

## The Economic War on Iraq After the End of the Iraq-Kuwait War Under International Law and Organizations

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### Abstract

This paper is an analysis of the economic sanctions that were imposed on Iraq after the Iraq-Kuwait war as a part of the international law and the role of the international organizations, especially the United Nations. The study explores the determination of whether these sanctions were mainly motivated by the invasion of Iraq of Kuwait or by larger geopolitical interests, in particular, that of the Western powers. Based on the analysis of UN Security Council resolutions and empirical evidence, this thesis claims that economic measures were one sort of economic warfare that was not limited to the mentioned goals of reestablishing the sovereignty of Kuwait. The research uses a mixed-method methodology, the use of qualitative and quantitative data of the secondary sources such as governmental reports, scholarly sources, and records. The results indicate that the sanctions had great humanitarian costs to the civilian population in Iraq, casting serious doubt regarding their illegality before the international humanitarian law. The study proves that whereas the sanctions were supposed to force Iraq to comply with the international norms, they disproportionately impacted vulnerable groups, especially children, and had an outcome of widespread economic decline. The research is relevant to the academic discussion of the effectiveness and ethical consequences of comprehensive economic sanctions as a tool of international policy since it provides critical information on the conflict between state sovereignty, humanitarian obligations, and international enforcement of the law.

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### Introduction

The Iraq-Kuwait crisis of 1990 is one of the greatest international conflicts in the recent Middle East history, which caused the full-fledged international response that essentially changed world diplomacy and international law enforcement. The situation between Iraq and Kuwait had boiled down to a great extent in the summer of 1990 (Khadduri & Ghareeb, 1997). On July 20, Iraq started deploying troops on its border with Kuwait which signaled the deterioration of diplomatic relations. Mediation was initiated by Saudi Arabia and Egypt with delegates at a conference in Jeddah July 31 (Freedman & Karsh, 1993). Iraq invaded Kuwait in full scale on August 2, though Iraq had already promised not to attack Kuwait (Musallam, 1996).

The power was quickly centralized with the creation of the Interim Government of Free Kuwaitis by Iraq, occupying Kuwait August 8, 1990 (Khadduri & Ghareeb, 1997). The global community reacted with such unanimity never seen before. Resolution 660 of the UN Security Council was passed on August 2, which called on the Iraqi immediate withdrawal and the criticism of the violation of international law (Grammas, 1991). This was succeeded by Resolutions 661 and 662 that stated the annexation voided and brought about total economic sanctions. Despite international refusal, Iraq did not comply.

Aggression by Iraq was condemned by the Arab league that demanded the deployment of Arab military. One of the key meetings of August 10 led to ambivalent support, and 12 countries supported action while 8 voted against or abstained (Freedman & Karsh, 1993), which is a reflection of the dynamic nature of sovereignty and nationalism at the system of Arab states (Barnett, 1995). Saudi Arabia sought military help of western forces and the Arab nations. The UN strengthened enforcement by Resolution 665 that authorized maritime inspections (Grammas, 1991). The inter-Arab response exemplified how tensions and divided loyalties of the region order were depicted (Korany & Dessouki, 1991). Finally, 28 countries supplied military troops, Japan gave support in non-military terms.

The paper gives a detailed structure of the economic sanctions that have been imposed on Iraq after the war, and critically analyzes their appropriateness in the international legal framework and the role of the United Nations in this enforcement practice. The study examines the legal justification, geopolitics as well as the utilization of economic instruments as a means of international diplomacy. Moreover, it looks at the wider economic and social impacts on the civilians in Iraq and gives a critique on the humanitarian impact and ethical effects of all-encompassing sanctions regimes. The study benefits legal scholars, international relations theorists, policymakers, and other scholars who are interested in the complex connection between international law and global governance and economic warfare.

### **1.1 Research Hypotheses**

There are two major hypotheses in this study. The first one postulates that the economic sanctions were not imposed mainly because of the conflict of Iraq-Kuwait, but because of greater Western geopolitical and economic stakes in the regional oil reserves and the development of a post-Cold War international order. The second argues that the sanctions had disastrous economic effects on the civilian population of Iraq, with massive humanitarian impact that might have breached the principles of international humanitarian law. These hypotheses provide the foundational framework for investigating whether the sanctions regime had been rightful application of international law or was collective punishment violating the set legal and moral laws.

### **Literature Review**

The scholarly work that was analyzed about the economic sanctions that were placed on Iraq after the Gulf War is a place where different views are brought forward, and they together shed more light on the complexity that is present in this international intervention like no other. This literature review summarizes available literature to find major themes, controversies and knowledge gaps in the regime of sanctions and their implications.

### **2.1 Historical-Contextual and Political Impetuses**

The geopolitical and economic reasons that caused the invasion of Kuwait by Iraq have been extensively documented. The Iraqi economy depended basically on the oil earnings to fund the imports, cover the foreign debt as well as political stability (Alnasrawi, 2001). The country had imported 70-80 per cent of its food supplies and had little control over oil revenues, that were determined on OPEC decisions (Khadduri & Ghareeb, 1997). Persistent disagreements on the level of production as set among OPEC members caused falling prices below agreed prices, significantly depleting Iraqi income.

Iraq was always in support of increased oil prices in line with Iran, Algeria, Libya, and Venezuela with the view of safeguarding the national economic interests (Alnasrawi, 2001). On the contrary, Kuwait, Saudi Arabia, and the UAE favored high production irrespective of the changes in prices. This divergence in economic policy produced tensions that led to the ultimate eruption of war (Freedman & Karsh, 1993).

Kuwait was a country that had not only oil exports, but also had foreign investments of great magnitude that were a source of provision of economic vigor, financial flexibility to sell petroleum at competitive prices (Khadduri & Ghareeb, 1997). OPEC set its price at \$18 per barrel, but Kuwait policy gave itself an addition of production as the prices went up and broadened its national wealth as Iraq failed with falling prices, war expenditures, and scanty diversification.

The Iran-Iraq War (1980-1988) had put Iraq in huge foreign debt accrued in the course of the warfare (Alnasrawi, 2001). Total debt was estimated to be around \$40 billion to Arab countries, \$35 billion to Western countries and \$11 billion to Eastern European countries. During 1991-1995, Iraq had \$75.3 billion debt obligations and the average of the debt is \$15.1 billion yearly (Gordon, 2010).

The war put the Iraqi workforce under a lot of pressure and military conscription was on the increase since 0.26 million (8.7%) in 1977 to more than 1 million (21.2%) in 1988 (Dodge, 2010). As a strategy to overcome labor shortages, Iraq employed foreign employees of Egyptian origin. In 1987, Iraq unveiled an ambitious privatization agenda that sees industries owned by the state handed over to the private sector with strategic industries being under the control of the state (Alnasrawi, 2001).

### **2.2 The International Law and UN Sanctions Regime**

The jurisprudence of UN sanctions is an important field of research. Gordon (2024) offers an authoritative study of the legacy of the sanctions and discusses both immediate effects and the long-term consequences on the international legal norms. The sanctions regime was unparalleled in scope, duration and severity.

On August 6, 1990, the UN Security Council passed a resolution, 661, in which it set up extensive sanctions, which included the banning of virtually all trade except medical supplies (Grammas, 1991). The resolution, 687, passed April 1991, provided far-reaching terms of sanctions relief such as full disarmament, acceptance of the sovereignty of Kuwait and consent to pay reparation (Cortright, Lopez, & Gerber, 2002).

The sanctions have passed through different stages (Dodge, 2010). The initial phase (August 1990-March 1991) was the most restrictive. After the ceasefire sanctions switched to long-term enforcement where Iraqi would be forced to comply with disarmament requirements. During the 1990s, as the humanitarian effect continued to accumulate, the Security Council tried amendments, such as the Oil-for-Food Programme which was launched in 1995.

The legal grounds were based on Chapter VII of the UN Charter. Nevertheless, this application cast serious doubts on proportionality and consistency with international human- itarian and human rights law (Weiss, 1999). The comprehensive nature was criticized, who contended that it was more than could be justified especially when the primary victims were Iraqi civilians and not political leadership.

### **2.3 Humanitarian Effect and Mortality Controversies**

The most disputed one is the humanitarian implication, especially child mortality. Ini- tial reports have reported extreme worsening of the general health. Ascherio et al. (1992) found significant mortality rates are caused by war damage and sanctions. Ali and Shah (2000) calculated a number of several hundred thousand unnecessary child mortality because of mal- nutrition, insufficient water access, and avoidable illnesses due to healthcare system collapse.

Nevertheless, Dyson and Cetorelli (2017) refuted these results and showed that there were numerous mortality data that were founded on incorrect procedures, unbalanced sampling, and insufficient verification. Although sanctions certainly had their adverse effects, they were significantly less than often alleged. Spagat (2010) also criticized the quality of data, observing statistical manipulation of politics. Daponte and Garfield (2000) gave historical background that Iraq had made significant health gains in the 1970s-80s which emphasized the strength of regression in the case of sanctions.

### **2.4 Economic Implications and Capacity of the State**

Alnasrawi (2001) records almost the complete destruction of the formal economy of Iraq, hyperinflation, devaluation of the currency and black markets. Sanctions severed Iraq from the world economy, it cannot import essential industrial inputs and technologies. The oil industry was hit especially as imports of equipment needed to facilitate it were curtailed, undermining production capacity (Alnasrawi, 2001).

Gordon (2010) records how sanctions changed the relations between the Iraqi states and society since weakened government ability resulted in the diminishing legitimacy and the growth of other power structures. Millions of people were brought to poverty, middle classes were ruined and the conditions of general want brought about permanent results. The study conducted by Popal (2000) reported extreme decline in the nutritional status, educational per- formance, and quality of life.

### **2.5 Critical Approaches to Sanctions**

Weiss (1999) discusses sanctions as a foreign policy instrument, where there are ten- sions between forceful goals and human interests. According to Zurbrigg (2007), sanctions were a fundamental breach of humanitarian principles, which is collective punishment that is banned under international law. The article by Al Sudani (2022) discusses the effect of sanc- tions on the right to life, arguing the worse degradation was a violation of human rights for which implementing states bore legal responsibility.

## **Methodology**

The study uses a mixed-methodology approach to combine qualitative and quantitative methods in studying economic sanctions against Iraq in the context of the system of interna- tional law, with emphasis on the work of the United Nations Security Council. The method- ological design deals with the multidimensionality of the research questions while maintaining analytical rigor. The research takes a descriptive and analytical method, reviewing the histor- ical development of the sanctions regime and critical analysis of its legal basis, methods of implementation, and its implications.

### **3.1 Research Design and Approach**

The research design is based on the post-positivist epistemological framework of under- standing of the complex nature of international legal and political phenomena while maintain- ing dedication to empirical rigor. The regime of Iraq sanctions can only be understood through considering several aspects at the same time, such as legal aspects, political goals, economic effects, and humanitarian outcomes. The study will use methodological triangulation, relying on various data sources and methods of analysis to build comprehensive understanding.

The timeframe covers the invasion in August 1990 up to the official end of full sanctions after the invasion in 2003, but focuses on 1991-2003. This period enables one to analyze the development of the sanctions regime, how implementation mechanisms were modified in response to humanitarian evidence, and the legal and political reasonings changed with the old casus belli giving way to new reasons that revolved around disarmament and regime change.

### **3.2 Data Sources**

Since research questions are historical, the study is based mainly on secondary data sources with strict criteria used to evaluate sources. Primary sources contain official UN doc- uments, especially the resolutions of the Security Council, UNICEF reports,

WHO, and FAO, and Oil-for-Food Programme documentation. These supply authoritative documentation of the legal system and practice, but they must be critically interpreted given political contexts.

Governmental reports in Iraq, the United States, United Kingdom and other countries directly engaged represent a second category, which gives information on various political motives and reasons. The third category is academic literature that includes peer reviewed articles, academic monographs and reports of research institutions. The review includes the publications of international relations, international law, public health, economics and Middle Eastern studies. Other contextual information is given by historical accounts and journalistic documentation.

### 3.3 Analytical Framework

The analytical paradigm combines a number of complementary methods. Legal analysis is one of the pillars, investigating the sanctions under international law including the UN human rights law, charter and international humanitarian law. This discussion assesses the presence of whether design and implementation of sanctions were in line with the relevant legal constraints and evaluated possible infractions caused by humanitarian effects.

Political economy analysis is a second dimension, which studies the economic aspect. The regime of sanctions was determined by interests, geopolitical goals, and power relations. This strategy looks at the way oil resources affected the international reactions, the way sanctions were used for wider Western strategic designs, and the influence of economic interests on particular design aspects. A third dimension is the humanitarian impact assessment which looks at consequences when it comes to civilian populations in various welfare indicators. This draws upon public health methodologies and human rights monitoring systems to assess effects on mortality, morbidity, nutrition, access to healthcare and quality of life.

### 3.4 Analysis Procedures

The qualitative aspect entails the methodical examination of textual data such as legal documents, policy statements, and diplomatic communications in order to determine patterns and underlying logics. Thematic coding processes sort and establish patterns in the data, and preliminary coding with the identification of manifest themes and later coding with the identification of latent themes. The quantitative aspect includes the study of economic and demographic data such as GDP growth, inflation rates, trade volumes, oil production rates and mortality rates. Analysis includes critical assessment of the data quality, inter-source triangulation, and causal attribution taken into account with several simultaneous shocks.

### 3.5 Limitations

There are a number of shortcomings that must be considered. Depending on secondary sources implies analysis relies on the quality of existing documentation. The politically controversial nature of Iraq sanctions implies that the available information was created by actors who had obvious political motives. The ban on independent research access to the data at the time of sanctions provided gaps in the data. The sanctions are associated with outcomes in complex causal pathways that complicate the process of making definite attributions.

The research uses methodological triangulation, systematic source criticism, explicit recognition of uncertainty, and comparison to similar cases to give perspective to the interpretation of findings to overcome these limitations.

## Discussion and Analysis

### 4.1 Geopolitical Motives of Sanctions

The initial hypothesis is that economic sanctions of Iraq represented the wider Western geopolitical and economic interests, and the Iraq-Kuwait conflict is not the main reason. The analysis of the historical record supports this hypothesis to a significant extent, although the relationship between immediate precipitating factors and underlying strategic interests requires nuanced interpretation. The justification in the short term was based on the fact that Iraq had violated the international law by its invasion of Kuwait, which was unanimously opposed in Resolution 660 (Grammas, 1991). Sanctions were a legitimate Security Council power under Chapter VII in a response to threats to peace by means less than military force. This legalistic explanation puts sanctions as being based on the breach of Kuwaiti sovereignty by Iraq, with scope, as dictated by imperatives of compelling obedience.

But a closer look will show that there is a more complicated situation in which legal justifications coexisting with more global strategic interests. The rate and thoroughness of sanctions, extending beyond what was needed to undo occupation, indicates that the reaction was conditioned by already existing strategic issues. The Persian Gulf held long-term interests for Western powers motivated by oil deposits and the desire to avoid regional dominance that will jeopardize access to petroleum (Freedman & Karsh, 1993).

The formation of Iraq as a major military force after the Iran-Iraq War was a threat to the balance in the region. The war had also worked against the interests of the West since it had weakened the two states (Khadduri & Ghareeb, 1997). The strategic mentality of Iraq, which was formed through years of war, resulted in some basic errors concerning the reaction of the world (Cigar, 1992). However, the rise of Iraq with battle hardened troops and regional ambitions posed a new potential menace to the order which Western powers tried to preserve.

The extensive character of sanctions, which is still kept in spite of the decisive military withdrawal and defeat in Kuwait, implies the goals of undermining the capacity of the Iraqi state designed sanctions in the first place (Dodge, 2010). Resolution 687 came up with conditions such as full disarmament and continuous monitoring, which was way beyond what was required to undo the invasion. The continuation of sanctions during the 1990s, even though Iraq has been complying with most of them, and growing humanitarian evidence further implies strategic objectives shaped Western policy. UN inspector reports showed that weapons programs were greatly removed, but sanctions were still enforced (Gordon, 2010). This development of holistic state degradation is indicative of the way in which geopolitical aims prevailed over the initial legal justification.

The oil factor was an especially big one. Iraq had the second-largest proven reserves in the world. The sanctions left Iraqi oil out of the markets unless on controlled terms reducing the government revenue (Alnasrawi, 2001). Western powers also tried to have in place paving the way to the post-Cold War order and exhibit the ability to act in one way internationally (Weiss, 1999).

#### **4.2 Humanitarian Consequences and International Law**

The second hypothesis argues that sanctions were disastrous to the civilian population in Iraq, which casts doubt on the adherence to the international humanitarian and human rights law. There is considerable evidence to support this hypothesis but exact magnitude is disputed because of methodological issues.

The most controversial one is related to excess mortality, especially child mortality. Studies reporting dramatic increases in mortality were reported by Ascherio et al. (1992) and Ali and Shah (2000), hundreds of thousands of additional deaths of children caused by malnutrition, poor water, and avoidable illnesses are lost in health.

This was later confirmed by Dyson and Cetorelli (2017) and Spagat (2010) who found methodological weaknesses such as non-representative sampling and poor verification. Although it is a fact that sanctions did cause more deaths, the real magnitude was significantly lower than widely cited figures.

Although there are methodological controversies, evidence shows that there were extensive sanctions brought about serious humanitarian damage in various dimensions. Childhood malnutrition was recorded to have increased drastically due to nutritional surveys (Popal, 2000). There was a breakdown of the public health infrastructure and repairs on damaged facilities were not possible due to restrictions.

The destruction of the economy went beyond physical survival and changed the Iraqi society. Embargoed oil sales, imports bans and frozen assets ruined the formal Iraq economy, which results in hyperinflation and poverty in middle-class families (Alnasrawi, 2001). The devastation was not a momentary suffering but reorganization of Iraqi society.

Conformity with the international humanitarian law is a matter of serious concern concerning legal implications. The principle of distinction demands the action to differentiate combatants and civilians. Total sanctions subjected people to great misery mostly on non-combatants and they left elites relatively insulated (Cortright et al., 2002). The principle of proportionality requires that enforcement actions be moderate as compared to goals. Serious questions emerge on whether civilian sufferings were commensurate to the disarmament objectives (Al Sudani, 2022).

There are other requirements set by the international human rights law that seem to be breached. The right to life obligates states against having policies that will predictably lead to loss of life. The right to health includes the responsibilities not to deny populations the access to the essential care (Al Sudani, 2022). The Convention on the Rights of the Child has certain responsibilities as far as children survival, health, and nutrition (Dyson & Cetorelli, 2017).

#### **4.3 The Development of the Sanctions Regime**

The regime of sanctions developed in several stages, and each of them is marked by different enforcement mechanisms and humanitarian provisions.

The first phase (August 1990-March 1991) involved the most comprehensive sanctions with the least humanitarian exemptions which were based on the objectives of compelling withdrawal and degrading military capacity (Grammas, 1991).

After the ceasefire, the sanctions were converted into long-term implementation associated with the broadening conditions of Resolution 687. Connection to far-reaching conditions changed sanctions from provisional instruments into permanent structures of limiting the capacity of the Iraqi state (Dodge, 2010).

As the information on humanitarian effects increased, pressure to change grew. Suffering was publicized by the Iraqi government to create international support but humanitarian severity was also caused by government policies (Gordon, 2024).

In 1996, the Oil-for-Food Programme was adopted which sought to alleviate the humanitarian effects without altering the basic sanctions framework. It allowed limited oil sale with oversight and humanitarian supplies are the destination of revenues (Gordon, 2010). Nonetheless, red tape, purchase limitations and poor infrastructure funding limited effectiveness. The programme gave subsistence and not economic recovery, creating dependency and not reinstating pre-sanctions standards (Alnasrawi, 2001).

#### **4.4 Wider Implications of Sanctions as Policy Instruments**

The case of Iraq offers valuable lessons on effectiveness, legal limitations and ethics of full economic sanctions.

Suitability seems to be very dubious. Theoretical discussion of whether the effectiveness of economic sanctions has long been a challenge to common sense concerning its effectiveness (Miyagawa, 1992). Although sanctions restricted military rebuilding, they were not successful in accomplishing regime alteration or radical behavioral modifications. The government of Saddam Hussein was still in authority and authoritarian control despite devastating costs (Dodge, 2010). This implies that total sanctions might not be effective in forcing behavioral change by authoritarian governments that are determined.

The fact that civilians are affected disproportionately to the elites is one of the basic dilemma of ethical legitimacy. Authoritarian regimes have means of insulating themselves and their main proponents, that is, total sanctions usually serve to reinforce regimes instead of undermining them by making civilians more dependent on them (Cortright et al., 2002).

The Iraq experience shows threats of mission creep, in which sanctions were originally rationalized by narrow aims become means to end up having wider aims such as regime change. This begs the question of legitimacy of exercising Security Council authority to achieve what can be considered to be beyond its mandate (Weiss, 1999).

The institutional and legal frameworks were poor in ensuring humanitarian interests. The authority of Chapter VII was given the broadest of meanings to support all-inclusive economic war and with few humanitarian restraints. UN humanitarian agencies had no power to limit the decisions of the Security Council, which created systematic bias on strategic goals at the cost of humanitarian issues (Graham-Brown, 1999).

#### **Conclusion**

This analysis of economic sanctions on Iraq after the war between Iraq and Kuwait uncovers the manner in which international law enforcement mechanisms were applied in manners that increased solemn doubts regarding their legal basis, humanitarian effects and consistency with international obligations. Although the sanctions had formal legal sanction through Chapter VII resolutions by the Security Council with their design and upkeep being geopolitical interests that went beyond forcing Iraqi withdrawal in Kuwait.

The initial hypothesis, which held that sanctions were driven by the wider Western geopolitical interests and not the Iraq-Kuwait conflict itself, is supported by substantial evidence. Such extensive coverage, perseverance even after Iraqi adherence to requirements, and transformation into implicit regime change imply strategic thought about regional power and oil domination that had a significant impact on policy. The move to sanction the whole country and subject the civilians to extreme suffering was a strategic decision of the West, not a matter of law.

Evidence is strong in proving the second hypothesis that sanctions had devastating humanitarian effects. Research records that there are dramatic child mortality rates that are rampant, malnutrition, poor healthcare, and extreme worsening of living conditions of millions of Iraqis, who bear no responsibility for their government's actions. Extensive sanctions brought a lot of suffering with disproportionality to vulnerable groups such as children, pregnant women and the elderly.

These effects cast significant doubts on the conformity to the ideas of international humanitarian law of distinction and proportionality. The holistic nature implied civilians were the most affected instead of political leadership. The extent of predictable

suffering implies that humanitarianism was a secondary consideration to politics.

The legal system was not sufficient to safeguard the humanitarian interests. The wide discretion of the Security Council under Chapter VII and lack of control mechanisms enabled geopolitical considerations to prevail over humanitarian ones. The Oil-for-Food Programme, while providing relief, experienced bureaucratic problems and insufficient infrastructure funding.

To legal scholars, the case shows that there are severe loopholes that need to be tightened on humanitarian impact assessment and sunset provisions as discretionary powers of the Security Council. To the policymakers, the experience shows the relevance of targeted sanctions on responsible persons, not blanket embargoes, with clearly defined goals and sincere readiness to lift sanctions when conditions are met.

Finally, geopolitical interests influenced the development of sanctions significantly and led to their outcome in extreme humanitarian implications casting compliance doubts. The case depicts underlying conflict between the implementation of international norms by means of economic coercion and the protection of civilian communities, conflicts that were not resolved in the modern practice. The Iraq experience can be seen as a sobering experience on the human costs of comprehensive economic warfare and the necessity of ensuring that international law enforcement serves universal interests instead of limited strategic interests.

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