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ON THE EFFECTIVENESS OF UN SECURITY COUNCIL SANCTIONS: HSE APPROACH TO THE CASE OF IRAN

This paper attempts to examine the quiddity of the sanctions placed on Iran by the United Nations, addressing their effectiveness, first of all. Having scrutinized the relevant Security Council Resolutions the researcher draws the conclusion that these sanctions could not be expected to be of a major outcome, if not a major impact, particularly in the long-term. The implementation of sanctions is obviously more costly and there is no guarantee that the required costs would be constantly and cooperatively paid by the senders so that the sanctions would achieve their objectives. The author holds that such punitive measures would lead to fundamental changes in the political behavior of Tehran.

Keywords: Iran; UN; sanction.

Тохід Асаді

ДО ПИТАННЯ ПРО ЕФЕКТИВНІСТЬ САНКЦІЙ ООН: На прикладі Ірану

У статті проаналізовано санкції ООН щодо Ірану з акцентом на їх ефективності. Детальний аналіз продемонстрував, що санкції не мали ані суттєвих результатів, ані особливого впливу у довгостроковій перспективі. Застосування санкцій саме по собі є досить витратним, і при цьому немає гарантії, що всі зобов'язані країни будуть неухильно та постійно дотримуватись них. Доведено, що дані каральні міри не змогли вплинути на політичну поведінку Тегерану, як те планувалось.

Ключові слова: Іран; ООН; санкції. Рис. 2. Табл. 1. Літ. 44.

Тохид Асади

К ВОПРОСУ ЭФФЕКТИВНОСТИ САНКЦИЙ ООН: НА ПРИМЕРЕ ИРАНА

В статье проанализированы санкции ООН на Иран с акцентом на их эффективности. Детальный анализ показал, что санкции не имели ни значимых результатов, ни особенного влияния в долгосрочной перспективе. Применение санкций само себе достаточно затратно, и при этом нет гарантии постоянного и неуклонного следования им всеми вовлечёнными странами. Доказано, что данные карательные меры не смогли повлиять на политическое поведение Тегерана, как планировалось. Ключевые слова: Иран; ООН; санкции.

Introduction. The 1979 Islamic Revolution marked a turning point in the history of Iran from a number of aspects, including but not limited to foreign policy. With power changing hands, Tehran went through a paradigmatic shift in its foreign affairs, particularly when it came to many of its one-time allies in the West. The most significant and fundamental of this shift was that in the ties between Tehran and Washington. Drastically shifting political landscape brought on by rise of the Revolution resulted in ties disruption between Iran and the US so much so that rarely would it be found another instance of such a rancorous relation between Washington and any other country in the past decades.

The hostile nature of the ties between these two countries could be traced out in numerous actions taken by the sides since 1979. Amongst the most outstanding reali-

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zations of this hostility was the time when Washington started to place economic sanctions on Iran after the Hostage Crisis. The significance of this very first round of sanctions is that not only did they lay the foundations of other US sanctions on Iran in the coming years, but also set the ball rolling for other countries and international organizations. In a while, sanction regimes turned out to be an inseparable part of Western policy regarding Iran.

Reasons behind sanctions are grounded upon the variety of mind-sets different in nature. Concerns about possible access to nuclear weapons are mentioned from time to time as a claimed reason for putting sanctions on Iran (Huntington, 1999; O'Sullivan, 2010). Torbat (2005), however, asserts that the West has placed economic sanctions on Iran insofar as Tehran has challenged Western domination in the region which contains two-thirds of the world oil reserves and produces about one-third of the daily world oil (Sharland et al., 2013). Effectiveness of sanctions placed on Iran, regardless of motivations behind them, is a persisting question for which there is no clear answer, although a considerable amount of scholarly effort has been put to the matter (Carswell, 1981; Lindsay, 1986; Alavi, 2003; Yang, Askari, Forrer and Teegen, 2004; Torbat, 2005; Takeyh and Maloney, 2011; Crane, 2012; Patterson, 2013; Mehrabi, 2014). Given the importance and influence of United Nations Security Council sanctions placed on Iran, this paper attempts to discuss the quiddity of this regime, and then, to investigate the probability of these sanctions effectiveness. The study employs the HSE approach as a theoretical framework, seeing that this approach seems applicable for compiling multilateral and international sanction regimes.

Theoretical framework. In their book "Economic Sanctions Reconsidered: History and Current Policy" published in 1985, Hufbauer and Schott stated that despite high costs, sanctions are less successful tools when it comes to bringing modifications to the political approaches of target countries. 5 years later, Elliott joined Hufbauer and Schott in publishing the second edition of "Economic Sanctions Reconsidered", in which they concluded that sanctions could be proportionately considered successful about one-third of the times they are employed. The third edition was published in 2007 to embrace 174 case studies, according to which, sanctions are seldom effective in "bringing about major changes in the policies of the target country" (Hufbauer et al., 2007: 162).

Economic sanctions, according to (Hufbauer et al., 1990) are "deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations". They have collected a comprehensive database of economic sanction cases, methodologically employing meta-analysis with the interpretive orientation. The database has been examined broadly by many scholars to develop new theories on sanctions; however, Hufbauer, Schott and Elliott have used their own datebase to develop their conceptual reading of saction regimes which is known as HSE approach. This approach, as Collins states, was induced from the first meta case study on the efficacy of economic sanctions. In fact, HSE approach is based upon the assessment of historical and analytical literature on sanctions. It examines the condition under which a sanction regime could be effective the most. According to HSE approach:

1. Economic sanctions need to follow the objectives which are relatively modest in nature. Major changes in political behavior of a target country are almost impossible through the channel of sanctions. 2. Sanctions would be functioning providing that the economic situation of a target country is feeble and fragile enough to be damaged as a result of external economic pressure. The extent to which sender agent's/agents' economy is larger than that of a target country does not essentially guarantee the effectiveness of a sanction regime.

3. The cost of sanctions for a target country should extensively outweigh what it costs for sender(s).

4. The more two sides are interdependent, the more sanctions happen to be working. In other words, imposing sanctions on adverse countries is predicted to be less successful. For instance, a financial sanction regime is capable of producing an intended result when there is an economic tie between a target and a sender or at least when a sender could have a striking effect on economic ties of a target country with others.

5. Time is another determining factor concerning the effectiveness of sanctions. In order for a sanction regime to be properly working, it should be imposed as harshly and quickly as possible, thwarting any possibility of circumvention. Mildness in imposing sanctions gives the target country the chance to find new ways to keep on with its policies. As time passes, the sanctioned country is increasingly possible to find new resources to meet its demands. Also it can resort to new international allies and trading partners to obtain the required supplies.

6. Experimentally verified is that as the number of countries imposing a single sanction regime increases, the effectiveness of the regime does not necessarily rise. In other words, multilateralism in sanctions does not always secure their inescapability. In many cases, unilateral sanctions have been observed to be more effective than multilateral ones. A successful multilateral sanction system needs a coherent coordination which might cost a lot for senders (Hufbauer et al., 1990; Cortright and Lopez, 1995; Collins and Bowdoin, 1999; Asadi, 2014).

Iran and United Nations sanctions. Under Chapter VII of the Charter of the UN, the Security Council is legally given the right to take executive measures to maintain or restore international peace and security. Including economic or other kinds sanction, such measures, however, do not involve the use of armed force and international military action (Oshunrinade, 2010). The Article 39 of Chapter VII states that "the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42".

The measures mentioned in Articles 41 and 42 include complete or partial break in economic relations, interruption of rail, sea, air, postal, telegraphic, radio, and other means of communication, and cut-off in diplomatic relations as well as taking actions such as demonstrations, blockade, and other operations by air, sea, or land forces of members of the United Nations. The Charter goes with Articles 43 and 49 stating that all the UN members should assist the Security Council to take the needed measures.

The very first failed attempt to impose sanctions on Iran through the channel of the United Nations dates back to the time when the US former President Jimmy Carter asked the Security Council to adopt sanctions against Tehran in 1979. The request, however, did not go anywhere due to Soviet veto on 13 January 1980 (Carswell, 1981). Less than 3 decades later, the Security Council started placing sanctions on Iran.



Figure 1. Timeline of Security Council Resolutions on Iran, author's presentation

UNSCR 1696. The first Resolution Security Council adopted regarding Iran dates back to 31 July 2006. The draft resolution (Document S/2006/589) was sponsored by France, Germany and the United Kingdom. The Security Council adopted the text as Resolution 1696 by the vote of 14 in favor. Qatar was the only country voting against the Resolution (Security Council SC/8792, 2006), declaring that Iran had not rejected the package proposed by France, Germany, United Kingdom, China, Russia and the United States. At the same time, Iran's President of the Atomic Energy Organization said that Tehran's response to the package would not be influenced by the Resolution (Aghazadeh, 2006).

Among the resilient proponents of the resolution was the United States. The US ambassador to the UN John R. Bolton was the only representative in the 15-member body to claim that Iran is in a bid to access nuclear weapons. He said "Iran had defied the international community by continuing its pursuit of nuclear weapons, and the continued defiance of its leadership demanded a strong response from the Council" (Security Council SC/8792, 2006).

Although Resolution 1696 did not include any immediate imperative for sanctioning Iran, it paved the way for the subsequent resolutions to end up with placing sanction regimes. The first 10 clauses of Resolution 1696 are considered to be explicitly based upon the Article 40 Chapter VII of the UN Charter (Ansarian & Alekajbaf, 2013). The Resolution expressed "serious" concerns about Iran's nuclear activities. The reason for such concerns reportedly stemmed from IAEA resolutions and reports including GOV/2006/14, GOV/2006/15, GOV/2006/27 and GOV/2006/38. Whether or not the mentioned concerns were reasonable became a controversial issue on which never did the two sides come to an agreement.

By adopting Resolution 1696, the Security Council demanded Iran to "suspend all enrichment-related and reprocessing activities, including research and development, and gave it one month to do so or face the possibility of economic and diplomatic sanctions to give effect to its decision" (Security Council SC/8792, 2006). However, being a signatory to the Nuclear Non-Proliferation Treaty (NPT) in 1968, and having ratified it in 1970, Iran continued its nuclear activities and insisted that the concerns mentioned in the Resolution were baseless.

UNSCR 1737. The Article 41 Chapter VII of the UN Charter forms the legal basis for consequent measures taken by the Security Council in the coming resolutions on. Having declared that Iran had not fulfilled the conditions laid out in Resolution 1696 (Morris, 2012), the Security Council adopted Resolution 1737 on 23

December 2006 at its 5612th meeting. IAEA reports including GOV/2006/14, GOV/2006/15, GOV/2006/27, GOV/2006/38, GOV/2006/53 and GOV/2006/64 were mentioned in the Resolution as a source of concern for the Council. These concerns embraced Iran's refusal to take the steps defined in Resolution 1696.

Resolution 1737 was the first in the Security Council to place sanctions on Iran. It included "blocking the import or export of sensitive nuclear material and equipment and freezing the financial assets of persons or entities supporting its proliferation sensitive nuclear activities or the development of nuclear-weapon delivery systems" (Security Council SC/8928, 2006). Initiation of placing Security Council sanctions on Iran happened in a period of time when the US sanctions on Tehran had reached the minimum of efficiency on the Iranian economy. American corporations, as Shahrestani and Anaraki (2008) state, suffered from the consequences of sanction and that was for the benefit of non-American competitors. Iran's import from the US, as demonstrated in Table 1, decreased to almost zero in 2006. Simultaneously, Islamic Republic's export, as reported by the Central Bank of Iran, gradually began to increase from 2002 to 2006 (Figure 2).

Table 7. Chare of frain o importe by course fraditional suppliers (Estelarin, 1995)			
Time Period	The US	Western Europe	Other
Pre-revolution (1975–1978)	18.5	48.7	17
Revolution and Iraq War (1979–1988)	1.8	47.8	37.4
Post-war Reconstruction (1989–1992)	2.1	52.1	34.4
Dual Containment (1993–1996)	3.3	45.8	42.6
Iran-Libya Sanctions Act (1996–2006)	0	44.9	48.6

Table 1. Share of Iran's Imports by Source Traditional Suppliers (Estelami, 1999)





The US then tried to gain support of international community to inflict damage upon Iran's growing economy through Security Council sanctions. The US Representative to the UN Alejandro Daniel Wolff, on paragraph 19 of Resolution 1737, wrote that "the United States believes it is essential that Member States fully and effectively implement their obligations under UNSCR 1737". The sanctions placed on Iran by Resolutions 1737 targeted entities and people involved in nuclear and missile programs.

UNSCR 1747. 4 months after Resolution 1737, the Security Council unanimously adopted the Resolution 1747 which meant additional sanctions for the Islamic Republic. The draft was submitted by France, Germany and was the United Kingdom and passed on 24 March 2007. Iran was asked to suspend all enrichmentrelated and reprocessing activities, including R&D.

According to Resolution 1747, direct or indirect imports of arms or related material from Iran were prohibited. Also, countries were asked not to provide Iran with battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as well as relevant technical assistance or training, financial assistance, investment, brokering or other services. After 1747 Resolution, Iran's total TIV value of arms export immediately decreased to one-sixth from 2007 to 2008, according to Stockholm International Peace Research Institute (SIPRI) statistics.

UNSCR 1803. Passed on 3 March 2008, Resolution 1803 lengthened the list of Iranian blocked officials and companies. It confronted Tehran with more difficulties in international transit processes. The Security Council approved new sanctions against Iran in Resolution 1803. The reason for the new round of sanctions was said to be Iran's refusal of the requirements stated in Resolutions 1696, 1737, and 1747 which were to persuade Tehran suspend uranium enrichment and heavy-water-related projects (Security Council SC/9268, 2008).

Sanctions and restrictions mentioned in Resolution 1803 included:

1. Vigilance and restraint regarding individuals engaged in or providing support for Iran's nuclear activities.

2. Extensions for the freezing of financial assets of persons or entities (18 individuals and 12 companies) supporting Iran's nuclear activities.

3. Vigilance regarding the activities of financial institutions with all Iranian banks, especially Melli Bank and Saderat Bank.

4. Blockage of import and export of sensitive nuclear material and equipment, except for the use in light-water reactors.

5. Precise inspection of cargo to and from Iran.

UNSCR 1835. At its 5984th meeting, the Security Council adopted another resolution which was once again proposed by the P5+1. All 15 members of the Council voted in favor of Resolution 1835. Indonesia which was the only country abstained from voting for Resolution 1803 in 2008, came to vote for this resolution, noting that it did not contain additional sanctions against Iran (Security Council SC/9459, 2008). Adopted on 27 September 2008 in response to IAEA report (GOV/2008/38), 1835 is the shortest resolution containing only 240 words. Apart from reaffirmation of the 4 earlier resolutions, the Resolution 1835 brought up the "dual-track approach" in dealing with Iranian nuclear issue. After the adoption of Resolution 1803, the dual-track approach was introduced in a statement issued by the Foreign Ministers of China, France, Germany, Russia, the United Kingdom and the United States with support of the High Representative of the European Union. Russian UN

Representative Vitaly Churkin stated that the idea for the Resolution was proposed by Moscow, aimed at focusing minds on political, rather than military solutions, BBC reported on 28 September 2008.

After Resolution 1835 adoption, the Council went through a gradual shift of behavior in dealing with Iran's nuclear issue. The courses of action taken by Security Council permanent members from 2008 onwards demonstrate a relatively shared willingness to handle the matter with a more diplomatic approach. The West turned to the table of negotiation, having realized that coercive tactics per se is not working here. It is important to note the nature of requirements mentioned in resolutions. While earlier resolutions required Iran to "suspend all enrichment-related and reprocessing activities" and banned "the import or export of sensitive nuclear material and equipment", the subsequent ones came to introduce the requirement of a more cooperative approach to deal with Iranian nuclear issue.

UNSCR 1929. Less than two years after Resolution 1838, the Security Council passed Resolution 1929 to increase the pressure on Tehran regarding its nuclear program. The Resolution was strongly supported by China, France, Germany, Russian Federation, United Kingdom and the United States. Through Resolution 1929 which was passed on 9 June 2010, the Security Council looked for a systematic control over sanctions implementation. Therefore, the UN Secretary-General asked to create a panel of experts to monitor sanctions implementation (Security Council SC/9948, 2010).

Annexed to the Resolution was the fourth round of sanctions imposed on Iran, including ban on Iranian certain nuclear and missile investment abroad, conventional arms ban, ban on ballistic missile activities, additional items banned for transfer, new cargo inspection framework, new procedures to deal with contraband items, ban on bunkering services, measures to restrict the Islamic Republic of Iran Shipping Lines and Iran Air's cargo division, new tools to block proliferation finance, vigilance over all Iran's companies, new banking measures, new measures to limit the role of the Islamic Revolutionary Guard Corps (IRGC), and targeted sanctions on specific individuals and entities (Fact Sheet on the new UN Security Council Sanctions on Iran, 2010).

With each Resolution, the West "faced mounting difficulty winning international consensus to expand sanctions against Iran, particularly from Russia and China" (Starr, 2010). Resolution 1929 was adopted with 12 votes for the least compared to the previous 5 and the two subsequent resolutions on Iran. Brazil and Turkey were the first and also the last countries voting against a Resolution on sanctioning Tehran. The reason behind their disapproval was the joint declaration signed among Tehran, Ankara and Brasilia on 17 May 2010 (Ozkan, 2010). According to the declaration, Iran agreed "to deposit 1,200 kg low-enriched uranium in Turkey", BBC reported.

Despite the harsh nature of the UN sanctions especially those placed through Resolution 1929, they did not force a fundamental shift in Iran's policies. True, increase in consumer prices, decreases in oil production and exports, declining GDP and were among the problems Iran faced as consequences of sanctions; but the main objective of embargoes was not achieved due to "lack of international unity" (Thompson, 2010). The US realized the need for cooperative interaction with countries like China (Downs and Maloney, 2011: 15) so as to get in international sanctions.

Never would placing additional sanctions have been justifiable, in case the previous sanction regimes had achieved the defined objectives in some measure. It obviously indicates that comprehensiveness and extensiveness play a significant role in the ultimate implementation attainment of a sanction regime. In other words, adding further items to the list of UN sanctions in Resolution 1929 meant that the earlier items had not been working. In order to guarantee the comprehensiveness of sanctions, the Resolution included considerations on nuclear energy, politics, economy, agriculture, environment, infrastructure, civil aviation, social and human development, and humanitarian issues.

UNSCR 1984, 2049, 2105. Adopted in 9 June 2011, Resolution 1984 decided to extend the mandate of the Panel of Experts until 9 June 2012. It also requested the Panel "to provide to the Committee a planned program of work no later than thirty days after the Panel's appointment (S/RES/1984, 2011). The resolution, presented by France, Germany, the UK and the USA, was adopted with 14 voting in favor and one abstention (Lebanon).

Resolutions 2049 and 2105 were adopted respectively on 7 June 2012, and 5 June 2013 to extend the mandate of Expert Panel on Iran Sanctions, both emphasizing the importance of credible, fact-based, independent assessments, analysis, and recommendations in accordance with the mandate of the Panel as specified in Resolution 1929.

Conclusion. In retrospective, the Security Council does not have a necessarily successful experience with sanctions. North Korea could be referred to among other examples in which the UN sanctions have ended up with failure. Placing sanctions on the Asian country, as Noland (2009) argues, has had no perceptible effect on North Korea's trade with the country's largest trade partners. Another strict UN sanctions program was against Afghanistan's Taliban regime which did little to bend the Taliban leadership or rein in the activities of their al-Qaeda guests (McMahon, 2006). UN sanctions also turned to the organization's worst scandal in case of Iraq oil-for-food program (Friedrichs, 2013). There are also numerous instances of poorly enforced measures aimed at blocking the flow of weapons to Africa's civil war combatants during the 1990s (McMahon, 2006).

In case of Iran, there is an evident inconsistency between scholars; whilst one group believes that Tehran's best struggles to circumvent the sanctions have failed to provide much relief (Fikenscher and Reardon, 2014), the other holds that the current sanctions have limited effect in practice (Vines, 2012). With all these said, the following points could be briefly concluded with an eye to the theoretical framework presented in this study.

1. UN sanctions follow objectives which are not modest in nature and the policy shifts sought after by the sanctions are considered to be "red lines" in the discourse of Iran's political leaders. With regard to the HSE approach, sanctions of such a nature could not be expected to result in the desired changes.

2. Iran's post-revolution economy has gone through numerous ups and downs during the events such as Iraqi invasion (September 1980 to August 1988). Fallen on hard times over the past decades, Iranian economy have gradually mastered to cope with difficulties due to sanctions. It has also attempted to reduce economic vulnerability to oil industry as one of the main subject of sanctions. Emphasized by Iran's

Supreme Leader Ayatollah Khamenei, the idea of resistive economy aiming at optimized allocation of resources and knowledge-based production has been attempted to be practiced in the recent years. At the macrolevel, this approach is inspired from the Islamic economy which aims at increasing communities' wealth and social welfare (Asadi A., 2014). With more than three decades of experience, Tehran's economy seems far enough from being adequately feeble and fragile so that it could survive sanctions. Furthermore, the experience of US post-1980 sanctions indicates that Iran enjoys the aptitude to minimize the impact of the harshest sanction regimes.

3. Creation of a Panel of Experts to monitor sanctions implementation in 1929 Resolution showed that in spite of all the considerations and consensuses, UN sanctions are not necessarily guaranteed to be implemented. The following 1984, 2049, and 2105 Resolutions are all indicative of the fact that sanctions implementation is obviously more costly and demanding than a straightforward adoption of a resolution. Establishment of such a Panel gives the clue that Security Council Resolutions should not be taken for granted for being binding all the time.

4. The opportunity cost of sanctioning Iran for countries is an important issue to be investigated. Although countries agree to give up the benefit of trade with Iran, the truth is that many of these countries may not overlook the advantages coming from economic ties with Iran. It should be noted also that the strongest proponerets of Iran sanctions at the international level include those states with severed, if any, ties with the Islamic Republic. Other countries, however, might back the sanctions merely due to political motivations, with less determination to employ such measure in pratice. Whilst a successful multilateral sanction system needs a coherent coordination amongst the senders, the sanction regime placed on Iran through Security Council Resolutions seem to lack such a coherence.

5. It is around 8 years that UN Security Council has started placing sanctions on Iran. This period of time has provided Tehran with a prospect to find and develop new approaches to measures countering sanctions. Although not all the developed approaches have succeeded to pass the test of time, some attempts have led to considerable achievements particularly in respect of an increasing domestic knowledge-based production.

Acknowledgment. The author would like to extend his profound gratitude to Dr. Foad Izadi, Dr. Mohammad Ali Mousavi, and Mr. Hossein Safari from the University of Tehran for their precious commentaries on the initial draft of this paper. In terms of funding, this research received no specific grant from any agency in public, commercial, or non-profit sectors.

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Стаття надійшла до редакції 20.05.2015.