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THE SANCTIONS PROBLEM:
INTERNATIONAL AND EUROPEAN PERSPECTIVES

by

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The Sanctions Problem: International and European Perspectives

Part I: The International Perspective

Recollected in tranquillity, as an abstract problem in international relations, the continued willingness of governments to employ economic sanctions in international disputes is undoubtedly puzzling. The conventional wisdom, after all, is that they do not work. Since 1945 they have been repeatedly imposed by individual states, by alliances, regional organisations and by the United Nations itself and in virtually no case have they been unambiguously successful. The standard academic explanation runs roughly as follows: to be effective sanctions generally require universality of application and a high degree of dependence in the target state; although they raise costs to the target state, the increase is seldom sufficient to purchase compliance and is often greater for the country imposing the sanction; and they frequently have perverse effects, creating out of the seige mentality a sense of national cohesion and determination to triumph in adversity that was previously lacking while dividing the sanctioning nation within itself and from its allies. Nor is this view confined to the academic community⁽¹⁾:

over a period of thirty years West European politicians and officials have regularly employed similar arguments in debating with the United States about the wisdom and the necessity of the strategic embargo against the Soviet Union and its allies. And, in a different context, the United States itself has joined in the chorus whenever it has been considered necessary (and it always has) to resist Afro-Asian pressure at the United Nations for the imposition of mandatory sanctions against South Africa.

But if scepticism about the utility of sanctions is widespread, it has never acted as a general constraint against their use in particular circumstances. Indeed it is difficult to avoid the conclusion that in the modern world the standard reaction to a crisis is the imposition of a whole range of economic sanctions and energetic diplomacy to persuade other countries to follow suit. In four recent crises, the Soviet invasion of Afghanistan in December 1979, the American hostage crisis in Iran in 1979/80, the imposition of martial law in Poland in December 1981 and the Argentinian invasion of the Falkland Islands in April 1982, the imposition of sanctions and the attempt to concert a common sanctions policy both within Europe and across the Atlantic has played a prominent part in Western diplomacy. In all four cases the sceptical argument was vigorously deployed by interested parties on all sides; in two of them at least, possibly three, it seems likely that, in terms of the declared objectives of the sanctions, to get the Soviet Union out of Afghanistan, to restore human and civil rights in Poland, to secure the release of the American hostages, historians will conclude that the conventional scepticism was broadly vindicated. But this is an area in which governments seem reluctant to learn from experience. It seems more likely than not therefore that in future crises essentially the same pattern - that is, use despite scepticism - will be repeated; hence the puzzle.

A superficial solution might take the following form. In international relations there are neither abstract problems nor is there tranquillity; crises erupt and governments have to react to them. Moreover, two features of the contemporary international environment make it easier for governments to react by employing economic sanctions than by other means. The first is the paradoxical strengthening of the state despite states in general being increasingly locked together in a complex international division of labour. Interdependence may make it more difficult for the governments of the industrial democracies to deliver what they promise, since so much on which they rely lies outside their own jurisdiction, but they promise a great deal and therefore have to maintain a capability for intervention in the economy. In a recession when domestic pressures for protection are politically at their most compelling and in consequence the industrial states find themselves almost permanently involved in a whole range of trade policy disputes, not only are the instruments of intervention ready to hand but their extension to political disputes with socialist, or third world countries, is difficult to resist on doctrinal grounds alone. (2) Theoretical objections to the use of sanctions, which are invariably advanced by commercial organizations and even governments whose interests are likely to be adversely affected, may also seem inappropriate in the light of the alternatives: while it is relatively easy for the major powers to engage in economic warfare - and in political terms relatively cheap also - in a nuclear world it remains very dangerous for them to engage in any other kind. Economic sanctions, in other words, may be a largely symbolic but still not wholly ineffective way whereby adversaries in a conflict can signal their position and intentions.

The second feature of the contemporary environment which is conducive to economic warfare is the decay of the Western institutional order which was developed under American leadership after 1945 as a framework for international relations. In one sense, of course, the rot set in almost at once. Within the original scheme economic sanctions had a definite but carefully circumscribed place as part of the machinery with which the five permanent members of the Security Council were to enforce the peace and uphold the norms of international society under Chapter 7 of the UN Charter. (3) The onset of the Cold War and the liberal use of its veto by the Soviet Union quickly undermined the use of sanctions "as part of a constitutionally authorised decision process" (4), but so did the one major international experiment with sanctions outside the Cold War context, namely those imposed on Rhodesia between 1966-79. This was partly because they failed to end the rebellion and partly because it was clear from the beginning that Britain had sought their imposition as a substitute for force regardless of their efficacy. It was only possible to impose sanctions on Rhodesia, moreover, (and the same goes for the more limited arms embargo imposed on South Africa by the Security Council in 1977), because they were supported by the Western powers, accepted as the best that could be achieved in the circumstances by the African states and did not adversely affect the interests of the Soviet Union.

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This coincidence of interests has not been repeated. When the United States proposed to the Security Council that the international community should impose sanctions on Iran, following the seizure of the American Embassy in Tehran and the taking of American hostages by a group of Islamic fundamentalist students, the resolution was vetoed by the Soviet Union. Since the United States was simultaneously sanctioning the Soviet Union and attempting to persuade its allies to do likewise over the invasion of Afghanistan, the Soviet veto was predictable. Nevertheless, for those who clung to the idea of sanctions as an expression of the international rather than the national interest - the British for example initially insisted that they could only restrain their own commercial interests with the aid of an international mandate ⁽⁵⁾ - it provided evidence of the increasing futility of attempting to resolve crises, or even to reinforce the alleged norms of international society, by invoking Chapter 7 of the UN Charter. During the Falklands crisis, the British Government, having obtained a resolution condemning the Argentinian invasion of 2 April 1982, deliberately decided not to seek a further resolution imposing sanctions in case it should invite a Soviet veto, alienate the third world, and prejudice British diplomacy with her allies. It is possible to think of future crises in which UN sanctions could once again be a major issue - Namibia perhaps has an outside chance - but for the present the trend is clearly towards using sanctions as a symbol of "Alliance", European or even third world solidarity rather than as an instrument of international order.

So much for what can be taken in about the recent history of sanctions more or less at first glance. But if it is clear that some of the constraints on their use have weakened, the deeper political puzzle remains. For why should governments continue to use an instrument of foreign policy which they believe to be ineffective merely because there are no obstacles to their doing so? One answer has already been suggested, that it is a relatively safe way of signalling hostile intentions to an adversary. But the intentions are to do what exactly? In the case of the sanctions imposed on the Argentines during the Falklands crisis, the answer is fairly clear: Britain demonstrated that she could mobilise diplomatic support and declared from the outset that if the Argentine would not withdraw the islands would be retaken by force. Here sanctions were at once an offer to the Argentine to withdraw, admittedly under duress, but without loss of life, and a traditional accompaniment to military action. But what could President Carter hope to achieve by embargoing the sale of grain to the Soviet Union after the invasion of Afghanistan? Clearly the embargo was not intended as a prelude to, let alone an accompaniment of, military action. Various answers have been suggested to this question but for present purposes the point to note is that although the embargo was lifted by President Reagan as a concession to mid-Western farmers who had lost out when the Argentine had refused to line up with other major grain exporters behind the United States, the experience did not prevent him from threatening to suspend the negotiations for a new long term grain agreement after the imposition of martial law in

Poland, (6) or from attempting, with only partial success to persuade America's European allies to respond to the Polish crisis by imposing sanctions of their own on both the Polish and Soviet governments.

Two conclusions emerge from these preliminary considerations. The first is that the imposition of sanctions raises different issues (although it also raises all the traditional ones) in the context of East-West relations than in other cases. The second is that these differences are often more important to the United States government than to its European allies. In the second part of this paper we focus on the impact of sanctions on European political cooperation but since this impact is partly a function of the wider political and indeed philosophical debate about their use in international relations generally, on which Americans and Europeans have often been divided, it is to this conceptual divide that we turn first.

The Theory and Practice of Sanctions in International Relations

(i) Sanctions and International Order

In the last analysis the problem of sanctions arises from a contradiction, or at least an ambiguity in liberal political theory. Liberal theorists have always tended to oppose war to commerce, the former being viewed as a fundamentally irrational and anachronistic activity which interrupts trade, destroys peaceful enterprise and resolves nothing, and the latter as both rational and progressive, a way of securing international harmony by weaving states into a network of mutual interests. This was the vision of Adam Smith and even more strongly of Richard Cobden who saw free trade as a necessary support of a peaceful international order. It was also an essential part of the world view of the men who drafted the League of Nations Covenant and of the American administration which had the decisive voice in designing the international institutional order after 1945.

It follows from the view of war as essentially irrational that a rational alternative must be found. It also follows from the view of war as anachronistic that an alternative can be found within the rational, commercial world. Liberal theorists, of course, occupied a disenchanted world within which considerations of honour, responsibility and prestige gave way before calculations of interest and advantage., If the state's dependence on international society, like that of the individual on national society, meant that every state (like every man) had its price then the denial of the benefits of free commerce to any state which threatened the peace would quickly force it to comply. For liberal theorists faith in this improbable logic was strengthened by their conviction that the State could only be justified as a rational scheme for the common good of the citizens. What held for one state, moreover, held also, according to the principle of the harmony of interests, for all. A belief in the utility of sanctions and of their potential efficacy as an alternative to force is thus an understandable outgrowth, if not a necessary entailment of liberal rationalism.

The ambiguity arises because there are at least two ways of interpreting the liberal logic. The first, prevalent in those societies, primarily of course the United States, where competition is still viewed as essentially a collaborative enterprise and which in addition are lucky enough to be 'resource-rich', generally favours resolving conflicts by economic means. The problem with this approach, however, is that in practice it tends to politicise trade, when in theory the liberal harmony of interests requires both national and international markets to be treated as autonomous. The imposition of sanctions immediately returns international relations to the Mercantilist zero-sum world from which the liberal internationalists were so anxious to escape. (Mercantilist states engaged in economic warfare all the time since the prevailing view was that wealth was finite and the winner took all. (7)) The second interpretation which is prevalent in liberal societies which happen also to be 'trade-dependent' accordingly tends to oppose any interference by the government with market forces, particularly for non-economic reasons. On this view in the long run the harmony of interests will return the deviant to the fold automatically.

This ambiguity in liberal theory is fundamental. (8) In practice it has been reinforced in both directions by the growth of 'welfare' capitalism. It cannot be resolved theoretically, at least so long as the world does not correspond in reality to the liberal scheme. In certain circumstances, however, it can be resolved pragmatically. As we have already noted, with the crucial exception of East-West relations, this was the case between 1945 and about 1973, the period of more or less undisputed American liberal ascendancy. During this period there emerged in effect a division of labour between the United Nations and the General Agreement on Tariffs and Trade (GATT). Sanctions were to be reserved for exceptional cases when deviant states that threatened international peace and security were to be forced back into line by the measure set out in Article 41 of the Charter; but as a rule states were to pursue the goal of commercial disarmament, i.e. trade liberalisation, within the GATT, by respecting the principles of reciprocity and non-discrimination on which the Agreement was based.

This pragmatic resolution of the liberal dilemma could only work so long as the exceptions remained genuinely exceptional rather than creeping back into the main stream of international relations and secondly so long as the states accepted any constraints on their freedom voluntarily. This was because both the United Nations and the GATT were organisations of sovereign states. Formally, therefore, their members could still look to their own security and commercial interests. Article 51 of the Charter reserved to them the right of individual and collective self defence while Article 21 of the GATT similarly gave the contracting parties rights to take any action (i.e. including those which were inconsistent with their obligations under the Agreement) considered necessary for the protection of essential security interests. (9) The right of self and collective defence has been repeatedly used by the United States, sometimes with and

sometimes without the support of its regional and NATO allies, to justify the imposition of economic sanctions against the Soviet Union, China, Cuba, North Korea, and Vietnam as well as in some relatively minor cases, such as the Dominican Republic or Uganda under General Amin. It has also been implicitly invoked by the Arab and African states in justification of their more symbolic economic warfare against Israel and South Africa since they mostly regard both these states as imperial outposts whose existence, regardless of their policies, constitutes a form of 'permanent aggression'. Only recently, however, as the post-war liberal consensus has weakened, has controversy over sanctions invaded the deliberately de-politicised GATT framework.

In neither the Falklands nor the Polish crisis did the intrusion of the sanctions debate into the GATT have any discernible impact on the course of events. Yet the very fact of the intrusion was symptomatic of a major shift in the context of international politics, the result on the one hand of the weakening of the United States hegemonic position in international relations and the collapse of detente, and on the other of the hardening, at least for diplomatic purposes, of the North-South divide. Indeed, some insight into the recent resurgence of economic warfare in international relations can be gained by viewing the post-war era as framed by the two major cases, a generation apart, when Article 21 of the GATT was invoked.

The first of these occasions occurred at the beginning of the Cold War when the United States had justified its refusal to issue export licences for coal mining equipment ordered by Czechoslovakia by reference to Article 21. The Americans claimed that the equipment was intended for mining uranium and hence to be used for military purposes. The Czech delegation complained in the GATT about a breach of the Agreement but the charge was rejected. (10)

The second occasion on which Article 21 was invoked was in May 1982 when the Argentine complained in the GATT Council against the sanctions imposed upon it by the EEC, Australia and Canada. The substance of the complaint was that trade restrictions had been imposed on Argentina for non-economic reasons, that GATT had not been notified by the countries concerned and that the imposition of sanctions represented 'a concerted action against a developing country by a group of developed countries of which only one was engaged in a direct conflict with Argentina' (11).

Between the Czech complaint in 1949 and that of Argentina in 1982 the division of labour between the United Nations and the GATT on the sanctions issue was gradually eroded by developments, some of whose implications were not immediately apparent. The first of these concerned East West relations. Although Czechoslovakia had signed the Agreement before the 1948 coup it played no significant part in GATT proceedings until the period of detente when various formulae were worked out for granting most favoured nation status to East European countries which sought admission. In terms of its impact on the international economic order, detente can be viewed in two ways. First as during the early 1970s, it can be

interpreted as a politically desirable means of normalising East-West relations according to commercial rather than strategic criteria. So, indeed, it may have been. However, since the granting of MFN status by the socialist countries is a discretionary political matter rather than a question of prescribing by law the terms under which foreigners may participate in an open domestic market, the effect was inevitably to weaken the GATT's position as an a-political mechanism for trade liberalisation and the resolution of disputes on the basis of the accepted norms of mutual surveillance and consensus building. It has often been claimed that such success as GATT has enjoyed in basing the framework of commercial diplomacy on law rather than power political considerations rested on the deliberate avoidance of contentious foreign policy questions. From this second point of view involving GATT in East-West trade offered a hostage to fortune. Take, for example, the case of Poland. Although the Polish government was undoubtedly correct in claiming that the United States' withdrawal of its most favoured nation status in October 1982 was politically motivated the US was able to reply with equal validity that Poland had never fulfilled the conditions under which it had been admitted to the GATT in the first place. (12) In such circumstances GATT can do little to prevent an essentially political dispute spilling over into the field of economic relations.

If East-West relations is clearly the most important foreign policy issue threatening the postwar division of labour with regard to sanctions, the North-South conflict, in which the GATT system has often been a major target, has sometimes rivalled it. The Argentine attempt to use the GATT not only to question the legality of Britain's EEC and Commonwealth partners imposing sanctions in the absence of a Security Council mandate, and hence perhaps to weaken their resolve, but to mobilise third world support was not wholly successful. But nor was it a complete failure: an Argentine proposal for a detailed study of the interpretation of Article 21 which was strongly opposed by all the Western powers was supported predictably by all the Latin American countries but also amongst others, India, Rumania, Nigeria and Yugoslavia. Even after the re-taking of the Falklands and the lifting of sanctions, Brazil repeatedly insisted on including the question of trade restrictions imposed for non-economic reasons as one of the major restraints on trade to be considered by the Ministerial Conference in November 1982 and succeeded in having a reference to it included in the Declaration. (13)

At a time when there are already numerous trade restrictions on Third World exports which threaten to undermine both the spirit and letter of the GATT, the danger of additional non economic restraints may not seem very great. The significance of the Argentine debate, however, does not lie in the probability of effective controls to limit the freedom of action of the contracting parties in this regard. On the contrary its significance is as an indication of the breakdown of any broadly based consensus on the rules of the sanctions game in North South relations. In the present climate should a similar case arise it seems unlikely that

either the United Nations or the GATT will play the roles that were originally envisaged for them.

(ii) Sanctions and Foreign Policy

If the theory of sanctions as an instrument of international order is incoherent, as an instrument of foreign policy it is virtually non-existent. The denial of economic resources to the enemy by seige and blockade has an honoured place in the theory of war, but sanctions without military backup are undermined by precisely that condition, namely economic interdependence, which at first sight makes them seem attractive as a form of non-violent coercion. Only in circumstances where the target state is virtually totally dependent on the market of the opposing state, which can itself easily survive any counter sanctions, are they likely to be effective in persuading an adversary to modify its policy. These circumstances are so rare as to be theoretically uninteresting.

It is evident, however, that the absence of a plausible theoretical foundation for sanctions as an instrument of state policy has not dissuaded governments from using them. Professor James Barber has argued that this is because the objectives for which they are imposed are much more varied than attention to merely their ostensible purpose might indicate. ⁽¹⁴⁾ Indeed, he suggests there are three levels of objective, 'primary' which are concerned with the behaviour of the target state; 'secondary' which refer to the position and reputation of the imposing state; and 'tertiary' which are concerned with the structure and behaviour of the international system. The widespread consensus about the inability of sanctions to achieve their objectives, referred to at the beginning of the paper, applies to the primary objectives. But governments can clearly still be attracted to sanctions as a means of satisfying public opinion at home, symbolically underwriting a commitment abroad or expressing adherence to a particular conception of international morality. Thus, for example, the imposition of sanctions against Cuba was partly a move in the 1960 Presidential elections in the United States and partly a signal to the Soviet Union about the costs of attempting any further penetration of the Western hemisphere. Similarly, the decision by the British Labour Government to impose sanctions against Rhodesia in 1965 was partly to limit the damage to its reputation within the African Commonwealth and partly to protect its flank against critics from both parliamentary parties. And the African states and their allies continued to press for sanctions against South Africa (just as they continued to support sanctions against Rhodesia even while urging more forceful action) largely as a means of expressing support for the principles of racial equality and majority rule as the basis of international legitimacy.

It is impossible to assess with any confidence the success of sanctions in terms of the openended and idiosyncratic motives of the imposing governments. But it need not be assumed that the record is entirely negative. Whether or not the Soviet Union was deterred by US sanctions against Cuba from seeking further allies in the Caribbean and Latin America, it was

deterred. Similarly, while few would argue that sanctions were the decisive element in ending the Rhodesian rebellion in 1980, there is little doubt that they played a part. Having initiated the sanctions the British could not repeal them unilaterally. Thus Mrs. Thatcher discovered in 1979, that she was bound by the actions of her predecessors to seek an internationally acceptable settlement. And this check on any tendency by the British government to define its interests without reference to international opinion was certainly in part a consequence of the success of the Afro-Asian states in their campaign for racial equality: the Western powers may continue to veto the sanctions against South Africa, but they have to justify this by disputing the appropriateness of the means not the end of racial equality itself.

No doubt governments would like to believe that they can control events by their own actions but they know that this is not the case. Hence, any decision to impose sanctions will be presented in terms of the almost certainly unattainable primary objectives but will also reflect more urgent short-term domestic and international imperatives. Moreover any government which acts in this way will also know that the objectives with which it embarked on the exercise will change and may be quite different from those which require it later on either to abandon the sanctions or to maintain them. A single example will illustrate this very general point. The reason for the United States continuing its almost total embargo on Cuba, North Korea and Vietnam is not the hope that this will bring about a change of regime in these countries, nor that national security, the reason for which they were first imposed, requires the sanctions to be maintained, but that to lift them would send the wrong foreign policy signals. (15) On this view it follows that for the imposing government the action, making its presence felt, is as important if not more so than the final outcome which remains a question of speculation and contingency.

The action itself, however, is not a sufficient justification whatever the expectation of the imposing government. The decision to impose sanctions has the necessary entailment that they do what is possible to ensure that sanctions are effective, or at the very least that they are taken seriously by the target government. The decision to impose sanctions is, therefore, inseparable from diplomacy to persuade other states, particularly allies, to follow suit. If this diplomacy fails, moreover, not only will sanctions fail but the imposing government's international prestige may be damaged also. It is perhaps some indication, however, of the importance of domestic political considerations in decisions regarding sanctions that this possibility is so regularly overlooked. It has not, for example, restrained the United States in its determination to use sanctions against the Soviet Union over Afghanistan and Poland despite the enormous difficulties it faced in persuading its European allies of their necessity and the damage that was inflicted on the Alliance as a result. (16)

The generic problem of all sanctions diplomacy is how to reconcile conflicts of interest. Even where there is a

Security Council mandate as in the Rhodesian case, the policing of the sanctions will fall on national governments not on the United Nations and not all will have an equal interest in the energetic pursuit of sanction-breakers. Where there is a powerful moral case for sanctions but no mandate, the situation is even worse: thus when, in response to UN pressure, the United States and Britain unilaterally imposed an embargo on arms sales to South Africa in 1963 and 1964, this was to the advantage of France which quickly established itself as South Africa's major arms supplier.

The existence of an alliance within which there is a permanent, if generally implicit, process of diplomatic horse-trading across issues (17), provides a more promising context within which to rally support, but still serves to focus rather than to resolve the generic problem. Thus, as we shall see in Part Two of this paper, even though the Europeans and Japanese were anxious to demonstrate solidarity with the United States during the hostage crisis, they were extremely reluctant to follow the Americans in imposing sanctions once the Soviet Union had vetoed the US draft resolution in the Security Council on 13 January 1980. In some cases they pointed to the absence of a legislative base which would enable them to interfere with the commercial activities of their citizens; in others, France and Italy for example, there were specific economic and political interests which would be damaged, while Japan (which relied heavily on Iran's oil supplies and was deeply involved in joint projects in the energy field (18)) was understandably afraid that the West would suffer more than Iran. In the end it took five months of heavy American pressure and some unusually explicit hinting that the American commitment to the Alliance could not be taken for granted, (19) before they fell into line. Even then they deliberately avoided making the sanctions retroactive. Although the crisis was not so protracted similar difficulties faced Britain in securing the support of its European allies in the Falklands crisis, particularly Italy which retained strong links with the large Italian community in the Argentine, and Ireland, which was fearful of compromising its neutrality.

(iii) Sanctions and East-West Relations

Such difficulties are unavoidable. Apart from the fact that the burden of imposing sanctions is unlikely to fall equally on all states involved and may well hurt those on the periphery of the dispute more than those at the centre, there are also likely to be genuine disagreements about the wisdom of the strategy being pursued. The diplomatic problem inherent in the imposition of sanctions under any circumstances is compounded when the target is the Soviet Union and its allies and the crisis raises the question of the status and form of East-West relations. Since two of the four cases involving European Political Cooperation which we consider in part two fall into this category it will be useful to conclude this section by recalling briefly the political background to recent transatlantic arguments over Afghanistan, Poland and the gas pipeline.

A recent study of Technology and East-West Trade (20) ,

commissioned by the United States Congress identifies three schools of thought about the use of trade for non-trading objectives. The first, typified at present though not historically by France and Japan, disapproves of any attempt to exercise political leverage through the manipulation of trade. The second school of thought represented by America's other allies, holds that trade can be used to enmesh the East in a web of interdependence and mutual restraint. Finally, there is the United States' position which contrasts with both these schools. It comes in a mild and a strong version. In the mild version trade is viewed as an instrument which can be used to obtain specific policy concessions from the outside; in the strong version it is argued that trade should be denied as an act of economic warfare, i.e. with the aim of weakening and if possible bringing about the disintegration of the other side.

As summarised here each of these positions is probably a caricature. But they nonetheless encapsulate the essence of the debate within the Atlantic Alliance over the use of sanctions in East-West relations. Nor is this debate recent in origin. Almost from its inception in 1950 there were transatlantic differences within the NATO Coordinating Committee (COCOM) which monitors the strategic embargo. These differences were intensified with the recovery of the European economy and the desire of European businesses to exploit East European and Soviet markets, where proximity gave them a comparative advantage over the United States. The specific issue was European pressure for the relaxation of the embargo which had originally included a very wide range of non-strategic goods. During the mid-1960s, by which time this pressure had been largely successful, the focus had shifted to American attempts to extend their jurisdiction extra-territorially in order to prevent the export of items which remained prohibited in the United States and which could only be manufactured in Europe with American components. The fact that the latter question was to re-surface in the 1980s during the pipeline dispute suggests that the underlying argument was not so much about the particular goods included on the list as about the very appropriateness of economic sanctions as a Cold War weapon.

The progressive relaxation of the strategic embargo was achieved in part because the liberal establishment in the United States shared much of the scepticism about its futility displayed by their European counterparts. As early as 1961 President Kennedy asked for increased discretion "to use economic tools to reestablish ties of friendship between the United States and East Europe", a theme which was reiterated by President Johnson after the 1963 Battle Act Report had noted that economic sanctions had served only as a "marginal restraint on Soviet aggressive capability during the Stalin and post-Stalin years." (21) But even then the American attitude remained far more imaginative and instrumental than the European. This was no doubt partly because foreign trade was relatively unimportant to the American economy until the mid-1970s, when it became heavily dependent on imported energy, and partly because the American Congress exercises a more direct control over trade policy than is the case with any of the European legislatures. In

any event by the time Kissinger sought to extend MFN treatment to the Soviet Union as part of his strategy of making non-strategic concessions in return for 'responsible' Soviet behaviour, East-West trade was already firmly established as an inherent part of the structure of 'normalised' relations that had been established between 1969-73; it was no longer perceived as a tap which could be turned on and off at will for political reasons. In the United States, by contrast, even the attempt to translate its traditional negative sanctions into positive inducements to the Soviet Union to cooperate aborted when Senator Jackson successfully attached an amendment to the Trade Bill making the granting of MFN status conditional upon the Soviet Union allowing free emigration of Soviet Jews.

The enthusiasm for economic sanctions which has characterised both the Carter and Reagan administrations in the United States (despite Mrs. Kirkpatrick's statements to the contrary when justifying the withdrawal of the grain embargo (22)) has been a major cause of friction within the Alliance. Within Europe generally, even Britain, which under Mrs. Thatcher has been the government closest to the Reagan administration, there is no enthusiasm for a wholesale return to the economic cold war. This is partly because to engage in economic warfare after the long struggle to abandon it seems anachronistic: if the Soviet Union would not modify its behaviour in response to the strategic embargo of the 1950s, why should it do so now merely because it needs cattlefeed and lags behind the West in high technology? But it is also because under these two administrations the struggle between the executive and the Congress, and between the various agencies of the government, which often seem to be running rival foreign policies has reduced European confidence in American leadership to its lowest point since 1945.

The collapse of European confidence in the United States was perhaps the most marked in West Germany which has most to lose by the imposition of sanctions and most at stake in the maintenance of detente. But in varying degrees it affected all the major European capitals. Since sanctions in East-West relations cannot realistically be expected to weaken Soviet military capability and seem unlikely to modify Soviet behaviour their imposition must be intended to signal Western hostility in an area where detente has offered them constructive diplomatic possibilities. At the same time the problem of how to deal with the Soviet Union after the invasion of Afghanistan and how to react to the Polisy crisis were European as well as Alliance problems. And in this context the Europeans had even fewer diplomatic resources than the Americans who could, if they chose harrass the Russians over a very wide front. East-West sanctions, therefore, were not only forced on them given the ultimate necessity of retaining American support but also contained possibilities for an independent European foreign policy. In the second part of the paper we discuss the impact of sanctions on European Political Cooperation from this point of view.

Part II: The European Perspective

There can be no doubt that the last three years have catapulted the issue of sanctions to the top of the agenda of international relations in a way that has only happened once before, in that brief period of the 1930's when the metal of the League of Nations was tested and found fatigued. Even though discussions of sanctions as an instrument of pressure has largely taken place between allies, the resulting arguments have tended to drown the voices of those whose fate has inspired the debate, whether Afghans, American hostages, Poles or Falklanders. Thus, as we have seen in Part I, the deterioration of East-West relations in the 1970s has both revived the consideration of sanctions as an effective instrument of foreign policy and created major problems of West-West relations, without doing very much to achieve the nominal goals behind the sanctions. In this second section, we look more closely at how this has come about and in particular examine how the European Community (as the world's major trading bloc) has responded to the new problem in each of the four relevant cases: what it has been able to do, with what willingness, and with what consequences. In conclusion we seek to determine whether the EC's experience can be fitted easily into the wider analysis of sanctions, on the basis of history and theory, or whether it is very much sui generis.

Let us begin with the details of the extraordinary way in which the question of sanctions has come to dominate the attention of Western policy-makers since 1979 - and not only foreign policy makers, since the taking of economic measures against other states involves an enormous number of interested parties in public and private business as well as diplomats: lawyers, financial experts, and industrialists. There was already a body of thought and literature about the problem of sanctions in the chancelleries of the major states, but it was largely confined to the familiar issues of CoCom and Southern Africa. The highlighting of sanctions as a major channel of pressure on a wider range of foreign policy matters has certainly been a recent phenomenon.

(i) The Soviet Invasion of Afghanistan

The Soviet invasion of Afghanistan on December 27 1979 was the first major precipitant of this change - the American hostages in Tehran having been in captivity for barely two months at that point. The distrust of the USSR which had been gestating in the USA throughout detente burst out with all the fury of a breached dam - even if President Carter's own reaction was more that of the fervour of a convert. Carter almost immediately announced measures against the Soviet Union which were strong meat given the lack of previous US interest in Afghanistan, and whose central component was a political ban on grain supplies. Later the Americans were to take the lead in pressurising Western athletes to stay away from the Moscow Olympic Games in July-August 1980. Both these steps were clearly designed to hit on the most vulnerable points of the Soviet Union at the time, short of military confrontation.

The European response was haphazard, as much because of the American initiatives as the actual Soviet invasion. Moscow's move was certainly condemned without reservation (Greece was not yet a full member of the Community) and the invasion seen as a significant extension of the Brezhnev Doctrine. But the European states were far less certain about what to do to press the USSR into withdrawal. This was partly because of a clear difference of view from the United States over the nature of the evidence provided by the invasion for an assessment of long-term Soviet foreign policy, particularly with respect to expansion towards the Gulf. Some European observers may even have felt that Afghanistan would usefully embroil the Soviets. Most doubted that it would constitute a major stepping-stone to further adventures in the region. Uncertainty also flowed from alarm over the damage which could be done to European detente - in both its political and commercial forms - and in some quarters over the precedents which might be set for a common European foreign policy, thus far limited to declarations and diplomacy.

The American lead was both comforting and disconcerting; comforting in that the Community could simply pick up on the cue, and agree not to subvert the grain embargo by making up the Soviet short-fall with its own produce. (23) Disconcerting because it forced the pace too quickly, at a time when the procedures of European Political Co-operation were being found wanting. In the changeover from the Irish to the Italian Presidency at the turn of the year, 1979-80, no-one wanted or was able to act decisively, and the nine foreign ministers did not actually consult until the 15 January in Brussels. Then they decided formally not to undermine the food embargo, and also cancelled a package of aid to Afghanistan itself. (24) From then on the Europeans began to recover their poise, and with Lord Carrington active behind the scenes produced on February 19 a proposal for the 'neutralization' of Afghanistan, ostensibly to make possible a Soviet withdrawal without loss of face. The question of sanctions was conspicuous by its absence from the final communiqué. (25) Member-states were already seeing the dangers of using their economic ties with the East as a form of political coercion, and were attempting to deflect the Western response onto the path of diplomacy.

Thus the pattern of European scepticism towards sanctions over Afghanistan was quickly set. It was not to be disturbed. Over the next year the proposed Olympic boycott became a shambles, and the American embargo was rendered more and more threadbare by a combination of hostility from domestic and farming interests and sanctions-busting by other grain suppliers (notably Argentina and Australia). Europe played no small part in this since it had been agreed to continue 'traditional' levels of supply to the Soviet Union, a looseness of definition which positively invited abuse. Moreover the Commission continued to sell off slabs of the butter mountain to the Russians, at a level which exceeded previous annual averages and was eventually to earn the censure of the European Parliament. (26) It was hardly surprising, therefore, that President Reagan should choose the lesser of two humiliations and cancel the embargo in April 1981. The EC states immediately followed suit, by then

a largely formal decision. The way was now clear for the Europeans to take more positive action on their own preferred path of diplomacy, and Lord Carrington flew to Moscow on 5 July, as spokesman for the Ten, to urge some kind of internationalised solution for Afghanistan. That this was no more successful than the initiative of the previous February did nothing, of course, to convince the Europeans that they had been wrong about sanctions.

(ii) The Seizure of American Hostages in Iran

The Iranian hostage crisis gradually intensified for twelve months after the initial seizure of the American diplomats on 4 November 1979 until it began to be defused by the negotiations which eventually secured their release on the day of Ronald Reagan's inauguration as President, 20 January 1981. This crisis was an extraordinary drama of modern international relations, at once anomalous and circumscribed, and arousing the most dangerous emotions in great power politics. In the end it did not lead to disaster, which the death of the hostages and/or a full-blooded American attack would both have been. That it did not may owe something to the availability of sanctions as a middle way between the inaction which would not have been tolerated by American opinion, and the 'punishment' of Iran which would have had serious international consequences.

As we have already seen, it is in the nature of sanctions that they always raise the question of multilateral action, particularly among pre-existing alliance partners. For the West European states, therefore, there was a certain inevitability about their involvement in the policy of sanctions against Iran, given that President Carter determined on the middle way. The United States was always going to turn to its allies for support in its appalling dilemma, especially given the importance of European economic connections with Iran. And on paper at least, the members of the Community were less unhappy about the resort to sanctions than over Afghanistan, or (as it turned out) Poland. Only Iran would be seriously alienated by such action, and it might already be a lost cause. It was quite possible that the new turbulence in Iran, akin to the cultural revolution in China, might rule out serious economic business for some time. It is not quite so surprising as it might seem, therefore, that member-states were willing to agree to the formal sanctions involving legislation in most national parliaments, which lead one commentator to speak of "one of the most important foreign policy actions in EEC history". (27)

The process by which the Nine came to this point, however, was cautious at best, half-hearted at worst. The actual chronology was that in late 1979 and early 1980 the United States began to work for a Security Council Resolution which would authorise restrictions by third party states (as well as the US itself) on Iran's financial and commercial dealings with the outside world. When that plan foundered on a Soviet veto, the American expectation that the allies would still go ahead with sanctions proved to be premature.⁽²⁸⁾ One British diplomat termed the disputes of the next few months within the Community 'theological' in their wrangling over the legal

basis of sanctions. The effect was to delay action and to convey an accurate impression to the Americans (if not Iran itself) of a distinct reluctance to exert real pressure. As it was the Nine waited until the Teheran Government failed to respond to calls to take the hostages under direct control in April, when they warned Iran that legislative measures to enable sanctions would be put in train. Sanctions would be applied from May 17 if there had not been 'decisive progress' towards releasing the hostages. (29) In Naples on the day appointed the Foreign Ministers duly decided to impose sanctions. (30) Six months had therefore elapsed between the first American embargoes on Iran, and the Europeans following suit with more than gestures.

That the sanctions were effective in bringing Iran to the negotiating table, is hard to believe. It seems likely that the war with Iraq, which broke out in September 1980, and a natural burning-out of enthusiasm over the issue, were largely responsible for that. Yet the possibility should not be completely dismissed. Sanctions can only be expected to work in conjunction with favourable circumstances to isolate the target state, and if the Gulf war was fortuitous it was not wholly unreasonable to hope that Iran might find herself in some serious difficulty or other which would lead her to reassess the costs of being cut off from the world's more sophisticated economies. Against it, however, is the fact that the Europeans themselves did not expect their sanctions to make much difference, and more importantly, that the measures could not be expected to bite for quite some time. They did, after all, explicitly exclude all commercial contracts signed before 4 November 1979 and in the British case, before 29 May. (Britain also exempted "new contracts made in confirmation of an established course of business"). As it was, Iran had anticipated sanctions by increasing the flow of imports and relocating some vulnerable foreign investments. (31)

By ensuring that their sanctions were too little too late, the member-states of the European Community were effectively confirming their view, by now nearly set, that economic pressures were almost bound to be counter-productive. Where perhaps their realism blinded them to other important considerations, was in the area of their own relations with Washington. Although President Carter was, as it happened, soon to be replaced by Ronald Reagan, it did not go unnoticed by any political grouping in the United States that the allies had been found wanting on this issue, which had touched the deepest emotions of honour and patriotism in Americans. It may not be going too far to argue that the steady move towards a more anti-Soviet posture in American foreign policy, was accelerated and hardened by a certain bitterness against the Europeans over the Iranian affair. Henceforth the United States tended both to see European wavering over any sanctions as pusillanimity and to feel less obligation to take European sensibilities into account. Even Mrs. Thatcher's government had let Washington down over the sanctions against Iran.

This is one of the inevitable consequences of using sanctions for foreign policy goals. They always involve and can indeed

end up largely affecting issues which are essentially secondary to the prime purpose, but which may be even more vital in the long run. In the process they may test co-operation between friendly states to its limit, by introducing the issues of loyalty, and efficiency, virtues which are not easy to live up to in international relations. In the case we have just considered, the Europeans may have neglected this factor in favour of an understandable fixation with the target state.

(iii) The Imposition of Martial Law on Poland, 13 December 1981

The case of Poland under martial law has demonstrated even more clearly the capacity of the sanctions issues to sharpen transatlantic disagreements, through what has now become an almost doctrinal European antipathy to this method of handling adversary states. This has been despite the long forewarning which the West has had of some dire event in Poland. The birth of Solidarity and the 'Prague Spring' atmosphere which ensued, had alerted all observers to the possibility of Soviet armed intervention on the model of 1968. Indeed fairly detailed contingency plans had been worked out in the NATO forum which almost certainly specified major economic and political sanctions.⁽³²⁾ It is even possible that, in the event of an invasion, the NATO states and their sympathisers could have held such a policy together, at least for a time. There would have been no incentive to keep Poland from falling apart if it were under the Red Army. In the event, of course, the Soviet Union out-manoeuvred the West and merely encouraged General Jaruzelski to impose order if not law on Poland, while throwing out clear hints that military rule was only meant to be temporary, and that some compromises would be possible.

This development was the worst possible from the Western viewpoint of seeking to make an effective response to the suppression of Solidarity. It neatly divided the United States from the Europeans by playing on the latter's hopes for a reconstructed Poland, rather than the 'liberation' which President Reagan's rhetoric increasingly yearned for. As a result, when martial law was announced on 13 December 1981, the prompt American announcement of measures to be taken against both Poland and the Soviet Union (including a suspension of aid to the former, and the suspension of Aeroflot services from the latter to the United States) was accompanied by a heavy silence from the foreign ministers of the Ten, angry about lack of US consultation.⁽³³⁾ On 4 January 1982 a communiqué after a foreign ministers' meeting in Brussels noted only that they had 'taken note of the economic measures taken by the United States Government with regard to the USSR' and that Community members would consult with Washington so as to avoid compromising US policies.⁽³⁴⁾ Subsequently the Council decided only to continue with aid to Poland which was handled by non-governmental organizations, but made even clearer their doubts about sanctions by calling for studies not only on possible measures against the USSR, but also on those taken by the USA 'with a view to identifying their exact scope and their impact on the economy

and trade of the Members States of the Community' (Greece dissented even from this).⁽³⁵⁾ The Community had got to the point of feeling itself as not quite a target of American sanctions, but at least a victim of the cross-fire.

By the end of February a somewhat grudging commitment had been made to restrict imports of specified Soviet luxury goods ⁽³⁶⁾, but this did nothing to bridge the gap which had opened up between the two halves of the alliance. Such measures were risible if intended seriously to embarrass the Soviet Union, or even to signal to it that the Europeans were with the Americans in spirit. Their sole purpose can have been at some kind of sop to the Reagan administration, in which form they merely added insult to injury. The solid Western decision in the CSCE effectively to suspend the Madrid review sessions was far more impressive as both a signal and a pressure. Naturally both Warsaw and Moscow have played on Western European unhappiness about sanctions by taking trouble to explain current policies in a reasoned, even confidential tone. ⁽³⁷⁾ Recent relaxations of martial law have tended to confirm even further, therefore, the Ten's preference for dialogue rather than coercion. The American administration, by contrast, has presented dialogue as deception and sanctions as having failed only to the extent that they were not alliance-wide. Even in the NATO context, the United States was only able to persuade the allies to "identify appropriate national possibilities for action". ⁽³⁸⁾ Its later attempts to use the Polish issue as a way of halting the gas pipeline deal between the USSR and Western Europe finally destroyed any chance of a multilateral embargo, and indeed actually pushed the allies into a tacit partnership on the issue with the Soviet Union. The EC states pointed to the hypocrisy of resuscitated American grain sales to the USSR, and with Mrs. Thatcher in the vanguard stood firm in the defence of this most tangible manifestation of detente.

(iv) Argentina's Invasion of the Falkland Islands, 2 April 1982

Argentina's blitzkrieg against the Falkland Islands was the most unexpected of the four cases we are considering here. If the British Government was caught napping, how much more surprised must her European partners have been (although there are some interesting questions to be asked about co-ordination with, say, the Italian and German intelligence services). Given this fact, perhaps indeed because of it, the Community reacted with unprecedented decision. After all, loyalty was not too difficult to demonstrate over an attack on a member state's territory, especially when it was 8000 miles away. The Falklands was a convenient issue over which to demonstrate the new-found efficiency and solidarity of EPC. Thus, the united response went a good deal further than mere condemnation. Within two weeks member-states had agreed on a ban on all Argentinian imports (for a period of one month) and a ban on all further arms sales deliveries. It was almost as if the famous 'co-ordination reflex' had at last worked on an important matter.

That the measures were virtually a reflex, however, meant that a decision had been made without full consideration of

its implications. As the next month wore on, it became clear that for some member-states, the sanctions had come to seem premature. This was partly because domestic political pressure increased, particularly in Italy and Ireland, where ethical and ideological considerations respectively made too close identification with Britain embarrassing, but also because the likelihood of full-scale violence had significantly increased. EPC has always been a diplomatic operation first and foremost, and the prospect of being identified with major military operations against a country which could claim membership of the Third World, unnerved many governments in the EC. The result was firstly that sanctions were only renewed for seven days on May 16, then that Britain suddenly found herself defeated by a conspiracy of her partners in the humiliating disregard of the veto over farm prices, and finally that Ireland and Italy formally opted out of the next renewal of sanctions on 25 May. (39) The glossy image of European solidarity, so admired in Britain and the outside world during April, suddenly cracked assunder. It had taken only a short real test to expose the thinness of the foreign policy partnership. And this was in large part due to the commitment to sanctions. Without this ambitious venture, Britain might have been able to have sustained full support for her policies right through the period of escalating military action, since the Thatcher Government took care to give the impression of having made every effort to reach a negotiated solution.

Why were sanctions so important to Britain? The answer lies partly in the need to pressurise Argentina to the negotiating table by non-military means; sanctions were in this regard the only option. Equally important, however, was the need for an alternative basis of support from the United States, which had eagerly seized upon the role of mediator as a way of avoiding the claims of the 'special relationship'. Although the US did eventually come down on Britain's side there was sufficient doubt throughout April as to make Her Majesty's Government very reliant on her partners in the Community, for economic and psychological support, or at least for the denial of their succour to Argentina. In this respect the Falklands was a litmus-test of the new orientation of British foreign policy, gradually accepted during the 1970's. Would the forum of European Political Co-operation prove more than just a platform for the expression of British views on the Middle East, Namibia and the like? Could it provide Britain with the formidable extra strength of multilateral economic warfare and campaigning by nine of the most experienced diplomatic services in the world? To the surprise of some EPC proved only a partial asset to Britain. The inevitable linking of the Falklands issue to that of the European budget lead to considerable bitterness, while the steady distancing from the British position which was evident in the position of most member states after the sinking of the Belgrano made the claims about European unity look shallow. By contrast, it was the Commonwealth which appeared as Britain's most steadfast friends, thus introducing another anachronistic note into the affair and another potential brake on EPC.

From the viewpoint of the British Cabinet all this had not

been anticipated. Sanctions were intended to be far more than symbolic. They were supposed to bring home to Argentina (a) the seriousness with which their action was viewed by other civilized states (b) the costs which would follow from a failure to make reasonable concessions. In that sense sanctions were Britain's only option between sweet reason on the one hand and force de main on the other. Unfortunately, however, Argentina did not prove susceptible to the pressure of sanctions (or indeed to what was an attractive offer of compromise in Britain's final negotiating position). Given that Britain thus had to rely on invasion, we cannot dismiss the possibility that the swift resort to sanctions inter alia might have driven the Argentinians into a corner from which they could not emerge with honour intact. Sanctions also, up to a point, created an artificial conflict between 'Europe and Latin America' which did not make compromise any easier. This case was very different from that of Iran, where the United States' basic interests were engaged by the flagrant ill-use of innocent hostages and the glorying in American discomfort. The Falklands invasion had to an important degree been Britain's own fault, and Argentina appeared willing to make reasonable arrangements for the islanders. A strong collective warning in harness with the slow progress of the Task Force which was in fact arranged, might have been more productive. By asking precipitately, if understandably, for European sanctions the British turned out to have made more trouble for themselves than for their target. The plain truth is that as events went, sanctions were irrelevant to Britain's success, but may have worsened the chances for a negotiated solution. (40)

Sanctions in the Context of the European Community's External Relations

A chronological treatment of any problem tends to highlight the peculiarities of circumstance. In the cases we have examined of disputes over sanctions, however, it is not too difficult to discern some common features, which we turn to now, after locating sanctions in the context of the instruments of policy available to the collectivity of member-states. To the extent that the Europeans seek to achieve common objectives in their external environment, what measures are both available to them jointly, and appear likely to achieve more than they might do by their separate efforts?

Instruments of external policy are available to the Ten at two levels: that of EPC, and that of the Community. EPC is the most spectacular side of Europe's activity in the world. It is still only thirteen years old but has made considerable progress since the early days of disarray over the Middle East War in 1973. This is largely because it is voluntary and outside the Treaties of the Community. Member-states feel confident that since ultimate power over their own foreign policy is restricted only by circumstance, not by legal obligation, they can enter into extensive co-operation without fear of being exploited, or trapped into a commitment they might later regret. Moreover the advantages of regional association in world politics are clear. The smaller states naturally get access to discussions from which they would

normally be excluded. The big four (France, the Federal Republic, Italy and the UK) are able together to speak on more equal terms with the super powers.

The instruments deriving from EPC alone are simply the instruments of national foreign policy co-ordinated. Whatever a state can do alone, it can in theory do in liaison with other states of similar capacity. The only problem arises over resource disparities: Luxembourg could not withdraw its Ambassador from Teheran along with the other eight, because it did not have one there in the first place. This problem is more serious when the need is to give (as in aid) rather than withdraw (as in sanctions). Large states soon become resentful of 'free-riders'. Leaving this issue on one side, the nature of the issue will decide what means EPC deploys. In the Middle East, for example, where Europeans' objectives are fairly clear, common policy relies largely on barn-storming diplomacy (endless tours by Schmidt, Thorn, Carrington, van der Klaauw *et. al.*) and by subtle mediation between interested parties. The only concrete actions which can be taken are decisions to provide troops for peace-keeping (as in the Sinai or Lebanon) or the provision of one side or another with intelligence information. The EEC has no military power - although security issues are increasingly discussed - and NATO still monopolises such discussions as those over a putative Rapid Development Force to the Gulf. All that EPC can do which individual states cannot is to ensure impressive demonstrations of unity and purpose in public fora (as in UN voting) and to co-ordinate complex strategies of persuasion or pressure. (41) The best example of the latter is the increased bargaining strength which the Western states in the CSCE have derived from EEC harmony and leadership. Another instance of technical collaboration bearing positive fruit in the Community's 1977 Code of Conduct for European firms in South Africa, interestingly a deliberate attempt to deflect pressures for the imposition of sanctions. (42)

The Community level provides a further extensive range of possible foreign policy instruments, but instruments often very difficult to use. Briefly, the very existence of the Common Market and the common policies on steel and agriculture has enormous consequences for other states, and thus opens them up for leverage. In the area of trade, the EEC is the most influential factor in (GATT) negotiations and therefore possesses the potential to influence even Japan and the United States through 'linkage' strategies of various kinds. The incentive of preferential access to European markets is an even greater potential influence on less developed countries. The 'global' Mediterranean policy of the 1970s has created an effective sphere of influence for the Community in the region, including even Yugoslavia, while the Lomé system of preferences for more than 60 African, Caribbean and Pacific states has long been resented, particularly by the United States, as a way of maintaining a 'soft' European presence in the old colonies. The Lomé system also bestows aid, on a scale which makes the Ten the largest group of donors in the world. One does not have to go so far as to equate aid with imperialism to accept that the dispatch of emergency powdered milk supplies, or monies

to bolster foreign exchange resources under the 'Stabex' scheme, can be a cheap way of reinforcing traditional ties to vulnerable countries anxious not to fall under the shadow of either super-power.

For much of the time these instruments are used primarily for economic advantage, which the Community has not been slow to press home. But it is often difficult to distinguish trade from politics, and there can be little doubt, for example, that the EC's courtship of the Arab League has been concerned to encourage general stability in the Middle East as well as guarantee oil supplies, or that the agreement with ASEAN in 1980 had as much to do with the international politics of Indo-China as with any obvious economic advantage. (43) Equally, over the last year or two, support for the Polish economy has been a vital part of the general attempt to prevent a Soviet intervention and the collapse of detente.

What the Community can give, so the Community can take away, and this is the point at which we return to the question of sanctions. Since the Ten are extensively linked to most areas of the world through commercial and aid agreements, so they have the capacity to break, slow down, re-interpret or simply ignore existing arrangements in a more or less delicate attempt to make political points. Thus when a military coup took place in Bolivia, negotiations with the Andean Pact countries were suspended. (44) Equally, Angola and Mozambique could not join the Lomé system while they refused to accept that West Berlin was a part of the Federal Republic. (45)

The four cases of this paper, however, do not as a whole illustrate how the Community takes sanctions against target states. In these crises it has primarily been the member-states acting in the EPC forum who have taken the initiative and responsibility for economic measures. The USSR, Iran, Poland and Argentina simply did not have sufficiently important existing ties to the Community as such to put the Commission in the driving seat. Moreover if such agreements had existed, the legal and political problems about breaking contracts would have been serious - as we have seen in the pipeline dispute. Nonetheless the Commission has been closely involved throughout the complex discussions over sanctions during the last three years. It could hardly avoid entanglement. In the Afghanistan affair, the Commission acted to ensure some interim European input while waiting for the foreign ministers to meet. it announced steps to ensure that the EEC would not undermine the US grain embargo, agriculture being, after all, the Commission's legal responsibility. (46) In the Iranian crisis the Commission sought to act for the Community under either Article 113 or Article 224 of the Treaty of Rome, but was eventually over-ruled by states fearful of the supranational implications for EPC. In the case of Poland, the Commission has monitored food aid but also continued to sell butter to the Soviet Union, both highly political actions in their effects, while so far as Argentina has been concerned, the Commission acted for the Community under Article 113 in imposing a one month import ban - although after initial discussions in EPC, and under Article 224, which provides for the role of member-states in

emergency decisions affecting commercial policy.(47)

It is only fair to acknowledge that in a number of ways the Commission and EPC now mesh together rather well, and these examples illustrate how a highly complex, multilateral process of policy-making and implementation has come to work effectively. It is useful to have a specialised executive to whom decisions can be delegated and responsibility shifted if things go wrong. Alternatively, the states can quite easily reclaim power from the Commission if they so choose. In theory the system makes possible a subtle and flexible sanctions policy.

Yet the blurred lines of responsibility do leave serious problems. The wrangling over procedure creates intolerable delays, as in the Iranian case. The Commission is anxious not to see the whole edifice of its external relations turned upside down by a political decision relying on economic means. Sanctions promise to obstruct integration at least as much as they promote it. Moreover, some states are equally concerned lest by taking substantive and united action for once, they actually unbundle the genie of integrationism. Either way, a fatal hesitancy affects the sanctions.

Attempts at sanctions have, therefore, exposed a fundamental weakness as the centre of the process of EC external policy-making. It is not clear as to what extent the states wish to commit themselves to a genuinely common foreign policy, and to what extent they wish their domestic resources, some of which are under the control of the Commission, to be at its service. This dilemma, which at present may be being resolved in favour of national independence, has been raised by the Genscher-Colombo proposals for a 'European Act', and may well have been the death of that scheme. (48) So far the states have wanted the appearance of acting together in world affairs but when real costs, political or financial, have seemed likely, they have looked inwards, and acted individually.

The sanctions attempts have also exposed weaknesses in the content of European foreign policies, and have suffered themselves in consequence. On the surface, the new readiness to embark on sanctions has been a sign of an increasing willingness on the part of the Community and its states to assert themselves once again in the wider world, confident that some instruments of pressure are to hand which can sting but not raise a dispute to the level of military confrontation. Sanctions are a substitute for riskier forms of action, and can perform the useful function of mollifying one super-power (the United States) without wholly alienating the other (where the USSR is the target). This is, however, far too facile a view, for a number of reasons.

Firstly, sanctions are themselves a confrontational strategy. They are deliberate attempts to coerce an adversary by an advantage of power. In that respect they are not qualitatively different from the use of military force, and they suffer from some of the same disadvantages, namely that states resent coercion, tend to respond in the same kind, and subsequently wish to insure themselves against future

many states and regions on a functional basis? If the former, then sanctions may turn out to be a principal weapon in the Community's armoury (although hardly a more effective one). Equally, if the Community resorts easily to the use of sanctions in its external relations, it will move the quicker down the road towards Europe as a power-bloc, a protectionist fortress with influence in international relations but not necessarily interdependence. National decision-makers have got to decide what kinds of advantages they expect from European Political Co-operation and how far they are willing to go to achieve them. ⁽⁴⁹⁾ At present they are willing the ends (mediation in the Middle East, or between the super-powers) but not the means, either in terms of the instruments (e.g. common policies on arms sales, defence, etc.) or of general solidarity - as the national divergences in every crisis illustrate. It may be neither possible nor desirable to achieve some supra-national foreign policy, but in that case the Community states should be realistic about what they hope to achieve together.

The same applies, a fortiori to sanctions: if governments are not willing to make a real commitment to a united stance over a period of time, then they should think very carefully before embarking on them in the first place. The problems of implementing sanctions are both major and intrinsic. They can therefore be anticipated and the sanctions aborted altogether if a willingness to ride the storm is not present. More importantly, the Community would probably benefit more from using its economic strength in altogether more subtle ways than attempting to ape great power politics without the basic advantages of the super-powers. The quasi-military form of coercion represented by sanctions cuts right across the basic rationale of the EC-trade, industrial co-operation, investment, diplomacy and cultural co-operation. The Lomé system, the Euro-Arab dialogue, the co-ordination in the UN, all of which contain a nice mixture of self-protection and openness to the world, are more attractive and probably in the long-term more effective, ways of pursuing European objectives.

The inappropriateness of sanctions for European external relations tends to confirm the scepticism of those who have studied the subject in the wider, international context. It is worth noting, however, by way of conclusion, that there are important peculiarities about the Community which prevent it being a perfect model from which to generalise.

Firstly, the Ten constitute a group of states which have come together largely for reasons of trade and of political solidarity. Consequently, they are concerned, almost above all else, not to endanger their achievements in either of these two areas, although this is not the same as saying that they will always seek to promote further progress in them. Sanctions tend to cut at the heart of EC priorities and therefore are regarded with particular dismay.

Secondly, the member-states of the Community are both part of the Western camp and in the no-man's-land of East-West relations, disturbed by both superpowers, and situated in a potential battleground. Therefore, to the extent that

East-West relations create special difficulties for the conception and execution of sanctions, the European perspective tends to compound them further. The Ten are distinctly ambivalent about polarising the ideological contest, about alienating their great ally, about disrupting the nexuses of detente, and about resurrecting the fear of appeasement. Sanctions raise all these issues.

Thirdly, the geographical dispersion of the European Community is such that it is hardly in the position to blockade any state physically, even supposing that a suitable target should present itself. The policies of the United States towards Cuba, and the Soviet Union towards Yugoslavia (themselves hardly successful), are unlikely to be emulated by the Ten, by virtue of geo-political realities. Furthermore, despite the overall commercial power of the Europeans, they do not exert decisive leverage over the economies of third states (except perhaps in parts of francophone West Africa) in the way that the Americans seem to have been able to do in Uganda ⁽⁵⁰⁾.

It is true that there are also two characteristics of the European Community which make it seem particularly well-equipped for the implementation of sanctions. On the one hand, it represents a set of 'partial' interests, in the sense of being parti pris, existing to serve members of the club rather than the international community as a whole. It is therefore more analagous to the individual member-state with a self-serving foreign policy than it is to a universal institution seeking to promote collective security and the proscription of anti-social behaviour. It has, as a result, considerable advantages over the United Nations, or even the Organisation of African Unity. On the other hand, the Ten are also a much tighter group than the Western Alliance as a whole, although it is true that the latter's single function approach cuts the other way. In terms of ideology, stated purpose, decision-making, dynamics, and instruments, there is no doubt that the EC is a better vehicle than NATO for the pursuit of initiatives in foreign policy.

Yet whether in relation to its special advantages or to its peculiar problems, we should be careful about developing the theory of sanctions around the European case. In terms of promoting international order, the European experience is simply incommensurable. Moreover, in terms of the instruments of foreign policy, the Community is neither fish nor fowl, neither state nor alliance. Although it has some undoubted advantages from the viewpoint of a collective sanctions strategy, it also has important and distinctive problems. Since other groups of states are likely to encounter equivalent hurdles without possessing the equivalent advantages, the outlook for successful international ventures in the area of sanctions is hardly very bright.

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June 1983

FOOTNOTES: The Sanctions Problem: International and European Perspectives

1. For a balanced account of the problems and possibilities of sanctions by a practitioner see, Robin Renwick, Economic Sanctions (Centre for International Affairs, Harvard University, Cambridge, Mass., 1981).
2. Most states maintain legislation under which they can interfere in trade for reasons of national security, i.e. to prevent the export of items of direct strategic value. Under the Export Administration Act of 1979 the United States in addition provides for government controls for foreign policy reasons, a wider and less precisely defined category, the use of which is disputed even within the US government.
3. For a general discussion of sanctions within the United Nations system see Margaret Doxey, Economic Sanctions and International Enforcement (OUP for the RIIA, 1971).
4. Ibid, p.14.
5. The Times, 19 December 1979.
6. Keesings Contemporary Archives 30 April 1982.
7. On mercantilist attitudes to economic warfare see Michael Heilperin, Studies in Economic Nationalism (Geneva, Droz, 1960) Chapter 2.
8. For an attempt to argue otherwise, see M. Heilperin, The Economic Foundations of Collective Security (1943) reprinted as Appendix 1 in Studies in Economic Nationalism op. cit.
9. For a discussion of the background to Article 21 of the GATT see, John H. Jackson, World Trade and the Law of GATT (Bobbs-Merrill, New York, 1969) pp.748-52.
10. Irving Kravis, Domestic Interests and International Obligations (Westport, Connecticut, 1975) p.115.
11. GATT CN 159, 10 August 1982.
12. For the exchange of mutual recriminations by the United States and Poland see GATT L/5390, 22 October 1982, L/5396, 28 October 1982, L/5396/add 1, 28 October 1982, L/5396/add 2, 28 October 1982 and L/5396/add 3, 29 October 1982. In the course of these exchanges the United States first requested consultations on the subject of Poland's performance with respect to its rate of imports commitment under GATT Schedule LXV (the instrument of its accession) and then when the invitation had been accepted proceeded to suspend Poland's MFN status unilaterally.

13. For the text of the Declaration see Keesings Contemporary Archives, May 1983 32169A. The relevant section reads as follows: 'In drawing up the work programme and priorities for the 1980s, the contracting parties undertake individually and jointly , ... (iii) to abstain from taking restrictive trade measures for reasons of a non-economic character, not consistent with the General Agreement.'
14. James Barber, 'Economic Sanctions as a Policy Instrument', International Affairs, July 1979, pp 367-384.
15. See US Export Administration Annual Report 1980, International Trade Administration, US Department of Commerce (GPO Washington DC) p.144.
16. Robert Paarlburg, Lessons of the Grain Embargo, Foreign Affairs, Fall 1980, pp.160-1.
17. On this question see William Wallace, 'Issue Linkage Among Atlantic Governments', International Affairs, April 1976, pp.163-179.
18. Even while the United States was attempting to rally support amongst its allies for the draft UN Resolution, Japan asked for the exclusion of a joint Japanese Iranian petrochemical project for which the Japanese Government had already committed finance to the proprietor, Japan Mitsui, Frankfurter Allgemeine Zeitung 10 January, 1980.
19. Carter stepped up the public pressure on his European allies in a television interview and during a speech at the annual convention of the American Society of Newspaper Editors in which he was unusually outspoken about European footdragging. "They ask for leadership but at the same time they demand independence of action ... They ask for understanding ... yet they often decline to understand us in return." Dr. Brzezinski, Carter's National Security Advisor went even further. "We cannot accept the proposition that either genuine detente or our common security is divisible. Especially in the context of the challenge which may affect allied interests more rapidly and drastically than our own." Sunday Times, 13 April 1980.
20. Office of Technology Assessment, US Congress (Farnborough, Gower, 1981), pp.67-72.
21. Doxey, op. cit., p.25.
22. Text of Mrs. Kirkpatrick's speech of 30 April 1981 to the UN Security Council concerning Namibian independence. Quoted in David Hunter, American Foreign Policy Export Controls as a Threat to Western Interests and Security, unpublished typescript.

23. International Herald Tribune, 11 January 1980. The power of this decision lay ultimately with member governments, but the Common Agricultural Policy and the requirement to manage trade policy give the Commission considerable powers of initiative. Cereal exports are finally approved by a Cereals Management Committee, on which both the states and the Commission are represented, but the latter was quick to let it be known that it favoured a ban on grain sales. For some brief background material on the making of agricultural trade policy in the EEC see Joan Pearce: The Common Agricultural Policy - Chatham House Papers No. 15, London, Routledge & Kegan Paul for the Royal Institute of International Affairs, 1981, pp.10-15.
24. The Guardian, 16 January 1980.
25. Bulletin of the European Communities EC 2-1980, p.78.
26. The Times, 20 February 1982 (report on the acrimonious debate in the European Parliament of the previous day, in which Mr. Dalsager, the Agricultural Commissioner, admitted that in 1980 100,000 tons of butter had been exported to the USSR, as against an average of 70,000 over a three year period.
27. John Wyles, in the Financial Times, 19 May 1980.
28. See The Times 10 January 1980 for the American anticipation of allied cooperation.
29. This decision was taken at the Luxembourg Council Meeting of 22 April 1980. Bulletin of the European Communities EC 4- 1980 pp.24-5.
30. A small delay still took place because of the reliance on national procedures of implementation. Bulletin of the European Communities, EC 5- 1980, pp.26-8.
31. Keesings Contemporary Archives, 24 October 1980, pp.30535-6.
32. For some informed speculation about the nature of the contingency plan see Stephen Woolcock: Western Policies on East-West Trade, Chatham House Paper No. 15, pp.63-4. London, Routledge & Kegan Paul for the Royal Institute of International Affairs, 1982.
33. The Times, 31 December 1981, and Keesings Contemporary Archives, 30 April 1982, pp.31453-57.
34. Bulletin of the European Communities, EC 12- 1981, p.12.
35. Bulletin of the European Communities, EC 1- 1982, pp.44-5, Meeting of 26 January 1982 (emphasis added).

36. Bulletin of the European Communities, EC 2- 1982, p.49.
37. As in, for example, General Jaruzelski's early meeting with the ambassadors of the Ten - which admittedly led to some confusion and irritation. The Guardian, 4 January 1982.
38. Keesings Contemporary Archives, 30 April 1982, 31460ff.
39. Bulletin of the European Communities, EC 5- 1982, p.74. The two issues were clearly 'linked in reality', to adapt Henry Kissinger, and set-backs in one soon affected the other and increased the fragility of the British positions.
40. For a more favourable view of the impact of sanctions in the Argentinian case, see: Daoud; M.S., and Dajani, M.S.: 'Sanctions: The Falklands Episode', The World Today, April 1983. More in agreement with the author here is Margaret Doxey: "International Sanctions: Trials of Strength or Tests of Weakness", Millennium: Journal of International Studies, Vol. 12 No. 1, Spring 1983.
41. Recent useful appraisals of EPC include: Philippe de Schoutheete: La Cooperation Politique Européenne, Brussels, Editions Labor, 1980, and David Allen, Reinhardt Rummel, and Wolfgang Wessels (Eds): European Political Cooperation, London, Butterworth, 1982.
42. See James Barber: 'The EEC Code for South Africa: Capitalism as a Foreign Policy Instrument', The World Today, March 1980.
43. See the text of the 'joint statement on political issues' released after the second ASEAN-EEC ministerial meeting, 7-8 March 1981 (Malaysian High Commission in London), and Michael Leifer: 'The European Community and ASEAN: The Political Relationship' in John C. Kuan (Ed) The European Economic Community and Asia, Asia and the World Institute, Taipei, 1982.
44. Europe, Political Day (Luxembourg and Brussels) No. 3023 20 November 1980.
45. See Christopher Stevens (Ed) EEC and the Third World, A Survey. II - Hunger in the World, London, Hodder and Stoughton in association with the Overseas Development Institute and the Institute of Development Studies, 1982, pp.6-7.
46. See Hermann da Fonseca Wollheim: Ten Years of European Political Cooperation, Brussels, 1981, p.26. Mr. Wollheim is an employee of the Commission who has followed EPC closely. He writes in a personal capacity.

47. For an excellent discussion of the legal and political aspects of parallel Community and member-states action in a single case, see: Pieter Jan Kuyper: 'Community sanctions against Argentina: Lawfulness under Community and International Law', in D. O'Keefe and H.G. Schermers, (Eds): Essays in European Law and Integration, 1983, Deventer, Kluwer, 1982.
48. The 'Solemn Declaration on European Union' agreed at Stuttgart on June 19 1983, contains no new tangible commitments to increased integration. See The Times, 20 June 1983.
49. The points made in this paragraph are made in greater depth in Christopher Hill: 'Changing Gear in Political Co-operation', The Political Quarterly, Jan.-March 1982, Vol. 53, No. 1.
50. See Judith Miller: 'When Sanctions Worked', Foreign Policy, 39, Summer 1980.

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