodes, and where relevant, the termination of the targeted sanctions.

Research Methods

Wherever feasible, interviews should be conducted with the targets of sanctions to learn as much as possible about precisely *how* the measures affected them, and more importantly, how they evaded the measures and/or utilized them for other purposes (such as mobilizing public support). This research is particularly important, not only because of the relative absence of this kind of inquiry in past studies of sanctions (with some notable exceptions, including the work of Cosgrove 2005, of Eriksson 2009, and of Anders and Vines 2006), but also because it will enable the analysis of the implementation of targeted sanctions by key states (i.e. by major trading partners and/or by critically placed neighbouring states). If each of the case studies addresses these questions, it should be possible to assess in parallel (across the universe of cases) how countries have implemented targeted sanctions over time, including both legal and administrative instruments. This research will also be important for the preparation of the Practical Guide that will be prepared as part of the larger project.

In some instances, field research may be also necessary, not only to interview former targets of sanctions in situations where the sanctions have been terminated (Libya I, Angola), but also to interview other critically placed observers.

Fortunately, the core group of scholars and policy practitioners who constitute the research consortium have already conducted a great deal of field research on the different cases of multilateral UN targeted sanctions and will be able to draw effectively on their past research interviews and networks already established.

Sources of information for each of the cases of targeted sanctions will include systematic reviews of previous case-study research (building on the pioneering work by Cortright and Lopez 2000, O'Sullivan 2003, Farrall 2007, and the cases added to the most recent edition of Elliott, et. al.). In addition, research teams will be expected to interview past and current chairs of UN Sanctions Committees, relevant NGOs, affected private sector actors, national officials charged with both sanctions design and sanctions implementation, national officials and diplomats from the targeted countries, and chairs and key members of expert groups and monitoring teams and key staff in relevant Missions to the UN. If each of the country-focused case study researchers draws on interviews with these individuals,[‡] it should be possible to assess in parallel (across the universe of cases) issues such as general problems encountered with regard to the development and maintenance of sanctions, implementation challenges, and best practices. This comparative research will also be drawn on for the Practical Guide.

Research teams

Teams of two or three individuals will undertake the research on each country-case. It would make sense for individuals who have previously conducted extensive research on a particular case to update their previous analyses, since they have a comparative advantage with regard to knowledge about the history, the key players, and the background of the conflicts involved. To get a fresh perspective on the different cases, however, it might be advisable for them to team up with someone who has not previously done extensive work on the case. Team leaders have been identified for each case and will receive the contracts for research funds and will be expected to coordinate the team research effort. Research assistance for some of the quantitative aspects of the research plan will be provided to practitioners.

Research schedule

Research contracts for the completion of the cases have been issued for nearly all of the research teams for work to be completed by May 1, 2011. We organized several linked panels for comparative presentations of case research results at the International Studies Association meeting in Montreal in March 2011. This will be followed by a second major workshop with policy practitioners to be convened in London in early June 2011 to share results, draw comparative conclusions, discuss policy implications of conclusions, and develop research outputs (including the practitioner's guide, the maintenance of a database, a major scholarly volume or volumes, and a basis for future capacity building training at the UN and in national capitals).

[‡] Given the potential time burden on some of the national and UN secretariat officials involved in targeted sanctions regimes (particularly those in the UN Secretariat with responsibility for more than one regime over time), the project coordinators will make an effort to coordinate access for the different teams conducting interviews on the different cases.

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