On the Effectiveness of Non-Proliferative Sanctions

Why have UN sanctions against North Korea failed?

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Bachelor Thesis in Political Science
Swedish Defence University
Fall Semester 2017
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Abstract

The thesis argues that non-proliferation sanctions are effective primarily by their coercive effect, that is their power to change the target’s cost/benefit ratios. It does so by contrasting and comparing two key works in sanctions literature, authored by David Baldwin and the Targeted Sanctions Consortium respectively. In the case of the UN sanctions regime against the Democratic People’s Republic of Korea (DPRK), it concludes that the reason why no sufficient coercive effect has been apparent, is due to the lack of costs shouldered by the actors who have implemented the sanctions, as this reflects an apparent lack of commitment. This in turn does not sufficiently increase the possible costs of the DPRK, in continuing its nuclear weapons program. Therefore it is not incentivized to cancel its program.

Key words: DPRK, North Korea, Sanctions, Non-proliferation, United Nations, Coercion, Baldwin, Targeted Sanctions Consortium
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1. Introduction

1.1 Background

Since 2006, the Democratic People’s Republic of Korea, DPRK, has conducted repeated nuclear tests and missile launches in order to research and develop its nuclear weapons program. The world has responded with condemnations and diplomatic initiatives to persuade the DPRK to halt its advance. However, the primary tool chosen by the international community to combat the emerging threat has been the use of sanctions. Both unilateral and multilateral sanctions have been imposed. Probably most importantly, the United Nations, UN, has enacted ever harsher multilateral sanctions as the DPRK has escalated its research. Despite this, the country has not changed course. Further tests have been conducted and the nuclear capabilities of the DPRK have steadily advanced.

Sanctions have long been considered a relatively ineffective instrument, both by academics and by the general public (Rogers 1996, 43). Historically, much of the debate in the field has turned to the question of whether or not they are capable of accomplishing the tasks for which they are seemingly implemented, which conventionally has been understood as coercion. (Biersteker et al. 2016, 45).

In response, researchers have tried to identify alternative ways in which sanctions may be effective. This relatively new critical analysis of the purposes of sanctions is useful and has led to an increased understanding of the different ways in which sanctions can have an effect, for instance, by signaling intentions to third countries or appealing to domestic voters. Yet it does not necessarily help us understand how we can improve the coercive effect of sanctions, which in a case such as the DPRK may be the required one. As researchers attempt to widen the definition of effectiveness and find differentjustifications for sanctions, they seem to forget to ask just why sanctions have not succeeded according to the traditional measurement of effectiveness, and whether or not they could be improved in this regard.

1.2 Brief history of sanctions against DPRK
In 2003, the DPRK announced its withdrawal from the Nuclear Non-Proliferation Treaty. Since then, the Six-Party Talks, between the major actors involved in the conflict, have endeavored to convince the DPRK to return to the treaty. In 2005, it promised to do so, but soon thereafter it conducted further weapons tests establishing that this was not to be (Joint Statement Six-Party Talks 2005). The 2006 tests prompted the United Nations Security Council, UNSC, to adopt dual resolutions for sanctions against the country’s nuclear weapons program, and to set up a Panel of Experts to advise, assist and analyze the UN and its DPRK sanctions (UNSC Res. 1695 and 1718). The President of the UNSC also called for the DPRK to “return immediately to the Six-Party Talks without precondition” (UNSC President 2006, 1). Over the subsequent years, the DPRK continued its testing, and seemingly made steady progress. The frequency of the DPRK’s testing also increased in 2016 and 2017. Each significant test has been condemned by the UN and answered with expanded sanctions. In September of 2017 the country conducted its sixth nuclear detonation, which the UNSC condemned as “in violation and flagrant disregard of the Security Council’s resolutions” (UNSC Res. 2375).

By September 2017, the UN sanctions covered a multitude of areas connected in one way or the other to the DPRK’s nuclear weapons program. There are UN sanctions on trade in weapons, technology, oil, coal, luxury goods, technical expertise, freezes of financial assets and limitations on access to financial systems (TSC Qualitative Database 2014, 27). There are also more comprehensive sanctions on the export of labor, textiles, fishing, and precious metals (UNSC Res. 2375).

2. Problem and purpose

Coercion can be defined as “a situation in which one actor (A) is able to manipulate the cost/benefit ratios of the alternatives perceived by another actor (B), so that the latter would be foolish to choose any alternative other than X” (Baldwin 1985, 38). This is the conventional understanding of the term in the sanctions literature and will be employed in this thesis (Biersteker et al. 2016, 45). It places the focus on making the target act differently, according to the will of the sanctioning party. Recent studies have found that a majority of UN sanctions are aimed at coercing changes in the targets’ policy actions. Yet, researchers have found that a
change in the target’s policy is rarely observed when the objective is non-proliferation (Biersteker et al. 2016, 238). In the case of North Korea, this rings true.

Coercion, however, is not the only possible objective of economic sanctions. A recent study attempts to distinguish two additional potential goals of sanctions: constraint and signaling (Biersteker et al. 2016, 21). These additions are intended to provide an alternative understanding of the way in which sanctions can be effective.

If sanctions, in particular those imposed on the DPRK, are to be justified they must be effective in a way that accomplish the intended objective. This thesis will problematize the current debate on sanction effectiveness through a critical engagement with the current and historical sanctions literature. It seeks to highlight important aspects of this debate that are crucial to understanding the question of effectiveness, particularly in the case of non-proliferation. Primarily the thesis will engage with the contributions of two major texts of sanction theory and compare and contrast them in order to reach a convincing definition of effectiveness. By determining just in what way and shape sanctions of non-proliferation can be effective, it is possible to further analyze current sanctions against the DPRK.

The thesis aims to answer the following questions.

*How are non-proliferation sanctions effective?*
*Why are they currently not effective in the case of the Democratic People’s Republic of Korea?*

3. Theories of sanctions

3.1 A brief review

During the Cold War, sanctions were generally intended to be comprehensive affairs, the purpose being to limit trade with nations allied to the opposing block. As such, they were enforced by the West against the East, and vice versa (Gordon 2011, 316). Because of the polarizing alliances and the intention of the two global camps to expand their influence, nations tended to trade with either the one or the other. In this way, sanctions against a country from one
side usually meant that trade and aid was available with the other. For this reason, sanctions had limited impact on the target and, as such, were understood to be incapable of coercing them into altering their behavior. Because of this general lack of coercive effectiveness, during the Cold War researchers assumed that sanctions were generally ineffective (Baldwin 1985, 55). Writing in this time Professor Peter Wallensteen noted that “The general picture is that economic sanctions have been unsuccessful as a means of influence in the international system” (Wallensteen 1968, 262). Before the end of the Cold War, the general consensus among both learned academics and the wider public, therefore, was that sanctions were largely window dressing.

This view was challenged with fall of the Iron Curtain, as the effects and reactions to the sanctions imposed on Iraq in response to the invasion of Kuwait became well known. The full effect of these comprehensive sanctions, levied in 1990 and 1991, was devastating (Drezner 2003, 107). The Iraqi economy was in shambles, struggling under the weight of both bombs and trade embargoes. Disease and starvation was rampant among the civilian population. The Iraqi regime did not hesitate to blame the United Nations for the suffering, and the world soon grew skeptical of whether or not sanctions such as these were just and proper (Gordon 2011, 317).

The Iraqi sanctions helped to transform the sanctions debate along the lines that we are accustomed to today, that of smart, or targeted, sanctions. Professor Joy Gordon, a prominent researcher of targeted sanctions, writes that “Comprehensive sanctions, and their indiscriminate impact, were to be replaced with targeted sanctions, designed to affect only the leadership of the target country” (Gordon 2011, 318). These smart sanctions are meant to target individual people, sectors and other objectives with the intention of sparing the general civilian population of substantial harm. Examples include restricting access to arms and materials that are necessary for their production, trade in luxury goods, and the freezing of assets belonging to key individuals (Biersteker et al. 2016, 13). Targeted sanctions quickly became the dominant form of sanction policy, so much in fact that there have been only two cases of comprehensive sanctions implemented by the UN recorded since the Gulf War; Haiti in ‘93-’94 and Yugoslavia in ‘92-’95 (Gordon 2011, 318).
As such, the dominant view in the sanctions debate was first that sanctions generally had only a limited impact. Then, after the Cold War, this view was replaced with claims that they had far too great of an impact. Now, in contrast to both these earlier positions, the major debate instead concerns the effectiveness of sanctions. Their impact are no longer a primary concern in this effectiveness debate, but rather the expected gain following such inflicted pain.

As stated, the traditional understanding of impact in the sanctions literature has centered on coercion. By altering the cost/benefit ratio of the target’s decision-making opportunities, sanctions, it is believed, may successfully coerce the target into acting according to the will of whoever implements them. Expecting the impact of sanctions to yield changes in behavior in this way was long the dominant view of effectiveness. Yet, there are those who argue that coercion still does not seem to be effective, even if sanctions now are considered to, and expected to, have an economic impact (Biersteker et al. 2016, 275). Others have argued that smart sanctions still, just like their comprehensive predecessors, cause harm to the civilian population (Gordon 2011, 332). As such, there are those who call for the use of some of these modern sanctions, but not others, for these reasons (Weissmann and Hagström 2016). Furthermore, some researchers argue that comprehensive sanctions are preferred, since they may accomplish the objective faster, allowing for the sanctions to be lifted sooner than if they were of the targeted kind (Cortright and Lopez 2002, 8).

3.2 The effectiveness debate

In 2016, the most comprehensive and complete study of UN sanctions since the Cold War was conducted. It was carried out by an international group of academics and policy practitioners known as the Targeted Sanctions Consortium, TSC, and published as Targeted Sanctions: The Impacts and Effectiveness of United Nations Action. It was edited by the co-directors of the project, Professor Thomas Biersteker of the Graduate Institute in Geneva and Sue Eckert, Senior Fellow at the Watson Institute at Brown University, as well as by Marcos Tourinho, of the School of Social Sciences at the Fundação Getulio Vargas, São Paulo. In addition to this book, the TSC also released two databases created and utilized in their work, one quantitative and one qualitative. This research provides a broad set of data for use in future research, and purports to introduce two innovations in the field of sanction research.
The first innovation is the TSC’s attempt to distinguish between three different goals that it believes should be considered when thinking about sanctions. These goals are defined as coercion, constraint and signaling (Biersteker et al. 2016, 45). Coercion is understood as actions taken in pursuit of changing the target’s policy objective, which is in line with the conventional understanding of coercion as set down by previous researchers in the field. Constraint refers to the act of denying the target access to the resources that are necessary to carry out its activity. Finally, signaling is the action of publicly displaying how the target's behavior deviates from international and expected norms, and reinforcing those norms by enforcing sanctions. Another aspect of signaling is to use sanctions to send a message to both the target and a wider audience (Biersteker et al. 2016, 45). The TSC are critical of the historical focus on coercion as the primary goal of UN sanctions, which they identify as the most common one in sanction regimes with the objective of non-proliferation. Instead, they believe that consideration should be given to other possible ways in which sanctions can be effective, such as through constraint or signaling (Biersteker et al. 2016, 11).

The second innovation proposed by the TSC is the division of sanction regimes against targets into different chronological episodes. For example, in the case of DPRK, the TSC identifies three episodes characterized by different levels of sanctions imposed. These are 2006 to 2009, 2009 to 2013 and finally 2013 to 2016 (Biersteker et al. 2016, 303). Each consecutive episode has been characterized by harsher and wider sanctions in response to escalation and continued action from the DPRK.

This second innovation is of great value when studying sanction regimes that have been in place over a longer period of time, and have gone through changes. Sanction regimes which are in place over an extended time span tend to change. New circumstances such as altered behavior by the target, change of leadership in the implementing institution, new information or simply a different strategy may all be reasons why sanctions change. As such, a sanctions regime targeting one country may look very different from one day to the next. Treating them as one is therefore detrimental to both researchers and policymakers (Biersteker et al. 2016, 17).
The three distinct goals of sanctions, and the way in which they are effective, are not necessarily as compelling. Certainly, there are different ways in which sanctions can work. If this particular distinction is helpful in understanding non-proliferative sanction effectiveness, or if it is a convincing representation, remains to be seen.

3.3 Effectiveness in non-proliferation

The TSC draws a number of broad conclusions from its research in regard to the effectiveness of different sanctions. The authors emphasize the importance of choosing the right type of sanction and goal for the intended target, as they find that different goals are suited to different tasks (Biersteker et al. 2016, 267).

Their measurement of effectiveness is related to the three goals: coercion, constraint and signaling. Coercion is deemed to be effective when the target’s policy choice is altered by sanctions intended to change the cost/benefit ratio of its decision making. Constraint is considered effective if the sanctions in any way make it more difficult for the target to act against the wishes of the implementer. Signaling is determined to be effective if the message is sent and received and if the sanctions manage to reinforce the norms they are meant to defend, and the sanctions themselves are seen as legitimate, towards both target and audience (Biersteker et al. 2016, 45).

The TSC records seven cases of sanction regimes, or 11% of the total cases, where non-proliferation has been the main objective (Biersteker et al. 2016, 25). These were the sanction regimes against the DPRK and Iran. Coercion is deemed ineffective in six out of the seven cases, while it is understood to be of mixed effectiveness in the very first episode of sanctions against DPRK. In contrast, the goal of constraint was viewed to be of mixed effectiveness in three out of the seven cases and signaling was of mixed effectiveness in all seven (Biersteker et al. 2016, 303). Despite the apparent lack of effectiveness of coercion in regard to non-proliferation, historically it has been the primary goal in five out of the seven cases (Biersteker et al. 2016, 55). From this, the authors conclude that coercion seems to be a poor goal to strive for regarding non-proliferation. They argue that policy makers may be able to achieve better results with these lessons in mind (Biersteker et al. 2016, 59).
The researchers also argue that there are several factors that can affect the effectiveness of UN targeted sanctions. These factors include improved implementation resulting from institutional learning, the ability of targeted countries to circumvent sanction regimes, the varying willingness of member countries to implement the sanctions and the suitability of certain sanctions for certain tasks (Biersteker et al. 2016, 170, 175). Others have added that issues of coordination, especially in a situation where intentions and objectives may differ between different implementing organizations, can compromise effectiveness (Drezner 2007, 109). Others still have argued that the UN itself is not entirely suited to this kind of work, since it may not be capable of fairly monitoring and verifying. As one researcher puts it: “Because of its nature as a diplomatic institution, it is inclined to uphold very high standards of proof for allegations that imply misconduct by member states” (Cortright and Lopez 2002, 137).

3.4 Baldwin’s nuances

An earlier entry into the effectiveness debate is *Economic Statecraft* by David Baldwin, published in 1985. This work construes sanctions theory as a field of economic statecraft, itself a case of “*economics as an instrument of politics*” (Baldwin 1985, 3). Baldwin questioned some of the basic assumptions about sanction effectiveness in the academic field and among the public at the time of his writing. As it happened, this was at a time when sanctions theory was about to be turned on its head by the fall of the Iron Curtain and the end of the Cold War, as was explained earlier.

Baldwin’s major premise is naturally similar to that used by the TSC thirty years later, because the TSC utilized Baldwin’s definition of coercion in its own work (Biersteker et al. 2016, 45). Baldwin finds the measure of effectiveness that was dominant in his day lacking. He believes that this held back the study of sanctions. He writes that “*Development of knowledge about economic statecraft, at least since 1945, has been retarded by the conventional wisdom that such measures have little utility*” (Baldwin 1985, 370). Baldwin, however, uses this concept of coercion with slight modification. He widens it and provides a set of nine guiding points for when thinking about sanctions and their effectiveness. He illustrates these points and his general thoughts by reexamining classic cases of sanction regimes in history up until his time of writing.
and concludes that sanctions as they were implemented before and during the Cold War may, despite the common view of his day, be effective, although he concedes that further study is necessary (Baldwin 1985, 371). Baldwin argues that sanctions are more nuanced and complex than most assumed during the Cold War.

One of the primary contributions to sanctions theory of Economic Statecraft is that effectiveness can be a matter of degree, not a question of pure success or failure. For example, Baldwin asserts that sanctions that inflict cost that is factored into the target’s cost/benefit ratio, and as such into their decision-making calculation, are indeed effective, even if an actual change in the ultimate action is not present (Baldwin 1985, 371). This differs from the TSC’s adoption of Baldwin’s definition of coercion, as the TSC believes that only an actual change of the target’s policy is the proper measure of success (Biersteker et al. 2016, 45). Baldwin also emphasizes that there are clear differences in difficulty with different goals, and that some goals might not be obvious or stated. He also points out that the “bases of power are many and varied” (Baldwin 1985 372), meaning that economic sanctions may work by signaling an intention and willingness to use other means, such as military intervention, to attain the objective. With this comes the realization that costs have their uses (Baldwin 1985, 372). Enforcing sanctions that are more expensive for the implementing country signals a seriousness and commitment that could prove to be effective in altering the target’s expected cost/benefit ratio.

4. Method and Material

The present thesis is organized around a discussion of two seminal works in the sanctions theory literature: Economic Statecraft by David Baldwin and Targeted Sanctions edited by Thomas Biersteker, Sue Eckert and Marcos Tourinho. This reflects a conviction that the two works shed important light on the notion of coercion and the effectiveness of sanctions. Indeed, reading the two works against each other may help us to advance our understanding of coercion and effectiveness. This will inform the subsequent analysis of effectiveness of non-proliferation sanctions in the case of the DPRK, that makes up the second part of this thesis.

Baldwin presents Economic Statecraft as a guide to how to think about sanctions, and concludes that it can be considered a method of analysis. He writes that it is intended to “provide an
analytical framework within which reliable knowledge about economic statecraft can be developed to replace the conventional wisdom” (Baldwin 1985, 371). However, although this framework is useful, it does not provide a structure with which to carry out a case study. Rather, it may be considered a set of guiding lessons, to keep in mind when analyzing sanctions. Nonetheless the work is a cornerstone of modern sanctions literature, and any discussion of their effectiveness would be lacking if it does not take stock of Baldwin’s groundbreaking work.

Like Baldwin, the TSC intends its work to serve as an analytical framework (Biersteker et al. 2016, 17). With the two innovations previously described, i.e. chronological episodes and the three goals, coercion, constraint and signaling, they provide further insight into how one may study sanctions and their effectiveness. These tools, and the framework they make up, allow for a more detailed analysis of sanction effectiveness. This is because it lends itself well to the categorization of sanctions. The delineation of different sanction regimes, and the grouping of sanctions by intended goal, make it possible to compare sanctions and identify trends and characteristics across a wider sample of cases.

The thesis brings together elements of both frameworks. By critically examining the innovations of the TSC while bearing Baldwin’s lessons in mind, the thesis proposes a new and more developed definition of effectiveness in regard to sanctions of non-proliferation, which incorporates parts of both frameworks. This definition provides the foundation for a discussion of the effectiveness, or lack thereof, of UN sanctions against the DPRK.

The discussion will also be anchored in the wider sanctions debate. By drawing on the lessons learned from other sanctions research, especially in regard to the debate on targeted and comprehensive sanctions, it is possible to gain valuable insight into the case of the DPRK.

This thesis is written according to the tradition of much of sanction theory, and not necessarily the wider discipline of political science. As such, it is argumentative, and at least in this case, qualitative. Further, the border between theory and previous research is a blurry one, and not entirely applicable. Much of the previous research in the field may be construed as theory crafting, and as such, they can be considered one and the same. Like these other entries into the
sanction debate, this thesis proposes a new theory, or framework, with which to analyze cases. After the theory presented, it will indeed be applied on the case of the DPRK, testing its merits.

The analysis will span the time period between the DPRK’s launch of seven ballistic missiles in 2006, which led to UN resolution 1695 calling for sanctions, and September of 2017. The reasoning for this particular limitation is the importance of this first event, which ended an eight year moratorium on missile launches in the DPRK and can be considered a starting point in the current era of UN sanctions against the DPRK’s nuclear program. The analysis will then run up to, and include, the UN resolution of the 11th of September 2017, adopted during the writing of this thesis.

The thesis draws heavily on secondary sources, critically engaging with some of the key works on sanctions theory. This is natural since the purpose of the thesis is to bring together the lessons learned in sanctions research in an attempt to update our understanding of effectiveness in relation to sanctions of nuclear non-proliferation. Besides these theoretical engagements, the thesis employs and examines the empirical research of the DPRK conducted by the Targeted Sanctions Consortium and presented in its Targeted Sanctions.

The original texts of United Nations Resolutions related to the DPRK, as well as statements by the president of the Security Council, will also be used. These grant an unfiltered view of the reasoning of the Security Council, and provide a first-hand source of the details of the sanctions implemented by the UNSC.

5. Analysis

The analytical section of this thesis consists of two primary lines of argument. The first part analyzes the measurement of effectiveness of sanctions. It critically examines the view of effectiveness put forth by the TSC, and compares it to the traditional view of David Baldwin, presented in Economic Statecraft. Once a suitable measurement of effectiveness in regards to sanctions of non-proliferation has been determined, the subsequent section will ask why the sanctions against the DPRK have seemingly not satisfied this measurement.
5.1 Deconstructing the three distinctions

The three goals identified by the TSC are rarely found alone, instead they usually appear in some combination in every sanctions regime (Biersteker et al. 2016, 48). The TSC argue that some of them are more suited to certain objectives, and, furthermore, that their effectiveness differ in regard to each other and as a function of what their objective is (Biersteker et al. 2016, 267). However, this distinction is not as natural as it might seem. Nor is it as helpful in the analysis of effectiveness as the TSC might claim.

It is true that sanctions are enacted for a wide variety of reasons, and some kinds of sanctions certainly suit certain types of situations better than others. Nonetheless, in the case of non-proliferation, the objective is inevitably to stop the development and use of nuclear arms. Because of the gravity of this objective, others must inevitably be treated as far less important. The next section will analyze the three goals as put forth by the TSC, question how separate they are, and how valid as goals they are, in relation to the objective of coercion.

5.1.1 Coercion

As stated, the goal of coercion is to influence a target to act according to the will of the author of the sanctions. This is the most traditional understanding of the purpose of sanctions and is found in the work of the TSC (Biersteker et al. 2016, 45). Coercion is achieved by changing the incentives of the target and may entail increasing the benefit of making the choice preferred by the implementer of the sanctions, by promising to ease them in case of compliance. Conversely, it may consist of increasing the cost of noncompliance by continuing or escalating sanctions (Biersteker et al. 2016, 46). Effectiveness is measured according to how well the target responds to the demands of the imposer. As such, only the end goal is measured. In the case of the DPRK, the TSC understands this as whether or not DPRK agrees to reverse its progress in achieving nuclear capability.

The incentives behind the DPRK’s nuclear weapons program seem quite clear. Should the country possess a functional long range missile capable of carrying a nuclear payload, it will be in a much better position to deter foreign military action. As such, the benefits of developing such technology are obvious. Opposing these are the costs, which include regular expenses
required in the development of far-reaching nuclear strike capability. Coercive sanctions would attempt to alter this cost-benefit equation, for example by implementing alternative and additional costs.

The sanctions that have been implemented with the intention of coercing DPRK are many and varied, and often overlap with those undertaken in pursuit of other goals. Sanctions which target the import of luxury goods are an example of a sanction that has little relevance to the DPRK nuclear program, nor does it send a particularly strong signal. Instead it may deprive the DPRK leadership, and those they wish to keep happy and compliant, of things they desire, while sparing the general population of harm. Other examples include restrictions on trade in commodities necessary to the wellbeing of, or wanted by, the wider population. This would put pressure on the regime, but is also controversial because of the effects on the civilian population. Furthermore, it carries the risk of producing a kind of “rally around the flag” effect, in which support for the offending regime may increase, as they can blame the sanctioning party of all wrongdoing (Biersteker et al. 2016, 201, Mueller 1970, 18-34).

The TSC concludes that coercive effectiveness in regards to the DPRK is lacking. They find that, despite short-lived returns to diplomatic talks, the country has shown no willingness to change its policy. Their conclusion regarding the first episode that ran from 2006 to 2009 is that despite an initial success, when DPRK dismantled parts of its research program, “the talks ultimately broke down in December 2008 and DPRK subsequently resumed its missile and nuclear programs” (TSC Qualitative Database 2014, 24). The two subsequent episodes are both characterized by “occasional (and short-lived) diplomatic engagement” (TSC Qualitative Database 2014, 26-28). Whilst the sanctions likely changed the DPRK’s cost/benefit ratios to some degree, they are not significant enough to alter its final decision.

According to the measurement of effectiveness used by the TSC, this would mean that coercion is ineffective. By looking instead to Baldwin we may find a slightly more generous assessment. As noted previously, Baldwin argues that sanction effectiveness always is a matter of degree. In regard to coercion, he would therefore consider any sanction that has an effect on the DPRK’s cost/benefit ratio, and as such would factor into its decision making, as partly effective. This
more generous outlook provides a broader description of the effect of coercive sanctions since it does not ignore the impacts on the target’s decision-making process they do have. However, it is important to note that in order for the objective of non-proliferation to be met, the level of effect must be substantial enough to coerce policy change. Progress can be measured in degrees, but ultimate failure or success of the sanctions regime is still a rather black or white affair.

5.1.2 Constraint

Constraint is achieved by making it more difficult for the target to act against the will of the party that implements the sanctions. This is done by limiting the target’s access to the means and materials that are necessary for them to act. Therefore, the TSC’s understanding of effectiveness in regard to constraint does not require the target to be unable to perform its action, but is rather a matter of making it more difficult for them to do so, increasing the cost and lowering their marginal utility gained (Biersteker et al. 2016, 47).

The sanctions against the DPRK have sought to accomplish this by targeting a wide set of sectors. In 2006, sanctions were implemented that restrict trade in products with military applications. Any financial assets related to the DPRK’s nuclear weapons program, or belonging to people connected to it, were also intended to be frozen (UN res. 1718). This was done in order to deny the DPRK the use of these funds, and the use of international financial systems for the purpose of furthering its nuclear capabilities. During the first episode, however, the constraining effect was minimal. The TSC attribute this to the fact that “UN sanctions were poorly implemented” (TSC Qualitative Database 2014, 24).

In the second episode, 2009 to 2013, the financial sanctions were extended and more properly implemented. This was true also for the range of military arms and products that were restricted. In 2016 and 2017, further sanctions have been implemented with the intention of limiting the DPRK’s access to an even wider range of objects and further restrict its sources of financing. These sanctions regard access to oil and technological expertise, and the export of metals, labor and other industries that are vital to the DPRK’s access to funds (UN res. 2321, 2371 and 2375). The sanctions seek to limit the DPRK’s access to supplies and expertise necessary for its nuclear weapons program, while weakening its ability to generate the funds vital for sustaining it.
It is clear that by constraining access to funds, materials and expertise, the costs that the DPRK faces in continuing its nuclear program will be increased dramatically. This expectation is also borne out in the subsequent two episodes, as the TSC notes that the sanctions “appear to make it more difficult and expensive for the DPRK to continue its nuclear and missile programs” (TSC Qualitative Database 2014, 26). The TSC does find reason to believe that the DPRK has managed to circumvent the sanctions somewhat, referring to the fact that the Panel of Experts “indicate adaptation by DPRK in sanctions evasion techniques” (TSC Qualitative Database 2014, 26). Still, apart from the very first attempts by the UN nearly a decade ago, constraint seems to have had somewhat of an effect.

Nevertheless, the end goal of non-proliferation has not been fulfilled, since DPRK continues its research and development at a rapid pace, and has attained a certain level of nuclear capability. It would seem as if a substantial level of effectiveness in constraint is not enough to reach the objective. As such, it is reasonable to ask whether other measurements may be better suited to this task.

Any constraining effect on the DPRK would indeed cause difficulty for it in pursuing nuclear capability. This difficulty does not only constitute a constraining effect, but should reasonably also be accounted for in the cost/benefit ratio of the DPRK’s decision-making. In other words, constraining sanctions are likely to have a significant coercive effect, for they raise the cost of nuclear development, which contributes to the coercive effect. David Baldwin is of this opinion, stating that “Adding to or subtracting from B’s capabilities to do X, however, can be effective means of coercion” (Baldwin 1985, 39). The sanctions have evidently not been enough to make the DPRK change course, and hence would be deemed a failure according to the coercive measurement of the TSC, which consider only the final decision of the target. However, according to Baldwin’s original definition of coercion effectiveness, which accounts for any effect on the scales of decision-making, it can be considered effective.

Certainly, there are cases where this coercive effect of sanctions is not likely, or even possible. The TSC illustrates this by drawing attention to terrorist groups such as Al-Qaeda. The sanctions
implemented on such groups do not demand any specific action in exchange for the sanctions to be lifted. This is so because the raison d'etre of groups of this kind is the very thing that the UN is likely to attempt to counter. As such it is improbable that they would ever comply with any such demand (Biersteker et al. 2016, 49). Furthermore, the actions of Islamists found in groups such as these are often an end in itself, not merely a means to an end. It is often also the highest end, a promised path to an eternal stay in paradise, should they die for the cause. Contrasting these incentives with those of the DPRK, whose development of nuclear capabilities provides increased security and stability for the country’s leadership by deterring foreign intervention, it is clear that the DPRK does not seem have as strong incentives to act in the way they are, compared to Islamist groups. After all, regime survival may be ensured by other means and does not by definition require the possession of nuclear weapons. As such, it is not necessarily a case where coercion is impossible, and constraint the only option.

5.1.3 Signaling

The TSC define signaling as the “communicative function performed by the very act of resorting to sanctions” (Biersteker et al. 2016, 47). Effectiveness is measured by how well a communication is sent or received, and by what possible social consequences the target is faced with from other actors (Biersteker et al. 2016, 48). This means that the actions of the target are not relevant to the question of whether or not signaling is effective, according to the TSC.

In the first of the three episodes identified by the TSC, it concludes that “Non-proliferation norm clearly articulated by unanimous UNSC resolution; unprecedented support from China to sanction North Korea; but unclear degree of stigmatization experienced by DPRK” (TSC Qualitative Database 2014, 24). Judging by this, the TSC seems to consider the stigmatization of the DPRK, as a result of the reinforcement of the norms which the sanctions intended to promote, to be the primary way in which signaling in this case was effective. It argues that the strength of this signal depended on the unanimous response of the UN Security Council. Originally, the TSC saw great benefit in China’s support for the sanctions against the DPRK, yet in the subsequent episodes, it found that “the strength of the signal remained limited, since measures have not gone beyond repeated condemnations and moderate increases in the targets designated” (Biersteker et al. 2016, 306).
Since the TSC finds that the effect of stigmatization towards the DPRK seems to be lacking, it is reasonable to ask why this may be so. One explanation is that the historical behavior of the DPRK, which has often been outside of established international norms, has already made the country an outlier in the international community. This would mean that the DPRK and the countries with which it trades and has other relations to, are already familiar with international stigmatization. The countries that are involved may have ways to manage, or avoid, the stigmatization of associating with the DPRK. This would make stigmatization a poor choice of means for combating the country’s nuclear research and development.

That said, the increased social pressure generated by the recent UN sanctions may encourage other countries to comply with the sanctions, leading them to distance themselves from the DPRK. As the TSC concludes, this seems to be the case in regard to China. It has taken steps to comply with sanctions and increased its diplomatic pressure on the DPRK, to address the concerns of the international community and halt the DPRK’s nuclear research and development. It does not seem to be the case with a number of other countries that can be considered as acting outside the norms of the international community. For example, the DPRK’s trade in chemical weapons technology with countries such as Syria seems to be ongoing, according to reports to the UN Security Council (Nichols 2017). Arms exports from the DPRK has continued as well, if at a somewhat lower scale (TSC Qualitative Database 2014, 26). In these cases, the countries involved are seemingly not interested in following established norms of conduct. As such stigmatization so far appears to have had little effect.

It seems as if the conclusion of the TSC is reasonable in regards to stigmatization. It is present, if somewhat weak. Possibly, this is because the sphere of countries in which the DPRK commonly act are less beholden to the norms promoted by the UN. The stigmatization that does take place is intended to cause other countries to act differently by restricting trade, aid and cooperation, because of the social pressure to do so. These social consequences are felt directly by the DPRK, and relate to the TSC’s measurement of effectiveness with signaling.
Yet, if the way in which signaling affects DPRK is through these social consequences in which international pressure leads to restricted economic and diplomatic exchange, and this is a result of stigmatization, it would seem that they would also affect the cost/benefit ratios of the DPRK. In this way, signaling as it is present in the case of the DPRK also has a coercive intention as understood by David Baldwin. It would seem as if signaling, too, can be considered a part of this coercive measurement that considers degrees of success.

5.2 A unified measure of effectiveness

When analyzing these three goals with the sanctions towards the DPRK in mind, it becomes clear that neither constraint nor signaling by themselves seem capable of achieving the non-proliferation objective which is the aim of the DPRK sanctions. Constraint is somewhat successful at delaying the progress of the DPRK’s nuclear weapons program, yet despite this the country’s nuclear capabilities have evolved faster than most would have expected (Stewart 2017). Signaling has managed to convince China to enforce the UN sanctions; however this has come to pass only after the international pressure had grown strong enough as a result of the DPRK’s unexpectedly rapid advancement. In the case of both goals, it seems as if it is too little and too late. Coercion, meanwhile, is not considered suitable by the TSC, because of the lack of effectiveness they argue it has in cases of non-proliferation.

As previously argued, the measure of effectiveness of the TSC, with its focus on only the final policy action of the target, and the consequent conclusion of lack of success of coercive sanctions, is not reason enough to reject coercion and turn to other goals. Neither constraint nor signaling are effective enough to satisfy the goal of non-proliferation if we discount the coercive effects they have. Indeed it is more reasonable to return to Baldwin and see just how much influence on the cost/benefit ratios the coercive sanctions have. By adopting this more sensitive concept of coercive effectiveness, which measures the degrees of impact, not merely the outcome of the final decision-making, we may better analyze the reasons for why the sanctions have been unable to coerce a different policy by the DPRK.

That said the three goals set out by the TSC are not without their relevance to the study of non-proliferation sanctions. However, it seems more appropriate to view them as different methods
for achieving the same outcome, rather than as different outcomes. This is because all of them, in various ways, have a coercive effect if coercion is defined in Baldwin’s terms. After all, all of them shift the cost/benefit ratios of the target regimes. This is important in regard to non-proliferation sanctions, where the ability to discipline the actions of the target regime is the highest goal, as only this can provide a satisfactory solution. Therefore we should understand the TSC’s goals of coercion, constraint and signaling as subordinate to Baldwin’s concept of coercion in the case of non-proliferation sanctions.

It should be noted that the quality of the implementation of UN sanctions against the DPRK affect the way in which they impact their target. It may be argued that the sanctions have not been upheld to a high enough standard by the international community. This could entail that their impact, measured according to the three goals, has not been sufficiently met for them to attain the ultimate objective of non-proliferation. Yet this seems unlikely. Even should the sanctions be designed and implemented ideally, the three distinct goals and their respective measurements of effectiveness seem lacking in their suitability for non-proliferative ends. Without their coercive aspect, constraint and signaling seem improbable to be of great use. Complete constraint is likely impossible in an age where CNC technology can create, from scratch, the necessary parts which international non-proliferation treaties attempt to restrict (Pearson and Shin 2017). Furthermore, signaling does not seem, as argued, capable of significantly affecting a country as secluded as the DPRK, without taking account of the coercive aspect.

5.3 Coercion of the DPRK

5.3.1 Identifying the benefits

Before further analysis of the sanctions against the DPRK, it is suitable to look more closely at the incentives of its ruling elite. It is only with a proper understanding of these incentives that it is possible to understand the cost/benefit ratios of the DPRK’s decision-making alternatives. In turn, only with an understanding of these cost/benefit ratios, can the lack of coercive effectiveness of current and past sanctions be appreciated.
This thesis takes the view that the primary purpose of the DPRK in possessing nuclear capability is to deter foreign intervention. This policy of deterrence is nothing new in regard to the Korean Peninsula. Ever since the end of the Korean War in the mid 1950s, the DPRK has had artillery aimed at Seoul, which is situated not far from the de-facto border between the two nations. Over the years, this arsenal of artillery has expanded, and today encompasses a staggering amount of conventional fire power, as well as different kinds of unconventional shells (Kim 2012, 58).

The constant threat against the South Korean capital has been a force of deterrence over the years. Yet Seoul is only one city, capital or not. As such, when faced with the threat of intervention by other foreign powers, primarily the United States, it’s less compelling as a force of deterrence. Nuclear capability then, is a far greater deterrent. This can be illustrated with two recent examples that showcase the utility of possessing weapons of mass destruction and the capability of launching them far and wide.

The first of these is that of Libya. The country faced sanctions by the United Nations from the 1980s onward, and during this time also started procuring weapons of mass destruction, and the means with which to create them (Timmerman 1992, 89). Yet in the early and mid 2000’s Muammar Gaddafi intended to improve relations with the West. He vowed to dismantle its weapons of mass destruction program and rid his country of any such weapons. In the subsequent years much, albeit not all, of its unconventional weapons were destroyed (Squassoni and Feickert 2004, 6). As such, with the arrival of the Arab Spring and Libyan Civil War in 2011, the country had little ability to deploy such weapons, and foreign intervention in the Civil War was not deterred. As a result, the ruling regime of the past four decades was deposed.

Another example, Ukraine found itself already in control of a vast number of nuclear weapons, following the dissolution of the Soviet Union. Yet in 1994, it agreed to relinquish these weapons, in return for assurances of security from Russia, Britain and the United States (Budapest Memorandum, 1994). 20 years later, one of the signatories of that agreement entered Ukrainian territory and annexed the Crimean Peninsula. The other two signatories did not, in fact, assure the security of Ukrainian territory, leaving the country to largely fend for itself. Signatures did not prove as useful as a nuclear arsenal might have been.
Whether or not these two cases would have ended differently if the countries had been in possession of nuclear capabilities, they are certainly examples of how smaller countries fare when faced with greater powers, without any such deterrence to rely on. With this in mind it is clear that the motivations behind the DPRK’s nuclear weapons program are likely calculated, and from the perspective of the DPRK necessary, reassurances. With such strong incentives to continue the development of its nuclear capabilities, the potential benefit of the DPRK’s cost/benefit ratio is remarkable. The American Director of National Intelligence said as much in July of 2017, stating that “The lessons that we learned out of Libya giving up its nukes and Ukraine giving up its nukes is unfortunately if you had nukes, never give them up. If you don't have them, get them, and we see a lot of nations now thinking about how do we get them and none more persistent than North Korea” (Aspen Security Forum At the Helm 2017, 13).

If the potential benefit is that of security via deterrence, the potential cost must be greater, if the sanctions are to coerce a change of policy. The next section deals with in what ways current sanctions have been lacking according to this coercive measure.

5.3.2 Inflicting the cost

The TSC concluded that the signaling effect on the DPRK inflicted social consequences on the country through stigmatization. Yet stigmatization is only one aspect of the signaling goal. The TSC also states that the communicative function of signaling may be effective if the message is properly sent and received (Biersteker et al. 2016, 47-48). The nature of this message, however, is not necessarily that of stigmatization.

By looking instead to the aspects of this signaling concept that the TSC leave out of their conclusion of the DPRK, it is possible to find more significant possible effects than those that the TSC identify. Baldwin writes that “Economic statecraft emphasizes means rather than ends” (Baldwin 1985, 39). This entails that even if sanctions are an economic measure, the end result does not necessarily need to be only an economic one. Sanctions can work in different ways, and Baldwin further notes that “the bases of power are many and varied”, meaning that economic measures of sanctioning may be effective on other grounds of power than economic ones.
Baldwin states that sanctions can be effective in signaling intent in these other areas. In short, sanctions may be economic, but their goal may be of another nature.

He uses the example of sanctions implemented by the League of Nations against Italy in response to its invasion of Ethiopia in 1935. Baldwin illustrates how a lack of commitment by the League signaled a comparable lack of willingness to escalate. In this case, sanctions signaled a lack of willingness to use other means, such as military intervention, in handling the situation (Baldwin 1985, 158). Other sanction researchers have pointed out how the sanctions, despite explicitly targeting Italy, probably were intended also for Hitler’s Germany. With this in mind, the failure to signal solid commitment may very well have encouraged Germany, inadvertently telling them that the League of Nations and the countries therein were unwilling to risk war (Baer 1973, 166). This illustrates the importance of sanctions as a way of signaling intent and commitment. This function of signaling was inexplicably not present in the TSC conclusion regarding DPRK. This begs the question of how well the current sanctions against the DPRK measure up in regard to this communicative aspect of signaling.

By examining the sanctions prescribed by the UN and its members, as well as the latter’s actions, it is possible to identify shortcomings in the commitment displayed in opposition to the DPRK’s nuclear program. As stated, the TSC finds that China’s willingness to support sanctions against the DPRK was unprecedented. This undeniably strengthened the perceived commitment of the collective UN body. On the other hand, during the first episode, spanning from 2006 to 2009, the TSC find that “sanctions were not rigorously implemented and enforced” (TSC Qualitative Database 2014, 24). This signals a clear lack of commitment, whether by will or ability. In subsequent episodes analyzed by the TSC, sanctions are better implemented and expanded. Yet, no matter how many tests the DPRK conducts, or how many demands for compliance they refuse, the next step is only ever a more expansive set of sanctions, and a range of condemnations from world leaders.

Since the end of 2016, after which the TSC has not published any updated conclusions regarding the DPRK, sanctions have escalated further. They can now be considered almost comprehensive, returning to the form of sanctions common during the Cold War. Yet despite the increase in the
severity of sanctions, it does not seem to signal a willingness to utilize other bases of power, as described by Baldwin, in order to coerce a change in policy. Is it even possible for such willingness to be displayed through sanctions, as Baldwin argues?

This thesis argues that sanctions can indeed signal intent and commitment, but it may not be an easy task in the case of the DPRK. Baldwin argues that “the selection of a costly method of conveying a signal may add credibility to the signal” (Baldwin 1985, 372). Sanctions, of course, can cause notable cost to those who enforce them. Yet this is naturally a balancing act. On the one hand, sanctions must inflict cost, on the other, they must not be too costly or they would not be implemented. There are two aspects of this cost that are of particular interest in the case of the DPRK. There is economic cost, and geopolitical cost.

China is the DPRK’s primary trade partner. The details of the trade between these two nations are not public knowledge, and any statistics available should be treated with skepticism, either because they are speculation, or because the source is not trustworthy. The CIA estimate that by 2016 China was the destination of over 85% of DPRK exports, and the source of more than 90% of the country’s imports (CIA 2016). Whether or not these numbers are entirely correct, it is certain that the DPRK turns to China for a majority of its trade. Because of the massive differences of scale between the DPRK and China, however, China does not in turn rely on the DPRK to any greater extent.

This has direct consequences on the ability of the UN to signal commitment through the cost of implementing economic sanctions. The only country that has sufficiently significant trade with the DPRK is China. But even if China stops all of its trade with the DPRK, it could easily bear the economic consequences. The economic burden on China for such an action would therefore be small, and in no way signal a strong commitment.

Geopolitically, however, it could reasonably signal commitment. China has historically been a key ally to the DPRK. A willingness to change this relationship would indeed communicate a commitment to the enforcement of non-proliferation norms and measures. Yet China has little to gain from any drastic change in the political landscape of the DPRK, so close to its borders.
Indeed, the possibility of increased western influence on the Korean peninsula, as the result of a potential collapse of the DPRK regime, seems unacceptable to China. As such, the country is unlikely to take drastic steps to show commitment.

With the lack of cost that follows, the signal of imposing sanctions is likely to communicate not commitment, but rather the very opposite. Whether or not the UN has considered other measures than sanctions, they have not plausibly communicated this possibility to the DPRK. The UN has stated that “should the DPRK ignore calls of the international community, the Security Council will act consistent with its responsibility under the Charter of the United Nations”, yet they have shown no inclination to use other measures available (UNSC President 2006, 2). This has allowed the DPRK to cross this red line repeatedly, and continue its development of nuclear weapons. Further, China has incentives to keep the DPRK in line, but not to interfere in a way that may threaten the stability of the regime. The potential cost of the DPRK’s nuclear weapons program has, as such, not yet included a possible foreign military intervention.

The realization of the difficulty of displaying commitment in the case of the DPRK brings into consideration other lessons of Baldwin’s. The first of which we have already encountered, the fact that success is a matter of degree. This is the very basis of the measure of effectiveness this thesis has argued in favor of. It is also applicable, however, when realizing the difficulty in attaining effectiveness in regard to the DPRK. This is because, whilst it is difficult to signal commitment against this Hermit Kingdom, some success in this regard is still likely to be present. Even if sanctions have not been able to fully coerce a new policy from the DPRK’s regime, the ever more comprehensive sanctions regime against the country certainly applies some measure of pressure.

This pressure is valuable, and even more so when another of Baldwin’s lessons in taken into account, the fact that some things are simply more difficult than others (Baldwin 1985, 371). The DPRK is clearly not an easy target of non-proliferation sanctions. Any success in changing their cost/benefit ratio is therefore important to note, and appreciate. For as Baldwin continues, “alternatives matter” (Baldwin 1985, 372). The actual cost of implementing sanctions is
relatively low compared to other options, such as military intervention. The relative efficiency of sanctions is therefore quite high.

Finally, there is a striking limitation to the realization that signaling commitment is what is lacking in today’s UN sanctions on the DPRK. This limitation regards the fact that the DPRK is now already seemingly capable of launching nuclear weapons. This makes the potential cost of an actual military intervention almost unbearable, and as such, the credibility of a signaling of such an intention, is understandably low. It may very well be the case that the ability to coerce a change of the DPRK’s policy in this way, is no longer a realistic alternative. It may be too late to make use of these lessons.

6. Conclusion

By examining and comparing the frameworks developed by the Targeted Sanctions Consortium and David Baldwin, this thesis has demonstrated the unsuitability of the three goals of the TSC, in the analysis of non-proliferation sanctions. The thesis argues that constraint and signaling, as used by the TSC, are by themselves unable to accomplish the primary objective of non-proliferation in regard to the DPRK. This is assumed to be the halt of the country’s nuclear weapons program, and the dismantling of the capability the DPRK is already in possession of. Furthermore, the TSC’s limited concept of coercion does not allow for a detailed analysis of the effectiveness of sanctions, because it does not take into account degrees of success.

Instead, the three goals may better be understood as subordinate to David Baldwin’s concept of coercion, which not only measures the outcome of the final decision-making of the target, but also all changes to its cost/benefit ratios. The unified view of effectiveness, which brings together aspects of the frameworks of both Baldwin and the TSC, together with the degree-sensitive concept of coercion, attempts to answer the question of how non-proliferation sanctions are effective.

Utilizing this definition of coercion, its measurement of effectiveness, and other lessons of Baldwin’s, the thesis has identified several pitfalls in the sanctions regime of the United Nations against the DPRK. These pitfalls, which exists partly because of the particular geopolitical and
economic circumstances surrounding the DPRK and its relationships with other countries, show the difficulty in designing sanctions with the purpose of coercing a change in the DPRK’s nuclear weapons policy. A primary issue is the apparent difficulty in signaling commitment towards the DPRK.

Nonetheless, the coercive concept that is utilized, which takes into account degrees of success, allows for more in-depth analysis of how the sanctions affect the DPRK. This can, in turn, help policy makers improve upon sanction regimes and better achieve their goal.

7. Future research

This thesis has demonstrated that, as researchers of sanctions continue to debate the merits of targeted or comprehensive sanctions, Baldwin’s wider measure of coercive effectiveness is still very important to keep in mind. His lessons are obviously of great use to this day, perhaps even more so when taken into account together with modern contributions such as those from the Targeted Sanctions Consortium. Yet the merger of these two frameworks as they have been developed in this thesis, regards only sanctions of the non-proliferative nature. This naturally leaves open the possibility of further engagement with these thoughts. The question of whether or not the coercive definition of effectiveness as used in this thesis is applicable also to other forms of sanctions is still open.

The wider debate between proponents of comprehensive and targeted sanctions respectively, also rages on. It will certainly affect the future use of sanctions by institutions such as the United Nations. As evident with recent escalations of its sanctions on the DPRK, the dominance of targeted sanctions is faltering, and a shift to a comprehensive approach may, yet again, be on the horizon. This could prove a turning point also in the effectiveness debate, or it could prove a humanitarian catastrophe, should the outcome be similar to the Gulf War. Further research into the effectiveness and efficiency of comprehensive and targeted sanctions could guide policy makers to avoid needless civilian harm.

8. References


