



**People's Democratic Republic of Algeria**  
**Ministry of Higher Education and Scientific Research**  
**Dr. Moulay Tahar University, Saida**  
**Faculty of Letters, Languages and Arts**  
**Department of English Language and Literature**



**A Modern Weapon: U.S. Sanctions Policy towards the Middle Eastern Region**

Dissertation submitted in partial fulfilment of the requirements for the degree of *Master in*  
Literature and Civilization

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## Declaration of Originality

I hereby declare that this submission is my work and that, it contains no material previously published or written by another person nor material which has been accepted for the qualification of any other degree or diploma of a university or other institution.

Date: 30/05/2021

Name: Amira Rihab SAIDI

Signature:

A handwritten signature in black ink, appearing to read 'Amira Rihab SAIDI', written over a large, loopy scribble.

## **Dedication**

To every chance, instant, person, book or a word that sought my striving spirit, compassions towards forward aspirations, and this work is undeniably for you.

No words can convey my deep gratitude to my sisters and brother for their encouragement and continued support. Ultimately and most essentially, I would like to express my deepest gratitude and love to my dear parents; no enough thanks are worth their sacrifices to make me who I am and pushed me to what I ever want to be.

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## **Abstract**

The Middle East struggle with the American interventions is rooted in the Period following World War II taking different forms as aids, protection, securing oil supplies and even projecting military forces. After these strategies expiration, U.S. government shifted to a modern strategy that suits the globalized era veiled in economic boycotts to declare a modern war over the Middle East. This study endeavours to provide an in-depth look to the history of U.S. sanctions policy and its impact over international Law that failed to protect the American enemies from sanctions. While countries are free to pass laws and acts to protect their interest, it is not clear to what extent an internal law suggested and passed by few countries could be legitimate and could serve as an international law. Henceforth, investigating this issue from an economic, political, and historical approaches, this dissertation aims to dismantle the process of legitimizing American national laws and to identify their impact on political and economic spheres in the Middle East, most particularly on Iran, Syria and Saudi Arabia.

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## **List of acronyms**

APOC: The Anglo-Persian Oil Company

ARAMCO: The Arabian American Oil Company

BMENA: Broader Middle East and North Africa Partnership Initiative

CASOC: California Arabian Standard Oil Company

CFP: Compagnie Française des Pétroles

COVAX: Covid-19 Vaccines Global Access

EIA: The U.S. Energy Information Administration

EO: Executive Order

ERP: The European Recovery Programme

EU: European Union

GATT: The General Agreement on Tariffs and Trade

GDP: Gross Domestic Product

IAEA: International Atomic Energy Agency

IEEPA: The International Emergency Economic Powers Act

ILSA: Iran-Libya Sanctions Act

ISA: Iran Sanctions Act

ISIS: Islamic State in Iraq and Syria

JCPOA: Joint Comprehensive Plan of Action

ME: Middle East

MEPI: The Middle East Partnership Initiative

NATO: The North Atlantic Treaty organization

NDAA: National Defence Authorization Act

NEA: The National Emergencies Act

NIOC: The National Iranian Oil Company

NITC: The National Iranian Tanker Company

OAPEC: The organization of Arab Petroleum Exporting Countries

OFAC: The Office of Foreign Assets Control

OPEC: The Organization of the Petroleum Exporting Countries

P5+1: The United States, the United Kingdom, France, Russia, China, and Germany

PLO: The Palestinian Liberation Organization

SALSA: The Syria Accountability and Lebanese Sovereignty Restoration Act

SOCAL: Standard Oil Company of California

TPC: The Turkish Petroleum Company

TWEA: Trading With the Enemy Act

UAE: United Arabia of Emirates

UF6: Hexafluoride uranium

UK: United Kingdom

UN: The United Nations

UNRRA: The United Nations Relief and Rehabilitation Administration

UNRWA: The United Nations Relief and Works Agency

U.S.: The United States of America

USA: The United States of America

USD: The United States' Dollar

WHO: World Health Organization

WTO: World Trade Organization

# **General introduction**

The modern American political quagmire has redefined the significance of power, subsequently reshaping the world supremacy prototype to affect the international arbitrage regulations, thus rotating the global picture upside down. However, stretching authority was not without deviating tools and methods, it meant to change the American horizon. To this end, the U.S. has oriented its foreign confidential agenda to the Middle East with new policy far from the conventional military interventions to be rewarded conclusively with the global hegemony it is maintaining in the contemporaneous époque.

After the end of the Second World War and emergence of the bipolar Cold War, the Middle East region stood as the most suitable arena to gain the metaphorical “God, Gold and Glory” triumph. With the rise of the Saudi’s as the kings of Oil in the Arabian Peninsula in addition to the foundation of Jordan and Israel, the U.S. sought to gain more allies in the area to either contain the Soviet communism or to maintain the peace in the area to protect Oil reserves, more profoundly, securing the Jewish state thus, fighting whatever would stand as a jeopardizing factor as the Iranian nuclear aspirations or terrorism in general. For that reason, the U.S. policy makers founded their sovereign’s interests as political based principles to strive for in the next centuries ahead. The only problem was that that old school colonization methods taking different forms as aids, protections, securing oil supplies and even projecting military forces are no longer effective to merit the world dominance. Thus, the optimal strategy represented the weaponization of economic policies thus; using the economic sanctions as coercive measures.

Sanctions are defined as “an economic boycott of a country resorting to war contrary to undertaking given to the League of Nations” (Palmer, 290). The League of Nations authorized these economic penalties under Article XVI of the covenant. Sanctions were imposed for the first time on Mussolini in October 1935 after his attack on Abyssinia.

However, oil, iron and steel were excluded from the boycott since they represent essential raw materials for the war. By July 1936 sanctions had been raised by all the members of the league and never imposed any kind of sanctions since it lost its integrity and real purpose to maintain the world peace.

However, the American sanctions might be distinctive in its nature and purpose. It targeted world nations that threaten the American international interests and its trade stability under national legislations that offers the U.S. policy makers a free authority to regulate a variety of economic penalties over a foreign government in case the U.S. security are put under threat.

The U.S. sanctions policy in the present day represent the most powerful weapon to penalize American enemies especially the Middle Eastern countries particularly Iran that symbolises a nuclear threat and oil international exporter. Syria, likewise, got its portion of U.S. imposed sanctions on its system in the 2000s. Nevertheless, loyalist Arabic countries specifically gulf countries may face American sanctions in case interests went opposed.

To this vein, this dissertation aims to unravel the history of U.S. sanctions policy and its impact over the international Law that failed to protect the American enemies from sanctions ghost. It is true that each country is free to pass laws and acts to protect its interest, but it is not clear to what extent an internal law of a country could be legitimate to act as an international law. As a policy making process, the study will scrutinize the legitimacy of these economic penalties and how it managed to paralyse to the political and economic spheres in the Middle East prelisted countries; Iran, Syria and Saudi Arabia.

Hence the purpose of this study is to find plausible deductions to the following questions:

1- Why the White House has altered its foreign policy agenda to be chiefly focused on the Middle East affairs?

2- What is the nature of U.S. sanctions policy and in which law does the threat to foreign countries lie?

3- Could the international law legitimate U.S. coercive laws?

4- To what extent could U.S. economic penalties jeopardize economic governments' sovereignty in the Middle East?

From the prelisted research questions we can prognosticate that:

1. In the modern era, U.S. policymakers seemingly focused their interests on the Middle Eastern region to contain the Soviet Communism, to secure the Jewish state in Israel, preserving oil supplies in the Arabian peninsula, preventing nuclear proliferations and finally to maintain the American democratization policy.

2. The U.S. sanctions Policy would be based upon 5(b) of the Trading With the Enemy Act issued in 1917 along with its amended act the International Emergency Economic Powers Act (IEEPA) in 1977 that authorizes the President to take any appropriate action including imposing any kind of economic boycotts in case of a foreign threat jeopardizing the trade agreements.

3. Although U.S. sanctioning laws may contradict with the international law regulations, roughly, there is no accurate authority that would illegitimize the status of U.S. national laws or convicted them.

4. It is true that U.S. sanctions policy managed to overcome the bloody damages in the Middle East however it could probably cause economic crisis in every severe sanction imposed on a certain country. Eventually, it may paralyse governing authorities fronting severe political and diplomatic issues with the American government as well as their loyalists all over the world.

This research work will use economic political historical research to investigate the magnitude of economy on the political realm. It will involve a data compendium from

different historical periods that delineate the evolution of U.S. foreign policy along with the development of the Middle East to a central pole in the international affairs.

This work will be divided into three chapters, the first chapter entitled “The U.S. interests in the Middle East: The Roots” would be an introductory part that tackles the traditional U.S. policies throughout dominating the Middle East by identifying the American interests in the area (oil, Israel and anti-communism, preventing Nuclear proliferation and maintaining democracy) starting from the post cold war period.

The second chapter, “U.S. Sanctions Policy: A Clash between Power and Law” will inspect thoroughly the history of U.S. sanctions Policy through designing an investigation on its associated jurisdictions mainly, Trading With the Enemy Act issued in 1917 along with its amended act the International Emergency Economic Powers Act (IEEPA) in 1977.

The third and last chapter entitled “The Impact of U.S. Sanctions Policy on the Middle East Region: Iran, Syria and Saudi Arabia as Case Studies” will unravel the impact of U.S. sanctions on the economy of Middle East countries taking the case of Iran, Syria and Saudi Arabia as most harmed countries by U.S. sanctions and how it affected their sovereign power in the area in specific and the whole world in general.



**Chapter I:**  
**U.S. Interests in the Middle East:**  
**The Roots**

# **Chapter I: U.S. Interests in the Middle East: The Roots**

## **1. Introduction**

Being the greatest country in the world is not always linked to how much power a country could get, however it is undoubtedly interrelated to how clever a power could have the ability to manipulate even by tiny hands, either in battlefields or outside. The United States of America –The greatest country in the world- acquired its nickname after the accomplishment of goals and interests it made and still making in the world particularly in the Middle East. After the failure of its counter-allies, Britain and France, to occupy the lands seized previously in the 18<sup>th</sup> century by Napoleon until the rise of the British imperialism in 19<sup>th</sup> century, America is the new bogeyman in the area with no serious rivals. The American geopolitical intelligence helped Washington to strengthen its power all over the world by settling in the utopic Middle East before the destruction. Therefore, it is worthy to mention that the US interests and its involvement in the area have never been an up-to-the-minute issue, but a fixed principle in the American modern foreign policy. It was over time that Washington updated its interests and goals in the area to suit its political greed and economic fulfilment, from one presidential administration to another, whether to invade, to act as a broker, or just to be the uncovered permanent enemy.

At the outset, in the first chapter we shall explore the American interests in the Middle Eastern region starting from the cold war period up to the present day. This chapter aims to discover the roots of the U.S. involvement therefore its interests in the region and its different genres to understand the magical relationship between "the greatest country in the world" and the Middle East that embodies the distinctive U.S. interests in the region.

### 2. Washington in the Middle East: The Beginning

Before the opening of the American melodrama in the Middle East, another drama has fallen from the wall of fame to put its curtains down, the British one. It was not the Shakespearian dramas, yet, more notorious pieces, the imperial tragedies. At the time of those tragedies, U.S. interests in the Middle East were almost missionary, educational, and commercial. Remarkably, Thomas Jefferson administration tried to secure trade roads from the Ottoman pirates in North Africa to reach high seas (Lesch and Haas 1), whereby, relations were established by exchanging the Caribbean rum for the Turkish opium (Rodenbeck 1).

By time, The United states interests were born in the 1930's by the emergence of two strategic elements in the Middle East, evidently, the discovery of Oil in Saudi Arabia and the creation of Zionism as an activist Jewish movement in Palestine. As these two factors grew, the U.S. ties with the Middle East also have grown even more (Abo-Sak 1).

Nevertheless, the turning point marked the post World War II era, by the start of the so-called “Cold War”, as a new power has arisen to change the dimensions and the factual significance of the world domination. The first U.S. intentions to dominate the Middle East are rooted back to Roosevelt and Truman administrations through which they the Office of Near East and African Affairs was founded in 1944 overtly to introduce the first American Middle Eastern relations<sup>1</sup>. Roosevelt believed that America’s future progress would be absolutely related to Middle East stability. He wrote to James Landis, Director of economic Operations in the Middle East: “The Middle East is an area in which the United States has vital interest” and its countries should push their economic systems to the next level. He added that it would an area America would profit commercially and politically to cope with its rivals, the British and the soviets (Rubin 3).

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<sup>1</sup>See Margolies, Daniel S., ed. *A companion to Harry S. Truman*.

It is noticed that the American control meant the abolishment of the British imperialism in the Middle East and the rise of “anti-imperialist preoccupation” (Kedourie 5). Accordingly, Roosevelt plans aiming to build an American political and economic laboratory, stood without factual realisation until the pre-cold war period. Britain and France have left the Arabic zone behind, without a power to hold in since they lost their bouncing interests after being shell-shocked from World War II to create the perfect chance for the Americans to seize. In an explicit manner, Barry Rubin revealed how the state department declared the British calling the American aid in the Middle East after losing the needed energy to hold along with the intensifying difficulty:

“The British publicly and officially that they are no longer able to keep the Middle East in order without our help. We are inclined to believe that a policy of inactivity or ‘drift’ on our parts will result in a progressive deterioration of the influence of democratic civilization in the Near East.”(5)

Responding to the call of duty, the United States, and its rival the Soviet Union decided upon turning the Middle East into the new arena for a much distinctive war. According to Hani M. Dorgham (1), The United States and the Soviet Union both had interests in the area, however, “each with different sets of values, therefore different sets of policies and interests, were trying to secure their interests in a highly complicated region”. From this point, the first U.S. interest has been created for the sake of abolishing the soviet communist expansion and starting the new age of American supremacy in the world.

### **2.1. Anti-Communist Strategies:**

By its analytical significance, the Cold War is “a conflict of national interests – two giants countries faced each other and battled it out for world supremacy by most means short of all- out war” (Westad 1). The cold war in the Middle east was focused on

the borders near the Soviet Union as a threatening weapon ready at a time in a area called “Northern tier<sup>2</sup>” or the Near East<sup>3</sup> which according to Yapp, this term has been used to describe the Ottoman empire and its territories, while the Middle East appeared later on to indicate the territories extended from Iran to Tibet (1).

To be a primary objective for Washington in the post World War II period, anti-communism designed the policy took place to gather more allies and to contain the soviet expansion in the East subsequently forcing the American supremacy. Anti-communism by its explanation is based on two fundamental data: the first is that “communism” depicted as a “supreme and unqualified evil” while the second labelled “an evil” a symbol to the Soviet that targeted the blow out all over the world (Miliband and Liebman 1). Marx and Engels had stressed in the *Communist Manifesto* in 1848, “spectre is haunting Europe-the spectre of Communism”. Out of the spectre terror, Anti-communism, intended to abolish, the “Soviet imperialism combined with traditional Russian imperialism; of relentless totalitarian expansionism, of Communist aggression and of an implacable will to achieve world domination” (Miliband and Liebman 12).

To prevent the communist bloc from damaging the American ambitions, One of the most effective anti-communist strategies was the Truman doctrine in 1947 and its breakthrough, the efficient “Marshal Plan” that could cope with the anti-communism notion, with clever steps and visions: to gain allies, exclude the soviet union from the

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<sup>2</sup> According to Cohen, the Middle East comprises « along the two mountain ranges that guarded its northern approaches: the Taurus, which divided Turkey from Syria and the zagros which divide Iran from Iraq. The states along whose borders these mountains ran- Iraq, Iran, Pakistan and turkey- became known as the Northern Tier » While Silverburg and Reich assume that « the Middle East and North Africa are defined as the region bounded by Turkey, Iran in the North and East, South Yemen in the South and Morocco in the West. This includes: The non-Arab states of Israel, Turkey, and Iran and the Arab states of Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, North Yemen, Oman, Qatar, Saudi Arabia, South Yemen, Sudan, Syria, Tunisia, and the United Arab Emirates. Geographically peripheral states such as Afghanistan, Pakistan, Ethiopia, Greece, Cyprus, Mauritania, Somalia and Djibouti are not included except where the work refers to other relationships between the United States and the states »

region and build better image for the united states as a stretching exercise for more extending influences. This doctrine represented the first step towards the over-all control landing the Middle East.

### 2.1.1. The Truman Doctrine:

On March 12, 1947, The Truman policy of containment first broadcasted as reaction to the anonymous contribution “X-Article,” to the journal *Foreign Affairs* made by George Kennan, to shape the Soviet Union expansion plans towards Eastern Europe and central Europe<sup>4</sup>(Gerber 16).The initiation was alongside Stalin's plan in 1946 to set up an Azerbaijani satellite state in northern Iran and the communist tensions over Turkey to grant its alliance (Jabber 73). To ruin Stalin’s tactics, The American president Harry Truman addressed his congress in a speech demanding authorization for military deployments and economic aids for vulnerable European countries and Near eastern ones facing “subversive elements” (Capaccio 9). In his speech, Truman explained his program designed to offer financial aids and military help to Greece and Turkey that cost 400 million dollars of American Military and economic aids (LaFeber 44).

According to Jones (36), “the Truman doctrine signalled the administration willingness to engage in the struggle against communism on all fronts, social, political, and economic, as well as military”. This doctrine served the American strategic interests to invest in the Near East as well as in the Middle East under Truman’s saying, “helping free peoples”. George Keenan assured that the State Department Russian’s expert, sustaining the Greek and Turkish crisis was a step that helped in relieving the tensions on the Middle East, Asia and North Africa (LaFeber 44). However, the American intentions by legislating the Truman doctrine were not clear to the public at that time until the U.S. secretary of state Dean Acheson “swung into the argument the treat was Russian communism, its aim

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<sup>4</sup>See Wright, C. Ben. "Mr. "X" and containment." (1976): 1-31.

the control of the Middle East, South Asia, and Africa” (LaFeber 44-45). Henceforth, the Americans assumed the fact that the communist evolution in the Middle East would be an unquestionable consequence if their policy makers stood without reaction to Stalin’s plans. Hence, the recognition of Stalin’s tactics to control the strategic Dardanelles (the key link between the black Sea and the Mediterranean) in his sharp note to turkey would be the effective motive for Washington to make some action (Spalding 328). Subsequently, Acheson, to justify the American foreign policy towards those specific non-neighbouring countries, has rather interpreted this note trickily, according to James Warren, Acheson stated, “if the Russians then pressed forward to take the Dardanelles, such a move would have As Acheson put it “the clearest implications” for the Middle east”(40). Building upon this premise, Acheson defended Truman doctrine affirming, “If Greece and turkey were allowed to fall communist influence would “infect Iran and all the East” (Moser 155-156). Technically, it means oil reserves would be undeniably affected, the same interest for both the U.S. and the Soviets. Finally Truman doctrine was determined to secure the United States’ path regarding planting feet in the Middle East.

In Greece, the Truman doctrine aimed to find end to the guerrilla warfare that was initiated in 1944 by the communist gained party in the war over the resistance party eventually “with a veiled Russian support” (Price 34). In addition to communism abolition process, this doctrine contributed in marking the U.S. roots in the Middle East in the history of its interventions. Truman identified his goal in the Greek foreign policy as “the beginning of a policy of the intervention that would require “the greatest selling job ever faced a president” (Jones 43). After justifying the reasons behind making the European Aid program, the American mission in Greece started action to assure the Greek alliance, which was quite substantial. The reconstruction program was summarized by Jones:

“In addition to the \$300 million for Greece, that country received \$50 million as its proportion of the post-UNRRA<sup>5</sup> relief program provided by separate legislation. Of the \$350 million for Greek assistance, the department of the Army through its military advisory group (assigned to the American mission) of perhaps forty members, would provide the Greek National Army (of about 150,000 men) with advice on the use of \$150 million of war material.” (48)

Years passing by, the Truman doctrine was highly criticised and certainly not comprehended, not only by the Greek the concerned ones, but also by Americans. George McGhee, the coordinator of the Greek-Turkish aid program was one person of many to question the real goal behind helping Greece; he said “what good was economic reconstruction when the bandits simply blew up bridges and railroads as fast as the Americans built them?” (Jones 47). Yet, the reason was so clear in era full of global rivalry over strategic alliances and seizing opportunities beneath the help alibi.

Truman needed more time, lands and disguised operations to reach the real Middle East. “Greece’s neighbour, Turkey, also deserves our attention<sup>6</sup>”, those words belong to Truman’s statement in his speech for the aid offered to Turkey. Contrasting to the Greek emergency, his speech has marginalized Turkey that falls in the second place after Greece. Still, the common interests in area made Truman and Turkey determine the need to on one side. Evidently, The Greek guerrillas threatened the Turkish borders and its defeat meant granting stability for the Turkish territories (Hasanli 286). Up to this measure, Bostdorff detailed the United States military aid that covered “the training of

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<sup>5</sup>The United Nations Relief and Rehabilitation Administration (UNRRA) was created on November 9, 1943 by the United Nations to face and find valid solutions to global reconstruction issues during and after World War II.

*See The story of U.N.R.R.A.* by United Nations Relief and Rehabilitation Administration.

<sup>6</sup> See Harry S. Truman full speech. Truman Doctrine (1947).



thousands of officers and enlisted men and the reorganization of the entire Turkish military” to defend its lands as a weapon against the Soviets (143).

For this purpose, Truman secretary of state George Marshall made his project of recovery as a support plan to his president doctrine. This move marked the eligibility of the U.S. interests in the Middle East, for the first time, in Greece and Turkey.

### 2.1.2. The Marshal Plan:

The Marshall Plan as a cold war policy is an American programme designed by Secretary of State George Marshall that involved a programme of European economic Recovery called the European Recovery Programme (ERP) during the post world war era, “to prevent the spread of communism beyond the “iron curtain<sup>7</sup>” (Tarnoff 1). It was first publically announced at Harvard University on June 5, 1947. It is inevitable to say that the Marshall Plan lies by its essence in Truman Doctrine from the time when, Marshall “merely” revealed in his speech the American ambitions to cooperate in the Near East countries and the European damaged ones (Tarnoff 2).

In Turkey, the Marshall Plan made regulations concerning the doctrine implementation and it started to realise the cooperation aimed-ambition in the country. The plan structure constituted founding the Organization for European Economic Cooperation in 1948 to offer relevant financial aid and development programs for cooperation participants, whose afterwards turkey and Greece became members (Koça and Bedriye 86). Although the Marshall Plan did not achieve its aimed results since it failed to offer remedy to the whole European countries, it reached the real objective that is blocking European countries paths to fall in the Soviet communism and to act as “a beacon to show

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<sup>7</sup>Iron Curtain is a specific term that describes the Soviet Union and the danger of its communist expansion in Europe. It was first used by Winston Churchill in May 1946, in his famous speech at Westminster College in Missouri. Churchill said: "From Stettin in the Baltic to Trieste in the Adriatic, *an iron curtain* has descended across the continent."

Middle eastern countries the way to western norms and orientation” that denotes the real focuses behind the aid (Constitutional Rights Foundation 4; Aydın and Erhan 68).

On the geo-strategic level, the American anti-communist strategy sought to contain soviet spread through military alliances. One of The Marshall plan intentions was to include Turkey and Greece to the North Atlantic Treaty organization (NATO), gradually, this intention did finally realize in 1952 through their join (Satterthwaite 81).

### **2.1.3. Eisenhower Doctrine:**

Every story has an end, but in the American anti-communist saga there is always a new beginning with special incidents. Whether it is about luck or fate, the new episode opened with the thirty-fourth president of the United States in a region full of suspense, constant upheavals and rising action. In the Middle East, the Eisenhower administration’s fundamental objectives were the same as the Truman’s administration to seize the Soviet communist spectre. However, his administration saw to be more operational and military than Truman’s economic orthodoxy. Meanwhile Eisenhower has been elected a president for the U.S. in 1953; another leader has already joined the battlefield in the Middle East. In 1952, Jamal Abdel Nasser was neither considered a communist nor a U.S. ally, though his nationalism movement has worsened the situation for the Great Powers. At the outset, grounds for war settled in Egypt over Abdel Nasser attempt to nationalize the Suez Canal occupied by the British defending their nationalism to remove the British forces from Egypt (Nichols 5). It is undoubtedly that Abdel Nasser had a strong in Twain’s words saying that “Loyalty to country ALWAYS. Loyalty to government, when it deserves it”. Abdel Nasser was one of the “free officers” who force the abdication of king Farouk claiming for the British withdrawal from the country (Yaqub, Containing Arab nationalism 26). Those nationalists were against the British manipulation over Egypt, thus, their loyalty to the government was no longer an absolute obligation.

Expectedly, following this cataclysm menacing the British being in the Middle East, Winston Churchill alerted the situation through demanding the American intervention to resolve the Crisis. The unexpected reply was Eisenhower's viewpoint publicised in his "waging peace" memories that "it would be undesirable and impracticable for the British to retain sizable forces permanently in the territory of a jealous and resentful government amid an openly hostile population" (Nichols 5). Nichols stated that Eisenhower was "knowledgeable" about the geostrategic importance of the Arab world, specifically the Suez Canal that bridges Asia with Africa through connecting the Mediterranean with the Red Seas forming adequate oil exportation roots to Europe as well to the American continent. Consequently, his standpoint would be substantial pertaining to the fact that the Middle East is the world largest petroleum supplies while he noted that the Suez Canal was "the most important waterway in the world" (5). To preserve the American need for the Arab oil, Eisenhower joined the negotiations over the Suez Canal. Yet, following the negotiations failure, due to the outbreaks of animosity against the West run by the Nasserism, Britain, Israel, and France invaded Egypt in late 1956. In the time where the Anglo-French Armada advanced towards Egypt and Israel deployed its forces in the Sinai, Eisenhower and Secretary of State John Foster Dulles thought it might be the time to intervene in the battlefield that is calling for the Soviets and Arab nationalists to join. The intervention sought to be a UN resolution aimed to call for the three forces withdrawal and to establish ceasefire (Nichols 217). The resolution has planned to sanction Israel, excluding Britain and France, that took control over the Sinai Peninsula and Gaza Strip following the British and French troops stand down (Nichols 227). Apparently, Eisenhower's modus operandi was distinctive than the rest of the American policymakers to favour Israel at any kind of circumstances. Spiegel noted that his administration focused only on the American interests, in this case, the Arab states were much important that

Israel that remains “a strategic liability” (Spiegel, cited in Halabi 44)

The resolution move sought to contain communism from filling British vacuum in one hand and Nasser nationalism from out breaking in the other hand. Eisenhower administration believed Britain had left “a power vacuum” in the region that needed to be filled either through economic, military aids or establishing political relations. (Yaqub, *Contesting Arabism* 111). Eisenhower took Truman as a paragon in deciding upon his anti-communist doctrine in the Middle East. In November 1956, proposed to the congress his doctrine waiting for the approval happened in 1957. In a joint session of the congress on January 5th, 1956, he delivered his speech to delineate his policy of economic and military aids for the Middle East to keep up the momentum, with the U.S. armed forces interference against any nation controlled by international communism (Michaels 472). Eisenhower thought by opposing Britain, France and Israel, it would demonstrate the United States as anti-imperialist less menacing power than the Soviets (Yaqub, *Contesting Arabism* 112). Pragmatically, U.S. officials offered for Egypt to finance the construction of Aswan High Dam to assure full control over the Nile opposed to soviet offer (Neff 123). Halabi stated that the offer was annulled in June 1956 once Washington discovered that the Egyptian media faked the soviet offer (36). Notwithstanding the actual events, Jamal Abdel Nasser accomplished the Suez Canal nationalization in upcoming July supported by the Soviet Union (Halabi 37). Moreover, the American pragmatism progressed to create neutrality embodied in a strategy to pacify the Egyptian-Israeli dispute by awarding the two parties economic and political supports. Besides, Eisenhower managed to convince the Israelis to leave the Sinai Desert under the warning of cutting off the American support (Nichols 278).

In case of operations, Eisenhower doctrine was highly criticised for being out of order in alarming circumstances. Nonetheless, pointing out the Jordan Crisis of April 1957,

when the U.S. helped King Hussein against the revolutionaries aided by Syria and Egypt by sending Navy's Sixth Fleet to the eastern Mediterranean (Michaels 478). Furthermore, Eisenhower doctrine acted more anti-communist during the Turkish attempt to takeover Syria as it plunged the situation. Yaqub has drawn attention that Eisenhower urged Turkey to withdraw from the Syrian lands while the Soviet Union pressured the crisis by threatening to set missiles against Turkey if Syria got attacked (115). Dwight Eisenhower had avoided serious confrontation during his administration, for one essential reason to assure peace in the Middle East, as his doctrine sought to be the most eligible way to end up the hostilities in the Suez.

### **2.2. Securing Israel:**

U.S.-Arab interactions remained stabilized to some extent even after the American involvement to constrain the Soviet expansionism, thenceforth, the birth of new securities or rather a new "special relationship" was the watershed in the epic history of the Trio. George Ball, the American diplomat, agreed with the general awareness of the Israeli importance to the United States once he stated "First of all one of our interests in the Middle east is the carrying out of a rather emotional commitment to the Israeli people to permit them to achieve their objective of a national home (Reich, 3). Evidently, This emotional bond between the Americans and the Jewish signified U.S.-policy makers' doctrines, for instance, Truman, the first American president to bless the Jewish state after its formation.

Continuing accurately to his path towards success in the Middle East, Truman again made a step forward remaking history of the region. Contrasting to Franklin D Roosevelt and his disinclination to endorse Zionism thinking that such attempt would shake the American-British diplomatic relations especially during the World War II, an intensive period that needed allies more than securing ambitions (Hahn 18), President

Truman had undisputable standpoint towards the Jewish state. Michael Benson perceived that “Truman’s evangelical Christian upbringing- namely his appreciation for bible prophecies about the restoration of a Jewish state, his sympathy for Jews as the chosen people for the Old Testament” in addition to the Nazi Holocaust that worsened the situation, he has definitively endorsed Zionism and give his full recognition to the Jewish state under the Balfour declaration (Benson, cited in Hahn 27). Eventually, in October 4<sup>th</sup>, 1946, the eve of the Jewish Yom Kippur holly day, he announced, indirectly his Zionist support, “Partition would command the support of public opinion in the United States, to such solution our Government could give its support” (Hahn 35). The Jews have welcomed this statement on their holy day; conversely, this day was not holy for Britain or for the Arab countries especially Saudi Arabia, Iraq and Egypt, that blew up to break the U.S.- Arab relations; Whereas, Britain took this declaration as violation to their goals in Palestine and the Middle East entirely (Hahn 36). Behind the description of history events lies the necessity for understanding; Truman’s statement was a signal that required full understanding intended the American recognition of the Jewish state in Palestine. Correspondingly, his real recognition for Israel as Jewish state on 15<sup>th</sup> may 1948, just after few minutes of its formation characterizes the start of a new chapter in American foreign policy history book, Israel, as a vital chapter in the whole book (Little 77).

### **2.2.1. Partition 1950:**

Since 1948, the United States has been caught between the two parties in clash, whether to support Zionism or to rescue harmony existed with the Arabs. The rescue plan happened to be a truce for the trio, though, done by a different trio. In May 25<sup>th</sup> 1950, the United States, France and Britain issued the Tripartite Declaration as a ceasefire agreement to stop the increasing hostility in the Middle East (Slonim 135).The declaration document declared, “The three governments recognize that the Arab states and Israel all need to

maintain a certain level of armed forces for the purposes of assuring their internal security and legitimate self-defence<sup>8</sup>”. They also made the decision to intervene in case one of the two parties violated any line of the agreement, as follows, “The three governments, should they find that any of these states was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation”.

Accomplishing its mission, the Tripartite Declaration has softened the conflicted sphere in the area. Fundamentally, It showed how Truman’s administration could be loyal to its endorsement regarding the Jewish state in Israel as to his relations in the Middle East (Slonim 145). Nonetheless, the intervention lines the declaration paved the way for the U.S. to upgrade its situation to a frank broker in Middle Eastern issues.

### **2.2.2. U.S. policy and the Arab- Israeli conflict:**

The American newly established chapter remained stagnant until 1967 during the Arab Israeli conflict, deep-rooted from the Arab nationalists defence against Zionism aspirations. Steven Spiegel stressed that the reason behind rising tensions in the area was owed to Washington, under Johnson administration, “preoccupation” with Vietnam, unconscious with the split settled between the Arab states; Increasingly, the rise of Jamal Abel Nasser as a political Arab leader, tied with the Soviet Union with Iraq and Syria while Saudi Arabia, Jordan, Lebanon and Libya endured their alliance with the U.S. (119). The Arab nationalist took their decision to battle against Israel in 1967, marking the first real American involvement in the Arab Israeli conflict acting under the tripartite agreement of 1950. During The “six days war” of June 5-11, 1967, Israel won a the battle against the Arab nationalists headed by Jamal Abdel Nasser, progressively, ended in its occupation of

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<sup>8</sup> Tripartite Declaration Regarding the Armistice Borders: Statement by the Governments of the United States, The United Kingdom, and France, May 25, 1950

Sinai Peninsula, the Gaza Strip, Jerusalem, the west Bank of Jordan River and the Golan Heights of Syria, growing the Israeli territories pre-1967 (Modigs 4).

During this conflict, the United States was administrated by President Johnson to mark again a new signature in the Middle East. There was a marked difference between Johnson's reaction to Israel's behaviour in 1967 and that of Eisenhower in 1956. Whereas Eisenhower had forced Israel to withdraw from Egypt, Johnson merely called for, and achieved, a "cease-fire in place." This allowed Israel to remain indefinitely in possession of the territories it had seized.

In response to the war, Johnson was clever enough to secure the Israeli authorities once he called, but not insisted, the Israeli forces to withdraw; be that as it may, peace in the Arabian zone would never return to its early state before the six days war (Burroughs and Joseph 27). To this end, Neutrality seemed to be the United States most effective method to preserve friendship and common objectives with Israel as with its Arab friends. However, this move could neither prevent Oil flow from being halted nor trade or the security of American workers in the Middle East from ceaseless tension and jeopardy (Fernandez 43). Responsively to the actualities, the United States attempted to bring about either *de jure* or *de facto* settlement for the Israeli existence in Palestine by embracing UN Security Council Resolution 242. The resolution called for the "withdrawal of Israeli armed forces from territories of recent conflict" and "a just settlement of the refugee problem". The resolution admitted Arab states right to defend and to recapture their territories, unluckily; it could not precise which territories the declaration is directed to. Visibly, The withdrawal section calls for "withdrawal of Israeli armed troops from territories" without mentioning the definitive article "the" or "all" before the word "territories" which created obscurity resulted in conflicted interpretations for the resolution (Fernandez 43) and so forth a difficulty to fulfil its commandments.



To serve its double standards in the Middle East, the United States, according to William Quandt, has interpreted the 242 Resolution at the inception that Israel should not cross “the 1967 lines once peace was established” (47). For the moment, the United States was scared that the tensions followed the resolution would magnetize the Soviet to the Middle East (Fernandez 43) regarding the fact that “Israel now exercised a de facto veto on U.S. diplomatic policy in the region” which may turn the Arab states towards fetching another ally in the region (Kolko, cited in Fernandez 44).

The situation has worsened once Israel refused to withdraw from the territories. In 1964, The Arab reaction came to life to enhance the Palestinian Liberation Organization (PLO) foundation in 1964 with the support of the Arab states aiming to establish a Palestinian state (Fernandez 43). Nightmares may not happen in real sphere, yet, America’s nightmare occurred On October 6, 1973 Egypt and Syria, aided by the Soviets, and attacked Israel during the Israeli celebration of the holy day “Yom Kippur”. In 1973, Sadat fostered a military alliance with Hafiz al-Assad, the president of Syria. They calculated the attack with Egypt attacking Israeli forces in the Sinai Peninsula while Syria in the Golan Heights. (Yaqub, Dunton, and Reay 59).

Closely as the Arab forces could defeat Israel, “the U.S. in airlifting ammunition and supplies, managed to turn the situation around and surround the Egyptian army” (Modigs 4). To this vein, the United States marked its first military involvement in the Middle East showing the side it belong with, so forth, Israel was openly echeloned as indispensable to the American policy. In this episode, reference should be made to the Algerian president Houari Boumedienne who affirmed directly that; “Israel played a secondary role in the 1967 war. The Battle was American and only the performance was Israeli”, compatibly, Jamal Abdel Nasser said that the United States is the decision maker concerning the Arab territories – not Israel (Gerges 180).

As it is said an eye for an eye, Arab states tended to avenge the U.S. in a sensitive play to raise oil prices by sending a clear warning: “Unless Israel returned to the 1967 lines and the United States stopped its arms supply to Israel, an embargo would be placed on all oil shipments to the United States”. To this end, Arab have turned tables against the United States, which risen the need for a peace process between the *hate* Triangle “Israel, the U.S., and the Arabs”, and publicly admitted the need for a Palestinian homeland (Modigs 5).

### 2.2.2.1. Carter, the Peacemaker:

Unlike Eisenhower anti-Israel administration, on the other face of the coin, Jimmy Carter guaranteed the American commitment concerning the Israeli state in the Middle East. Thus, On May 12, 1977, President Jimmy Carter described the American Jewish relations as “a special relationship”. In a Press conference he exposed the truth saying “It’s absolutely crucial that no one in our country or around the world ever doubt that our N.1 commitment in the Middle East is protect the right of Israel to exist, to exist permanently, and to exist in peace. It’s a special relationship” (Reich 12). This special relationship with Israel as well as the coalition with Arab States, urged Washington to find mutual solutions for the two sides, likewise, for its double standard approach in the Middle East.

Although the U.S. had no problem with Israel thanks to the support offered by the Jewish lobby<sup>9</sup>, Carter administration assumed to vary its approaches concerning Jerusalem to avoid oil embargos and prices escalation (Spiegel 316). Responsively, in September 1978, Carter hosted a trilateral summit in his presidential retreat in Maryland “Camp David” addressing the Egyptian-Israeli dispute and to solve the Palestinian issue. Following days of negotiations held by Carter, in September 17, Anwar Al-Sadat and the Israeli Prime Minister signed a document entitled “Framework for peace in the Middle East” (Bregman and El-Tahri124). This framework pledged the Israeli militaries

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<sup>9</sup>Formerly called the Zionist lobby which embodied the coalition of several Americans groups and individuals in support of Israel led by the American Israel Public Affairs Committee (AIPAC).

withdrawal from the West Bank and Gaza to grant their inhabitants self-governing for a transitional period of five years (Fraser 120). With another framework into the bargain, the Camp David accords set out the “Framework for the Conclusion of a Peace between Egypt and Israel” as founding basis to the “normal” Egyptian-Israeli relations starting with the Israeli full departure from the Sinai Peninsula. Critically, the agreement may not seem perfect to end the dispute though it marked Carter’s policy achievement to assemble two clashed sides on one agreement, even with the harsh belief Begin had that the Israeli should never leave the Palestinian lands (Pressman 1118). This statement fit with Dumbrell’s notation over the accords as “vague transitional agreements for the government of Gaza and the West Bank” but he settled his critique on the fact that it was “an extraordinary achievement for the carter personal diplomacy” (Dumbrell, cited in Pressman 1119). To this end, Carter administration was distinctive in its methodology, evidently, the American mediation prior 1977 was less “intensive and dramatic” than Carter’s personal participation in the Negotiations (Touval 314) which traced his strong commitment towards securing Israel.

Notwithstanding Carter’s achievement, Arab consensus revealed total opposition to the accords including Jordan, the PLO and even Saudi Arabia. The president Anwar Al Sadat was openly condemned for assuring peace in Egypt at the cost of Gaza and Jerusalem by the PLO chief, Yasser Arafat who accused Sadat by selling “Jerusalem, Palestine and the rights of the right of the Palestinian people for a handful od Sinai sand” (Deming et al., cited in Pressman 1121). During these intense circumstances, the U.S. tactic stood in action to accomplish Carter’s approach, but with the Arab recognition. Cyrus Vance, U.S. Secretary of State, travelled to Jordan and Saudi Arabia immediately after the summit to convince them as to gain their support for the Accords (Pressman 1121). King Hussein of Jordan voiced his opposition in a striking words, he said to Vance,

“What has come out of the general framework is a *fig leaf* for the Begin plan. Pure *sugar-coating*. Look at all of Begin's statements: Israeli troops to stay for an indefinite period. Settlements, too. What's transitional about that?” (De Borchgrave, cited in Pressman 1121). As a result to the rising antagonistic sentiments for the Camp David accords particularly for Al Sadat, the Egyptian president was assassinated by a group of disaffected soldiers on October 6<sup>th</sup> 1981 (Fraser 122). Up to this point, the Arab opposition to the agreements was obvious still, on the other way around; it initiated a *calm war* between the Arab countries and Israel for the next decades. Israel turns out to be a strategic arm in the American hands. Its contributions in the Middle East created support for the American ambitions. Israel's impact in the Egyptian Sinai and along the Suez Canal crisis helped with holding back the Soviet from profiting the canal, besides the military aid it provide during the Jordanian civil war in 1970 (Reich 4).

From administration to another, U.S. presidents strongly bonded their ties with the Israelis. In 1980s, Ronald Reagan showed how Israel strengthens the United States position the Middle East; he said, “Our own position would be weaker without the political and military assets Israel provides...the fall of Iran has increased the Israel's value as perhaps the only remaining strategic assets in the region on which the united states can truly rely”, Reagan added that Israel “has the democratic will, national cohesion, technological capacity and military fiber to stand forth as America's trusted ally” (Reich 4)

### **2.2.3. Post cold war:**

Following carter's peace efforts, the American president Barak Obama centred his concern on the need to establish a pacific Israeli-Palestinian relationship. One of his first calls in the oval office was to the Palestinian president Mahmoud Abbas, to whom he promised peace settlement between the two conflicted sides and more necessarily to help the establishment of an independent Palestinian state (Gerges 313). Nevertheless, Obama

stood loyal to the Jewish state as any other American president therefore, he said, “America’s commitment to Israel’s security is unshakeable. Our friendship with Israel is deep and enduring. And so we believe that any lasting peace must acknowledge the very real security concerns that Israel faces every single day” (Gerges 314).

This loyalty extended to the next President Donald Trump who pledged “the deal of the century” on his campaign trail to resolve the conflict between Israel and the Palestinians. Trump’s open favouritism towards Israel was evident in December 2017 after his recognition of Jerusalem as Israel’s capital and moving the U.S. embassy from Tel Aviv to Jerusalem as part of the deal’s initiative (Black 23). As a reaction, the Palestinians boycotted a visit by the U.S. vice president, Mike Pence, symbol of the U.S. Christian Zionist lobby while the answer very quick, Trump’s cut for the U.S. aid to UNRWA dated back in 1948 (Black 23). In 2020, the deal of the century was undoubtedly the deal of the century but solely for the Israelis. After three years of the initial plan, the new deal was the annexation of another Palestinian lands including the West bank and other occupied land in the Jordanian borders (specia para 5). Even if the deal also assured the foundation of a Palestinian state, it was not convenient either for the Palestinians or for the Arabic public opinion.

### **2.3. Economic Interests: Oil**

As eternal as its loyalty regarding Israel, America’s oil interests are much greater. The Unites states’ key interest in the Middle East precisely in the Persian Gulf is “oil”. In Fact, the Middle East holds 63% of the world oil reserves amongst 25% representing 261 billion barrels belong to Saudi Arabia alone (Fouskas 17). Moreover, gas and oil production exists in other countries as Bahrain, Iraq, Kuwait, and Iran. In view of this, the strategic goals concerns with stabilizing petroleum flow for the industrial world with practical prices, more profoundly, controlling oil market instead of being controlled.

Initially, U.S. oil companies gain entrance to the Middle Eastern oil spot through the Red Line Agreement. This Agreement was signed on July 31, 1928 as the first “international consortium” to manipulate the Middle Eastern oil supplies. This agreement granted the American oil company Standard oil of New Jersey almost 24% share, equally with the rest of the companies including, the Turkish Petroleum Company (TPC), the Anglo-Persian Oil Company (APOC), the Royall Dutch Oil Company and the “Companie Française des Pétroles” (CFP). Progressively, the U.S. oil companies upgraded its ambitions towards the Middle Eastern oil through another company. Definitively, Standard Oil Company of California (Socal) has inaugurated the real control story in the 1930s after establishing of a Bahrain petroleum company. In 1933, it comes the turn for Saudi Arabia to sign a concession pointed grant Socal a free access the Arabian oil in Dahna in the west of the kingdom, with free production and exportation processes besides high marketing facilities under the naming ”California Arabian Standard Oil Company” (CASOC) but the name changed in 1944 after the association of Texaco, Exxon and Mobile to be partners in the present-day title: “the Arabian American Oil Company” (Aramco)(Handbook, A. R. A. M. C. O 112; Halabi 29). Despite the fact that Socal was the last company to come preceded by the British companies, Anglo-Iranian Company, and Shell, the united stated now control over 42% of the Middle Eastern oil stocks (Mikesell et al. 27). The American interest in the Middle Eastern oil requires some interpretations. At first, the search for more oil supplies was a post world War issue over oil unavailability; intensely, this issue swayed Roosevelt’s administration quest for oil independence. Persian Gulf crude oil would be the appropriate solution; it could power the United States Army and navy as well as its Allies in addition to provide huge finance to the Marshall Recovery plan. Hence, President Truman administration in 1947 announced that the United States would no longer rely on the Texas or Venezuela oil; preferably, the 300.000 barrels of Saudi Crude would pump

each day by Aramco through the trans-Arabian Pipeline (Little 53). The TAPLINE road designed the U.S. interests and decided its friends. AS states by Little (53), Truman approved the topographical path of the TAPLINE that ran “from west-northwest Dhahran across the Saudi desert through Jordan’s panhandle and Syria’s Golan Heights to the Lebanese coast”. Ironically, all the TAPLINE zones have been a matter of American interests whether to promote local peace or to insure political stability. Factually, Oil has been permanently U.S. promoter to involve in the Middle East even the containing the Soviet Union was partially to protect energy production and sole Middle Eastern U.S. dependence. To all appearances, U.S. policy makers did their utmost to secure U.S. oil reserves in the Middle East with the enormous importance it carries for the American economy as well as its international sovereignty. Remarkably, during the Suez crisis, the Six Day war, Washington worked intensely with Wall Street to “shield” the U.S. oil concessions from being attacked by the Arab nationalists as well protecting the international of crude petroleum (Little 44).

Viewing the constant flux in the Arabian zone, Washington accustomed its oil interests from just flow issue to Price concern precisely after the foundation of OPEC “The Organization of the Petroleum Exporting Countries including Iran, Iraq, Saudi Arabia, Kuwait and Venezuela on 14 September 1960 in Baghdad, Iraq to institute oil prices and exert its sovereignty over the international flow. Eventually, during the 1973 Arab-Israeli crisis, the United States faced a problematic question after the rise of crude prices. The Arab oil embargo of 1973 attempted by the members of the organization of Arab Petroleum Exporting Countries (OAPEC) managed to quadruple oil prices (Halabi 64). This situation proved the American unconditional need for the Middle Eastern oil. Through the eyes of Henry Kissinger, U.S. secretary of state, “the oil price shock caused a deadly combination of severe recession and high inflation which, in the United States,

reached 14 per cent a year at its height” (Halabi 63). Increasingly, Gal Luft (1) declared his testimony that America has increased its dependence on the foreign oil after the OPEC oil embargo 1973, from 30% to 60% in 2005, which is estimated to rise to 70% in 2025.

As for Carter view, he explicitly pointed out that the American “national strength is dangerously dependent on a thin line of oil tankers stretching halfway around the earth, originating in the Middle East and around the Persian Gulf” (Halabi 64). Carter’s view would the truthful fact about the U.S. foreign policy towards the Middle East even after the end of the bipolarity during the cold war.

By the beginning of 1990s, Washington reacted hastily to Saddam Hussein’s invasion of Kuwait, as it was a direct invasion to the U.S. oil interests in the Persian Gulf. President George Bush allied with several Arab states created an international coalition to release Kuwait from the hands of the Iraqis (Hudson 334)

The post cold war period, America have been crowned the only great power, however, the coronation ceremony did not last so long. The rise of China and India as new contesting industrial nations, likewise the U.S., they have a continuous demand for the Middle Eastern oil. In 2005, china was the second world consumer of oil and by 2030, it is predicted that china would be importing oil as much as the U.S. consumes (Luft 3). This expectation would sooner be a certain fact to create a real battle over the Persian oil.

### **2.4. Nuclear Arms control:**

In post cold war time, an additional interest was added to the three core ones (oil, Israel and counterterrorism) as spectre of bipolarity vanished. Preventing and reducing the threats posed by rogue states those with weapons of mass destruction programs, particularly, “hostile” states like Iran with rigid regimes. Today the absolute nuclear danger is Iran though it is not the only Nuclear Power in the Middle East, with the existence of Israel. Unsurprisingly, the U.S. never considers Israel nuclear program started in 1960s as



threat since it is an ally (Byman and Moller 13). However, Iran was certainly a threat based on its antagonism raised after the Iranian revolution in 1979. The nuclear horror story begun in 2002, from the time when the IAEA (International Atomic Energy Agency) released series of reports accusing Iran of Nuclear related activities that violate its treaty obligations to accommodate with the IAEA instruct (Haugen et al. 136). In 2006, reports continue to be issued to shake the American interests that Iran nearly produced 85 ton of hexafluoride uranium (UF<sub>6</sub>) that would be enough for the construction of nearly 12 nuclear bombs (Haugen et al.136). Therefore, The Iranian suspected activities upon its nuclear programme pressed the U.S. Intelligence Committee to calculate that by 2015 Iran would certainly have a nuclear weapon (Haugen et al. 138). Tehran extended its enmity with Washington behind its extensive nuclear program that enriched uranium to twenty per cent (Byman and Moller 14). Up to this point, the United States preferred sanctioning Iran as a U.S. modern eligible weapon towards preventing any future extensive nuclear proliferation. In 2015, the resolution finalized to be an agreement between Iran and the six powers (the United States, the United Kingdom, France, Russia, China, and Germany; collectively known as the P5+1) so called a Joint Comprehensive Plan of Action (JCPOA) (Kerr and Katzman 1). JCPOA was designed to dissolve Iran's nuclear weapons programme in exchange for sanctions relief. Tehran Nuclear threat became more intensely aggressive as it sponsors Islamist radicals, consequently it would mean powerful terrorism and high risk of subversion (Byman and Moller 14). The Iranian nuclear threat has grown bigger in 2017 resulting from the construction of a nuclear reactor moderated by heavy water at Arak. Relying on Kerr and Katzman insights (4), though Tehran has asserted that the reactor is intended to produce radioisotopes for medical use and to replace the Tehran Research Reactor, The U.S. was not relieved. In fact sensing the peril was convenient following the JCPOA scientific estimations that "the Arak reactor, if it had been

completed, could have produced enough plutonium for between one and two nuclear weapons per year” (Kerr and Katzman 4). Despite the JCPOA’s efforts during Obama’s administration to contain the Iranian nuclear aspirations, Trump administration questioned its effectiveness. Evidently, in 2018, Donald Trump decided to cease the U.S. participation from the JCPOA, and to remise the economic sanctions under the justification the agreement did not address Iran’s ballistic missile program or its regional behaviour, the JCPOA accords are limited to a 10-15 year period, after which Iran could resume its enrichment and other covered activities (Joyner Para 10).

### **2.5. Alibi Interests: War on Terror and Democratization**

Democracy has been fundamentally a fixed principle in the American politics. Since 1776, Thomas Jefferson immortalized the phrase “life, liberty and the pursuit of happiness” to grant the American population freedom and protection. Progressively, Truman’s anti-communism policy, Eisenhower’s non-military confrontation, Johnson honest commitment to Israel, Carter’s peace mediation, and with the start of the third millennium, George W Bush administration in America commenced its new approaches towards the Middle East by insuring his democracy approach but much different than Jefferson’s and more distinctive than Reagan’s and Clinton’s. President Roland Reagan was the first to adopt the democracy principle in the American foreign policy agenda, “in the belief that “freedom” could defeat “evil empire” of the Soviet Union”, whereas, Clinton believed in the necessity of “market democracy” in an attempt to liberate economic markets and their governments (Markakis 12-13).

In his cold war struggle, Reagan first concern was ending the Soviet Union in one hand and erasing the Arabic autocracy and theocracy on the other. Regardless, this fact was not an American concern until first the Iranian revolution in 1979, in which Washington alarmed itself with the danger behind the rise Islamist government after the fall of the

American friend Shah Mohammad Reza Pahlavi, and the instalment of Ayatollah Ruhollah Khomeini as the supreme leader of the Islamic Republic. Those events were turbulent to the American foreign agenda that would unquestionably threaten their interests in the Middle East from jeopardizing oil reserves to absolutely being a menacing weapon towards Israel (Sharp 3).

At Reagan times, Islamism issue was not as much critical as the rise of dictatorship in Iraq led by Saddam Hussein in a form of absolute anti-Americanism. Regardless, the U.S.-Iraqi relations remained stabilized until Iraq invasion of Kuwait aiming for the annexation in August 1990 (Markakis 141). Knowing that Kuwait is an oil export country, it means one way or another, Washington would interfere to protect its eternal oil interests. President G.H.W Bush immediately called for the Iraqi withdrawal, and then following months of diplomatic negotiations, in January 1991, the U.S. led a coalition including Saudi Arabia and Britain to expel Saddam Hussein from Kuwait (Markakis 142). Fighting autocracy and theocracy was not an explicit principle under the democracy aura until President G.W Bush came to office to announce his new plan.

### **2.5.1. The Bush Doctrine:**

The incidents of the September 11, 2001 terrorist attacks on the Twin Towers of the World Trade Centre in New York and the Pentagon in Washington, DC, embodied the *realpolitik* approach towards the Middle East, as an unsurprising result, they initiated the democracy promotion efforts, “War on Terror” on the Arabic theocratic groups. Shadowing the attacks, the U.S. updated its objectives in the Middle East under the democratic peace justification. In his State of the Union Message in January 2002, president G.W Bush announced his doctrine against terrorism that was threatening the American security, he said, “ I will not stand by, as peril draws closer and closer... our war on terror is well begun, but it is only begun ... history has called America and our allies to

action, and it is both our responsibility and our privilege to fight freedom's fight”(Aruri 168). Washington assumed that the ultimate solution towards ending terrorists' threats was to democratize the Islamist movements into more peaceful, moderate political parties so far from extremism (Dalacoura 61). By evidence, Islamist groups are groups sought to govern through Islamic rules (Sharia). These groups vary from “moderate Islamist” which find equilibrium between the need to create political and social government centred on Islamic laws, to radicals Islamist that may seek to power positions through elections to in order to generate a severe rule under the name of Islam (Sharp 2), for instance, the Palestinian Hamas or the Lebanese Hezbollah sponsored by the Iranian authorities. Along with these Islamist groups, America concerned its war on terror on more aggressive groups. In Afghanistan, the Unites states started the war against Taliban in attempt to change the local regime as well as abolishing al Qaeda jihadist group by killing its leader Osama ben Laden (Farsoun 140)

Pragmatically, Bush criticised the previous administrations by speaking of “decades of failed policy in the Middle east” into making peace in the area, yet the method was promoting violence (Neep 75) in which he paved the way to guarantee that democracy is the accurate resolution to the Middle Eastern issue. In his speech in 2003, Bush expressed the way his administration would approach the Middle East,

“Sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe – because in the long run, stability cannot be purchased at the expense of liberty. As long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export. And with the spread of weapons that

can bring catastrophic harm to our country and to our friends, it would be reckless to accept the status quo.”<sup>10</sup>

While searching the roots behind the attempts to democratize the Middle East, the western consensus agreed upon the incompatibility of Islam norms and Democracy principles. Following the fall of communism, “Civil Society” notion developed among the scholars, discreetly, it as alibi towards establishing a democratic liberal market in the Middle East (Neep 77). Deeper in his analysis, Neep mentioned that “Political scientists frequently note that democracy cannot be installed from the top down; the push for a political system in which genuine participation is possible must begin at the grass-roots level”. Nonetheless, Bush has challenged the political theory regarding democratization. In fact, the democracy and counterterrorism card assured Bush an open access to the Middle East. He invaded Iraq in 2003 through an attempt to secure oil in one hand and on the other to end up Saddam Hussein dictatorship over the Iraqi population. With over 130.000 U.S. troops occupying Iraq, paradoxically, Washington is asserting “a generational commitment to helping people of the Middle East transform their region” (Rice cited in Hudson 336). It was obvious that United States had a plan towards erasing terrorism and planting real feet in the precious Middle East, however it was under the Alibi of democratization. As its application was purely military, Hudson (337) tells it, the new American approach under Bush administration shaped the new U.S. manifest destiny, As for Robert kagan, this approach was driven by two dynamics; the first was to maintain security post 9/11 while the second was more “an ideological sense in moral mission” (Kagan cited in Hudson 337). Whatever the case may be Washington achieved the desired scores in the Iraqi game in the execution (by hanging) of Saddam Hussein on Saturday, 30 December 2006 after

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<sup>10</sup>President Bush’s speech at the Twentieth Anniversary of the National Endowment for Democracy, U.S. Chamber of Commerce, Washington DC, November 6, 2003.

being convicted of crimes against humanity. The Iraqi Special Tribunal was privileged to run the execution even with the fact that Iraq was still invaded by the U.S.. This late was part of Bush democracy promotion plan. Saddam was killed for the murder of 148 Iraqi Shiites in the town of Dujail in 1982 after a try to kill him besides his accusation of being charged of several crimes against humanity including his invasion of Kuwait in 1990 (Sceats and House 2).

In the process of fighting terrorism in the Middle East, the U.S. policymakers deployed its intelligence agencies to hunt the radical Islamists all around the world and construct special prisons in Guantanamo Bay, Cuba and elsewhere. Correspondingly, seeking remedy for the Middle East *democratic deficit*, the Bush administration founded the Middle East Partnership Initiative (MEPI) in December 2002 alongside the Broader Middle East and North Africa Partnership Initiative (BMENA) in June 2004, including Pakistan and Afghanistan to gain more allies in boosting democratization policy (Dalacoura 63). The MEPI and BMENA are thought to have a huge impact on the democracy booting process through supporting the foundation of several human rights organizations, economic, educational and women empowerment. Profoundly, in 2005, MEPI helped in training election monitors for the presidential and parliamentary elections (Sharp 9). Additionally, as freedom of speech is part of democracy organism, the U.S. established the “Al-Hurrah” the Arabic language speaking television station besides “Al-Sawa” Radio station (Markakis 97).

The whole project of anti American terrorism and promoting democratic sense of governing amongst the Middle Eastern region was totally a failure as Hudson described it to be “an impossible project”(337). Luckily, the following president was conscious about this fact. President Barak Obama took office in January 2009 to face what Bush had

encouraged before, “the Arab Spring”, taking the shape of cataclysm to settle down people’s democratic rights.

### 2.5.2. Obama Administration:

The democratic President, Obama joined the oval office to reconcile what Bush has already damaged. Vice President Joe Biden provides a clear sense of the Obama reconciliation approach to the Middle East especially fixing the democratization issue. He declared, “Our administration has set an ambitious goal...to advance democracy not through the imposition of force from the outside, but by working with moderates in government and civil society to build those institutions that will protect that freedom.”<sup>11</sup> In 2009, during his speech in Cairo University, Obama announced his reconciliation policy towards Islam and the Middle Eastern hemisphere. Obama described his doctrine towards the area as *a new beginning*. He said,

“I’ve come here to Cairo to seek a new beginning between the United States and Muslims around the world, one based on mutual interest and mutual respect, and one based upon the truth that America and Islam are not exclusive, and need not be in competition. Instead, they overlap, and share common principles—principles of justice and progress; tolerance and the dignity of all human beings.”<sup>12</sup>

In its essence, Obama did neither address terrorism nor Islamism as an extremist movement; he addressed Islam as the religion for the Middle Eastern nations seeking a U.S.-ME harmony and peace for the humanity (Gerges 303). In 2011, the Arab Spring fought against the autocratic regimes starting with Tunisia, Egypt, Syria, Yemen, and Libya. The political awakening for sure shook Washington though Obama decided upon a non-interventionist approach democracy issue in the region (Gerges 306). Unlike Bush,

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<sup>11</sup> Joseph Biden, “Remarks at the 45th Munich Conference on Security Policy,” February 7, 2009.

<sup>12</sup> President Obama speech in Cairo, « A new beginning » June 4, 2009

Obama with his peaceful approach cost America the loss of a Middle Eastern Ally, Hosni Mubarak, more profoundly, he did not invade Syria like Bush invaded Iraq to step down Al Assad. Relying on Fawaz Gerges analysis to Obama peaceful approach, the American president refused to sponsor the Syrian rebellion neither with arms nor with trained fighters (309). Instead, his national security team have very vigilant in the peace process for the Syrians as well for the U.S. interests. Precisely, White House press secretary Jay Carney said, “we don’t want any weapons to fall into the wrong hands and potentially further endanger the Syrian people, our ally Israel or the United States” (Gerges 310).

Obama kept his promise to preserve the Middle East and its democracy via the complete withdrawal of all American troops from Iraq creating a new form of democratization based on freedom (Williams 87). Regarding the human rights, closing the Guantanamo Bay was Obama’s solution through condemning all the torture forms used inside the American special prisons (Dalacoura 69). However, Obama failed in making democracy in Syria through his non-interventionism policy while Al-Assad was using chemical weapons on his own people (Mazza–Hilway 20). Consequently, he is often blamed for the Syrian rebellion eruption, the rise of the Islamic State ISIS that led to the Russian settlement in Syria. This end marked the replay of the whole story moving back to the start point.

### **2.5.3. Trump Doctrine:**

As if the Middle East is fated to be the ultimate arena for conflicts and interests but never peace. Obama’s successor, Donald Trump seemed to be another Bush for the region. Like Obama’s anti Bush approach, Trump was anti Obama’s. In a redesigning for G.W Bush counterterrorism policy, the new American president showed more hostile tactics towards jihadist Islamist groups than president Obama especially ISIS whom he targeted to eradicate as a primary objective (Mazza–Hilway 24). His approach contrasted



his “America first” policy, yet, he did not engage in the democracy fundamentalism as “the Bushes” has done for the Middle East. Notably, besides ISIS, Trump concerned its administration with Al-Assad chemical weapons violations that put the human lives in danger (Mazza–Hilway 24). In 2017 and 2018, the U.S. sent airstrikes alongside France and the United Kingdom to punish Al-Assad non-humanitarian attitude through using chemical weapons and particularly to stop their production (Mazza–Hilway 25). To do so, the Trump policy planned to maintain a “semi-permanent” military presence in Syria though the purpose was not to step down the Assad regime but to limit Iranian and Turkish influence in the area (Barron and Barnes<sup>3</sup>). Based upon this premise, the Trump policy towards the Middle East was far from being a reconstructive aimed relationship but rather putting literary America first and its interests for sure.

### **3. Conclusion:**

The long history of the American interventions in the Middle East delineated its principles and foreign goals. Whether to defeat the Soviet Union, secure Israel or punish the autocratic rogue states that threaten Oil supplies, the U.S. is updating its tactics and policies to find the correct fitting tool to each political and economic quagmire.

Eventually, it has been proved right through the Iraqi experience that military intervention is of bi-destructive nature while truces and talks are out of reach of success. Besides, it is illogical to stand opposed to the forging nuclear aspirations that threaten the world peace by starting a war that may damage more than it heal. To do so, and to secure its efforts and lives, the U.S. modern policy has chosen to attack peacefully through economic sanctions that trigger extreme damage on the target but less if none to the American sanctioning authorities.

Thus, the second chapter will exhibit the general conceptualization of sanctions as a modern weapon that seek effectiveness and international endorsement then the focus will be on the U.S. sanctions regime and its basic legislative and executive regulations that is under the shadow of legality in the international law trails as well as the general conception of a sovereign state.

**Chapter II:**  
**U.S. Sanctions Policy: A Clash**  
**between Power and Law**

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**1. Introduction:**

Great powers, most conspicuously the United States, possess many alternatives to their defensive strategies while fronting external threats to their international securities. The end of the cold war marked the activation of the modern alternative “Sanctions” to stand more effective and much wounding than missiles would do. Twentieth’s century fin de siècle along with of the third millennium’s beginning noticed a foremost global formation in the world’s chief fields, economy and technology as a result of the industrial globalization mainly. This formation redesigned the world’s interests as well as its strategies by which the United States raised to be one of the main countries that occupy the largest economic system in the world jointly with China; consequently, it allowed U.S. authorities to control widely the world’s trade organism furthermore gaining a vital weapon in usage to reach its foreign goals.

As mentioned previously in the first chapter, The United States of America has a long history with aimed high-handed relations towards the Middle East region to secure its interests whether through military interventions or diplomatic truces. Nevertheless, these traditional methods and strategies applied violently and relentlessly, were not able to reach the desired eligibility in maintaining solid authority in the area. Eventually, after these strategies expiration, U.S. government shifted to a modern strategy that suits the globalized era veiled in economic and diplomatic boycotts to declare a modern war over the Middle East region.

Before examining U.S. Sanctions as a modern regime challenging the international regulations, it is important to exhibit a sharp conceptualization for international sanctions in the first sections of the second chapter as a buzzing concept in

the present moment furthermore inspecting its origins and the most prominent purposes this policy was first created to attain.

The second section of this chapter would inspect U.S. sanctions policy in particular as it is evolving through time. This section aims to unravel the history of U.S. sanctions policy as well as its impact over the international Law that failed to protect the American enemies from its ghost. It is true that each country is free to pass laws and acts to protect its interests, but it is not clear to what extent an internal law of a country could be legitimate to act as an international one. This part is devoted to determine to what extent U.S. Sanctions regime against its enemies is violating the International law regulations.

### **2. Conceptualizing Sanctions:**

#### **2.1. Genesis:**

Certainly, international penalties may not be a recent concept though it was never considered as an avant-garde. At any rate, the concept of sanctions was anciently used since the antiquity. In 432 BC, the Greek empire imposed trade embargos against Megara under the Pericles' decree of 432 BC in response to Megara's territorial expansion and the kidnapping of three women, which finally led to the Peloponnesian War (431-404 BC) (Eaton and Engers, cited in Golliard 11; Carter, Economic sanctions 3). Manifestly, the 18<sup>th</sup> and 19<sup>th</sup> century demonstrated the pivotal adjustment for sanctions use. According to Davis and Engerman (188), 18<sup>th</sup> and 19<sup>th</sup> century economic penalties involved basically "pacific blockades" through "the deployment of a naval force by a country or coalition of countries to interrupt commercial intercourse with certain ports or coasts of a state, with which these countries were not at war".

The first pacific blockade noted during the Greek conflict for independence from Turkey in 1827 by Britain, France and Russia. The three powers implemented a fleet off the Greek coast to block the sea roots as well as the blocking food supplies and military

support for the Turkish and Egyptian forces in Greece (Davis and Engerman 188). Notwithstanding that fact, earlier in 1806 during the Napoleonic Wars, Napoleon used enormous embargos against the British responding to their naval blockade known as the Continental System or Continental Blockade. Indeed, The French emperor ceased all trade associations with the United Kingdom (Golliard 11). In view of the blockades purpose, economic sanctions conversely, are viewed as “being milder” than blockades or “economic warfare” for their peace-making objective without military intervention, “while economic warfare usually accompanies traditional warfare” (Carter, Economic Sanctions 2).

As defined in “A Dictionary Of Modern History 1789-1945”, a Sanction is “an economic boycott of a country resorting to war contrary to undertaking given to the League of Nations” (Palmer, 290). Effectively on the international realm, sanctions did not strike until the twentieth century with the formation of the League of Nations in 1920 and then later of the United Nations in 1945.

In view of the League of Nations sanctions paradigm, the legality to impose sanctions embodied in Article XVI of the League’s Covenant (Palmer, 290). That article authorized collective economic and military action against a state that resorted to war in disregard of the League’s Covenant—a covenant that required states to settle disputes peacefully (Borchard cited in Davis and Engerman 188). Most notably, the League of Nations Sanctions on Mussolini in October 1935 after his attack on Abyssinia after the Italian invasion of Ethiopia. However, oil, iron and steel were excluded from the boycott since they represent essential raw materials for the war. By July 1936 sanctions had been raised by all the members of the league and never imposed any kind of sanctions since it lost its integrity and real purpose to maintain the world peace (Palmer, 290).

In the case of the United Nations, learning from the League of Nations’ failure in maintaining effective and flexible sanctioning program was the basis in drafting Chapter

VII of the UN charter. Unlike Article XVI of the League's Covenant that determined under what conditions sanctions would be imposed (i.e., interstate war), Chapter VII of the UN charter specifically Article 41 does not delimit the circumstances that would magnetize sanctions (Security Council Report 2). It determines that any "threat to the peace, breach of the peace, or act of aggression" would be a serious call the UN intervention. Accordingly, it delineated the main categories into which the UN may make it move: "conflict resolution, non-proliferation, counterterrorism, democratisation and the protection of civilians (including human rights)" (Security Council Report 3). For the most part, Article 41 has occurred to be flexible with respect to insuring international peace and security (Security Council Report 2). Thus, the UN captured the humanity fear of violence and their need for establishing secure behavioural strategy aiming at ending violence and launching peace in various conflicted spots in the world. Considerably, the Security Council acted under articles 2(4), 39, 41, 42, 43 and 46 of that organization's charter and in the Uniting for Peace Resolution of 1950 yet, that programme was rather inactive between 1946 and 1990 at a time when only five conflict-centred countries under were sanctioned: North Korea, South Africa, Portugal, Rhodesia and Iraq (Davis and Engerman 189).

Doxey Margaret shared her insight into the close-called failure of UN sanctions. She thought, maybe, the security council either did not take the cases examinations too seriously in order determine the extent of danger therefore resolve eligible conclusions, or possibly the veto factor was the reason, supposed that one or more permanent members used their vetoes to accomplish their own interests (16). In all respects, UN sanctions ought to be erratic regarding veto aspects all related to the international goals of its permanent five that would, if any, are turning from the collective decisions to the unilateral ones to undertake their particular interests.

### 2.2. Definition:

Today, most countries, either prosperous or unfortunate, are economically dependent to foreign goods that the transnational market could definitely bargain. To fall into the economic dependency deception is approvingly considered to be many rogue nations' most *ready to fire* part. Consequently, confining foreign goods on a certain country may paralyse its commercial system then its sovereign powers as an act of penalization after being at menace positions. Finding a clear suitable definition of these acts was increasingly a research-based matter.

In one form or another, Sanctions have been used for thousands of years. However, its functions might vary from a time to another so that its purposes, which may create grey spots into the investigation process. In her "International sanctions in contemporary perspective", Doxey Margaret (3) tackled David Baldwin's three meanings of economic sanctions: the first, "a rather narrow concept referring to the use of economic measures to enforce international law"; while the second: "referred to the types of values [...] intended to be reduced or augmented in the target state" .Whereas the third meaning "corresponds to the concept of economic techniques of statecraft" that are defined by Baldwin as "governmental influence attempts relying primarily on resources that have a reasonable semblance of a market place in terms of money". Based on the diagnostic standpoint, the first meaning is adopted inside the international framework once with the League of Nations' sanctions then with the UN. It is significant to note that the two bodies employed sanctions to enforce the international law in one hand or to detach its violators; in the same manner Italy or specifically Mussolini were sanctioned in 1935. The second meaning involves types of measures a certain sanction aspires to implement or remove. That last, denotes the type of sanction oriented as sort of reward or punishment. Though the third meaning, the most specified, denotes that extra laterals, "governments" besides



institutional framework could elaborate sanctions. The distinction noted by Baldwin is remarkable regarding the purpose. For the first meaning enforcing the International law was the ultimatum however, the third one addressed *money enforcement* enhancing governmental trade wars and international money games drawing a slight modification in those games; the sanction's sender always wins. By analogy, Doxey assembled the three meanings into "governmental influence attempts, which rely on economic instrumentalities" (3). From a harmonizing viewpoint with Baldwin's three meanings, Webster's New International Dictionary defines the term "sanction" as follows:

"The detriment, loss of reward, or other coercive intervention, annexed to a violation of law as means of enforcing the law. This may consist in the direct infliction of injury or inconvenience, as in the punishment of crime (*punitive sanctions*) or in mere coercion, restitution, or undoing of what was wrongly accomplished." (Quoted in Daoudi and Dajani 3)

According to Lowenfeld's definition, economic sanctions<sup>13</sup> are "measures of an economic—as contrasted with diplomatic or military—character taken to express disapproval of the acts of the target or to induce that [target] to change some policy or practices or even its governmental structure" (Lowenfeld cited in Carter, Economic Sanctions 1). Literary, sanctions are a "diplomatic slap on the wrist" (Hufbauer, Schott and Elliott, quoted in Davis and Engerman 187).

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<sup>13</sup> The term "economic sanctions" is mostly associated with other terms such as "boycott" and "embargo". It is interesting to note that the distinction between a boycott and an embargo. According to Daoudi and Dajani, in juridical terms a boycott will be imposed on Individuals, groups or organizations, private and non-state actors. It implies no force of law or coercive measures; it is only a matter of breaking relations and withdrawing patronage from them. While an embargo is much stronger, it took the form of reprisal. It is a disposition of the government to prohibit any kind of trade with the target (4-5). For instance, the Case of the U.S. Embargo against Cuba.

Apparently, coercive Sanctions could be the modern substitute of the world weaponries and the need for hostilities, which act as an effective mechanism of a diplomatic, political and economic nature whose main purpose is to threaten, to alter actions or adjust policies menacing human rights and international law guidelines. Though particularly, it is an alibi to fulfil particular interests of many nations and multinational entities notably to paralyse any kind of enemies' supremacies. According to Selden, the main supposition behind imposing sanctions would be to cause an "economic pain" which blindly "will force the target to behave in a manner consistent with the sender's preferences" (6). Therefore, these sanctions mainly economic ones are of intentions either to change specific "offensive policies" or to detach "the leaders responsible for them" (Selden 6). From that point on, it is deduced that sanctions are "coercive"; the sender tries to influence by putting weight on the target economy so that either actions or their leader could be altered. For instance, David Lloyd George's, then a leader of the British political opposition, claim upon the League of Nations sanctions against Italy in 1935, as he prove right how sanctions turned the tide over Mussolini's government, "they came too late to save Abyssinia, but they are just in he nick of time to save the Government" (Rowland quoted in Hufbauer, Schott and Elliott 3). While many express reservations about their purpose and target, Selden (7) finds out that sanctions are made to block the holes that military forces were enabled to block while overt diplomatic discussions are simply out of question. To this end, it is overt that sanctions are multiple in functions and purpose that led to much debate about its significance.

### **2.3. Forms:**

As above-stated, Sanctions have been used since the Pericles-Megarian Decree issued during the Polynesian war. It is often impalpable to determine their legitimacy or

purpose, nevertheless; their forms are well defined to determine the extent of risk a certain power wants to remove.

Sanctions do fall fundamentally into the categorization of the laterality function, in which two categories are found, unilateral and multilateral. Sanctions were defined by the Royal Institute of International Affairs in 1938 as “measures taken in support of law” that “are applied with and by the general authority, not by any individual”, further it added that “with the substitution of the word “individual” for the word “state”, then mentioning two distinctive laws was relevant “sanctions of the international, as well as national, law” (quoted in White 5). From that definition, it is deduced that multilateral sanctions are measures involved collective, general parts or international entities like the UN. In contrast, unilateral ones involved one-sided decision, imposed by individual states using their national laws to impose international coercion on other states. Advantage takers, the UK along with the U.S., considered sanctions employed by individual states without any authorization from the UN or regional organization could be autonomous, unilateral sanctions (White 5).

In overall, the literature on sanctions tends to resume two types of sanctions: positive and negative sanctions. Positive sanctions are good sanctions that cause no harm for the targeted part; it falls into the category of actual or promised rewards such as aids, tariff’s reduction or tariff’s abolition (Golliard 22). Contrastly, negative sanctions, the most prevailing type, are coercive measures aiming at punishing or threatening the sanctioned (Golliard 22). For lawyers, according to Doxey Margaret, “negative sanctions are measures of enforcement which follow violation of law” (2).

Even though positive sanctions are harmless, Baldwin highlighted the fact that both types throw the sender’s weight around the target country as a way to control means to exercise power (Baldwin cited in Golliard 22).

At various phases, sanctions have taken the form of arms embargos, financial flows, tariffs increase, and diplomatic relations removal, confining the movement of people, visa denials, and votes in international organizations (Haass 2). Though diagnostically through her analysis, Melanie Golliard distinguished three major economic sanctions forms have been distinguished: Trade sanctions, financial sanctions and smart sanctions (Kaempfer and Lowenberg, cited in Golliard 23). First, trade sanctions take the form of trade restrictions and goods embargos, limitations on exports and ceasing imports (Golliard 23). In a strict way of punishing they may target suspected businesses, like nuclear proliferation. The most Spartan type of trade sanctions is the comprehensive ones, which impede unconditionally all contact and trade with the target country, looking for an absolute isolation for its economy up to the hilt for example the U.S. embargo against Cuba. That embargo has severely weakened the Cuban economy, harming the Cuban people for three generations, and prevented much diplomacy (Golliard 23).

Second, financial sanctions or that related to the international investment private financial transactions, such as bank deposits and loans restrictions or cutting relations and economic activities with international financial institutions.

In addition to the third type; the so-called “smart sanctions” also defined as targeted sanctions, are “the precision-guided munitions of economic statecraft” (Drezner cited in Golliard 27). Smart sanctions targeted individuals, organizations or public bodies that are responsible or supportive for suspected prohibited practises, for instance, government officials or their family members, military organizations going from conventional armed forces to guerrillas, extremists political organizations and so on. Smart sanctions tend to be more diplomatic than economic regarding its application. Smart sanctions comprise travel and transportation bans, restrictions on flight connections, freezing assets, restrictions on particular or hard to get goods and services such as

diamonds, timber, oil, arms, (Drezner, and Wallenstein ; Eriksson and Staibano, cited in Golliard 27).

Smart sanctions advocates argued that “economic coercion has had such a poor past record of success because they have often missed the locus of the target state’s offending policies: the policy elite” (Golliard 27). Precisely and accurately, smart sanctions’ main objective is to threaten the leading most influential bodies or simply the governmental elites that support the targeted regime as well as targeting the regime itself, while keeping the population out of conflict (Drezner cited in Golliard 27).

### **2.4. Effectiveness:**

Are economic sanctions effective? That question is meant with approving economic sanctions as a safe, peacemaking approach, and foremost a policy to enforce the international law. While some advocates, other unbiased don’t, interchangeably, the answer could be yes and no. From an argumentative angle, the Geneva School of thoughts set out to settle the arguments behind the international necessity to endorse sanctions. Following a reasonable hypothesis, the school assumed that if “the balance of power system is dead” and wars could neither solve problems nor settle peace, an alternative is undoubtedly indispensable (Daoudi and Dajani 18). Another statement justified sanctions prerequisite based on the veracity that international organizations including either the League of Nations or the UN could enforce the international law excluding any idea of military intervention, well, the Geneva school ended up labelling international economic sanctions as a “weapon that is powerful, effective, relatively cheap, bloodless, and, moreover, easy to use to bring any aggressor to his knee” (cited in Daoudi and Dajani 18). In 1919, Woodrow Wilson was obviously in accord with the Genevan assumed qualification to sanctions regarding its effectiveness, he said:

“A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted, but it brings a pressure upon the nation which, in my judgment no modern nation could resist”.

While analysing Wilson’s words that sanctions are “peaceful and silent deadly remedy” alongside the Geneva school conclusion “effective”, “cheap” and “bloodless”, supposing that sanctions would, at any rate, engender harm or any kind of loss for the sender country is absolutely out of question.

Be that as it may, sanctions do fail in some tracked cases because of several causes. Hufbauer, et al. traced four reasons why sanctions do fail and thus they are not depicted effective to the ultimate extent. The first is cogent that sanctions may not be adequate with the purpose they have been charged for (7). The second and third reasons behind sanctions failure may be related to the target’s success to find “an antidote” through resilience and international solidarity (Hufbauer et al. 8). In that case, the target country would stand resilient to economic pressure, as a solid example, League of Nations’ sanctions against Italy in 1935 when Benito Mussolini proclaimed the Italian strength, “To sanctions of an economic character we will reply with our discipline, with our sobriety, and with our spirit of sacrifice” (quoted in Hufbauer et al. 8). In addition to resilience, the targeted country would find a way out of troubles by fusing its local powers and bargain alternative markets through the formation of new alliances and international pacts. Respectively, the fourth reason is to bring new enemies for the sender’s state that became allied with the target one (Hufbauer et al. 8). Systematically, confronting sanctions would not be as easy as it sounds to be. According to Biersteker and van Bergeijk, sanctions “tend to succeed most in the first initial years of employment”, thorough going vis-à-vis Hufbauer’s et al. notion of “antidote”, first years of sanctions implementation would be

hard and damageable, yet over years, the target would supposedly achieve corrective solutions.

Anyhow, it is problematic to determine the success of any procedure without identifying its targeted purpose. Lieutenant Colonel Bonner Douglas in the U.S. Army linked the assessment whether sanctions are effective or not, with whether they accomplished the purpose they have been employed for, “with a minimal collateral damage” or not (2), i.e., the desired goal ought to be precised so that the fallouts would be well calculated. Starting from that idea, the purpose should be well defined yet, sanctions, as a weapon, would unquestionably impact at least something from anything possible. This conclusion, will lead asking the question, to what extent the targeted state shows vulnerability towards sanctions? What is the field impacted? And how to determine the damage? To answer these questions, a correlation of experts is required not only economists. Biersteker and van Bergeijk think that though, sanctions tend to have a pure economic feature, examining its usefulness should not be from a sole economic angle (18). Since the economy covers almost the whole targeted state facets, (local institutions, financial and governmental bodies as well intensely currency level, consequentially, impacting the political and social life of its citizens), sanctions analysts require “a multidisciplinary analysis” in order to identify the degree of damage caused by implementing those sanctions. They need to join efforts with “law, political science, sociology, and (applied) Psychology experts” to measure the damage before making the decision upon the effectiveness of these sanctions (Biersteker and van Bergeijk 18).

The debates over whether sanctions work or not are unfinished yet as no theoretical basis have been explored to detect a sharp answer by the existence of multiple cases within different circumstances. Knowing whether the behaviour has changed is potential; however the challenge endures in acknowledging the target’s vulnerability

degree towards these sanctions, which is almost not clear in most cases. The 1990 study of Hufbauer, Scott and Elliot showed that sanctions rate of success is remarkably low. They investigated 115 international cases while only one third of these cases successfully fulfilled the desired purpose, for instance; the Arab boycott of Israel along with the OAPEC oil embargo of 1973 did not made Palestine free again. Probably because the answer lays in the target's hands not of the sender's regarding its endurance towards economic pressure (Hufbauer, Scott and Elliot 97).

Assuming that sanctions policy does not work, then why is still used as an Avant-garde. Daoudi and Dajani approximately ended the debate. Regardless of their incapability to achieve the goals settled for (either to change political regimes or some rules), the two authors claimed that sanctions need not to be rejected as "totally ineffective" considering the fact that stimulate, even not intended, but "drastic foreign policy changes" (Daoudi and Dajani 160). In an analogous vein, Daoudi and Dajani maintained their point upon the condition if the Arab boycott against Israel did not work or generate damage, why then the Israeli government vitalizes the U.S. congress passing anti- boycott laws? (160). Thus, sanctions are of harmful nature though antidotes are of question of time.

As a matter of fact, the reason behind the never-ending controversies concerning the economic sanctions employment, as a modern weapon might be the fact that this tool even if modern or less wounding it still a weapon. In the final analysis, of many objections against economic sanctions shouts the solution to the international arbitration which is neither economic sanctions nor other weapons but rather it is "the removal of the underlying causes of disputes" (Daoudi and Dajani 30).

Basically, one of the pivotal reasons behind endorsing sanctions as a modern useful weapon is the fact that they are less expensive than military engagements. Sanctions denoted a deadly weapon certainly have to be considered in the modern world. Prior,



traditional warfare cost the concerning parts high expenses whether to supply food and arms or more costly focus, to gain allies, though in modern times, Sanctions remained pragmatically safer, inexpensive and cause only harm for the targeted state. Paradoxically, it is sort of absurdity to fight violence with violence or to protect human lives with bombings.

### 3. U.S. Sanctions Regime:

The increased usage of Sanctions by the United States against several foreign states including, Cuba, Iraq, Iran, Libya and North Korea with a long list a hand, gave birth to a considerable body of research. Indeed, The United States has endeavoured the application of economic sanctions to protect its interests; whether in the Middle East of outside basically to protect human rights, to halt nuclear proliferation, and to combat international terrorism and extremists from any political or religious parties. Regardless of its current interests, the United States concerned its foreign policy with sanctions since the new nation early foundation and even earlier. One of the major motives leading to the American Revolutionary war is the colonist boycott of English goods in 1760s-1770s in response to the Stamp Act and raised the famous call “No taxation without representation” that led to the Boston Tea Party of 1774 (Carter, International economic sanctions 8). At an undeniable extent, boycotting England was effective during independence war. The use of sanctions thus became a part of the national defence policies. In 1807, President Thomas Jefferson with his congress enacted a comprehensive trade embargo against England and France in a desire to evade war hostilities (Carter, International economic sanctions 8). To a certain scope, the Jeffersonian perception of sanctions advanced the evolution of U.S. sanctions policy towards history to suit the Jeffersonian constitution.

The U.S. sanctions legal basis is a complex arrangement of legal laws and acts designed predominantly to attain foreign policy goals. The Office of Foreign Assets

Control “OFAC<sup>14</sup>” within the U.S. Department of the Treasury in Washington, DC, in collaboration with the State Department and other U.S. agencies administer sanctions implementation process (McVey, Part I, 2). Primarily, the U.S. President commands the procedures by issuing an Executive Order declaring a national emergency under the International Emergency Economic Powers Act “IEEPA” One of many emergency statutes under the pact of the National Emergencies Act (NEA) or similar authorities like the Trading with Enemy Act “TWEA” issued in 1917 from which the U.S. sanctions saga has been initiated.

### 3.1. Trading with the Enemy Act “TWEA”:

On October 6<sup>th</sup>, 1917, the sixty-fifth U.S. congress issued the “TWEA” during the First World War in attempt to hurt more its antagonistic countries, Germany and the Central Powers. In a form of economic warfare, TWEA was defined by the congress to be “an Act to define, regulate and punish trading with the enemy and for other purposes”. Joseph Bishop believed that the Act has two basic objectives, the first “to keep an enemy from using for his own purposes any property which he owns or controls, located within the United states” thereafter the second is “to make that same property available for the purposes of the United States.”(721). Indeed, the very beginning of its usage, TWEA targeted primarily freezing the German assets in the American territories and to seize the German properties with those of the Central Powers and used them for the benefit of the U.S (Coates 156).

Besides the Central Powers, defining who could possibly be a U.S. enemy was decisive into legislating the act to survive through distinctive conditions. Section 2 of the

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<sup>14</sup>The OFAC was created in 1950 as a reaction to China’s involvement in the Korean War. President Harry Truman declared a national emergency and froze all Chinese and Korean assets subject to U.S. jurisdiction. There are currently 30 distinct sanctions programs administered by OFAC and authorized by a congressional legislation, related to countries and activities violating the U.S. foreign policy goals.

Act outlined the enemy index as any individual resident in the U.S. or outside it, organization, national or international bodies of any nationality, governments, at war with U.S. or any other entities threatening the U.S. In addition to any other ally of any nature, to the prelisted enemies, is similarly titled “an enemy”.

In this research essence, it was Section 5(b) of TWEA, that created one of the central bases of U.S. economic sanctions emergency usage shaping the new American political economy status as a “sanctioning state”(Coates 153). Section 5(b) of the Act dealt with the international activities of the American banks. It authorized the U.S. president a broad power “to investigate, regulate or prohibit [...] transactions in foreign exchange, the export or the hoarding of gold or silver coin or bullion or currency and transfers of credits in any form between the united states and any other foreign country, whether an enemy, ally of an enemy or otherwise”<sup>15</sup>.

The broad language that drafted the act and Section 5(b) in particular seemed to be dubious into identifying its primary purpose, which was defined as war enemies paradoxically; adding the term “otherwise” by the end of the act opened infinity of scenarios. In 1966, one of the Act’s opponents claimed that this broad language was a “*sleight-of-hand* inserted intentionally” so as to ensure that section 5(b) transcend war periods (Coates 160).

It appeared that TWEA was designated to implement during wartime or any similar national emergency however, after the end of First World War, and the Great Depression histrionic economic outbreaks, its implementation was no longer circumscribed to wars only. In 1933, the newly elected president Roosevelt activated section 5(b) however with some modifications, taking advantage of the “otherwise” element. As part of his

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<sup>15</sup> Trading With the Enemy Act, Sixty Fifth Congress. Sess. I. CHS. 105,106. §5(b) (1917) p. 415.

“New Deal” to resolve the financial crisis, Roosevelt requested Congress for “broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.” (Quoted in Casey et al. 4). TWEA helped Roosevelt to regulate transactions from the United States and to lock down the banks. Under section 5(b), Roosevelt suspended the entire transactions at the whole banks located in the United States and its territories without any exceptions for four days declaring a “bank holiday” (Casey et al. 4).

Mahvash Alerassool considered Roosevelt’s appeal of reconditioning TWEA as the president’s “tour de force” following the Congress immediate approval through editing the Act to be valid during any national emergency whether during time of war or otherwise in addition to providing the President a unilateral authority to interfere in national banking flows and economic transactions (8). Section 5(b) has been exposed to a large scale of criticism denouncing the sweeping power granted to the president during national emergencies as it may decay the Jeffersonian constitutional spirit of fairness, democracy and human rights. In 1947, Princeton professor Edward Corwin had judged the two world wars along with the Great Depression to be the reason to transfer the “Constitution of Rights” that protected individuals into a “Constitution of Powers” that centred national rights in the hands of the government and less further, in the executive branch in specific (Quoted in Coates 154). In 1977, during the House mark-up of a bill revising TWEA, Representative Jonathan Bingham, Chairperson of the House International Relations Committee’s Subcommittee on Economic Policy, labelled TWEA as awarding “on the President what could have been dictatorial powers that he could have used without any restraint by Congress” (Casey 7). At every cost, U.S. policymakers showed many times there gratitude towards TWEA that has been used several times either in wartimes or in

peace ones, for instance by Truman's administration during the Korean War in 1950, Cuba, Vietnam and Cambodia.

### **3.2. The International Emergency Economic Powers Act "IEEPA"**

The U.S. Congress passed the International Emergency Economic Powers Act (IEEPA) in 1977 by amendments to section 5(b) of the Trading with the Enemy Act. It is designed to deal with national emergencies related especially to foreign policy reasons outlined as "any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the U.S. national security, foreign policy or economy". If the American President signalled any threat of these kinds, he attained the absolute power to declare a national emergency under the Act of National Emergencies Act (NEA) and initiate IEEPA sanctions pact (Carter, *International economic sanctions* 184). However, the president is not the sole manager of the IEEPA sanctions unlike those of the TWEA. IEEPA first purpose was to delimit the authorities offered to the president by the TWEA without congressional review. Congress drafted the IEEPA to give the President a new range of limited authorities than those of section 5(b) for usage during time of national emergencies<sup>16</sup>. IEEPA requires that the President consult with Congress "in every possible instance" before exercising any authority granted by the act itself (Casey 10). Certainly, he could implement sanctions as far as he could during any national emergency period unless the Congress Acts decided termination by a joint resolution (Carter, *International economic sanctions* 185).

The granted authorities under the International Emergency Economic Powers Act are similar to those under 5(b) of the TWEA. Section 203 granted the president the imposition of transactional sanctions and the power to impose foreign-property controls.

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<sup>16</sup> (Title II); 50 USC 1701 House, *Trading with the Enemy Act Reform Legislation*, p. 2.

The President may “investigate, regulate, or prohibit, direct and compel, nullify, void, prevent or prohibit<sup>17</sup>” a long list of any property or related subjects to such foreign property that is subject to the jurisdiction of the United States. These relationships include “acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property.<sup>18</sup>”

Unlike TWEA trade embargos and besides transactional sanctions, The IEEPA statute legalized U.S. enactment of the freeze (Alerassool 8). The freeze instrument may have the future to prove substantial comparing to other types of economic sanctions in changing the behaviour of foreign bodies. At the core of IEEPA function, the U.S. President is conferred with large and extensive powers to impede the mobility and transfer of financial assets and properties of foreign states and individuals seized under the jurisdiction of the United States (Alerassool 8).

In November 2020, the first emergency declared under IEEPA that has been never lifted since its first declaration reached its forty-first year. It was invoked on 14 November 1979 during the Iranian Hostage crisis<sup>19</sup>. Finding out that the Iranian Government was approaching to withdraw its billions of dollars from U.S. banks (12 billion dollars of Iranian assets), led to the declaration of a national emergency by president Carter to block the transfer of all property and interests in property of the Iranian government (Carter, International economic sanctions 192). However, the freeze did not last for so long, in 1981, the United States and Iran settled an agreement brokered by Algeria under what was called the Algiers Accord 1981, to free the hostages and to release the frozen assets (Casey

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<sup>17</sup> (Title II); 50 USC 1702 House, *Trading with the Enemy Act Reform Legislation*, p. 2.

<sup>18</sup> (Title II); 50 USC 1702 House, *Trading with the Enemy Act Reform Legislation*, p. 2.

<sup>19</sup>In November of 1979, a group of university students attacked the US embassy in Tehran, or what they called the “nest of spies,” and took some hostages. As a reaction, the US froze Iranian assets, worth over \$12 billion, in US banks and imposed a trade embargo on Iran.

28). This was only the start; however, the IEEPA has proven coercive and powerful statute in threatening foreign countries. Alerassool highlighted the fact that there would be no country able to challenge the IEEPA as a coercive law, by analogy, there would be no other power to threat the United States in the same way IEEPA might do (8). His assumptions have been proved by virtue of the financial and economic position the United States has maintained since the Cold War (Alerassool 8). Indeed, its most important U.S. powerful weapon in hands is the dollar's status as the global most powerful currency making other economic systems vulnerable to the American laws (Alerassool 8).

In view of all that has been mentioned so far, one may suppose that American sanctions are distinctive in form, judicial and executive basis to prove more coercive yet even more controversial. Once these laws are passed with success, a single striking attention is payed to the factual employment of these orders.

As far as it is known, U.S. sanctions are administered primarily by the U.S. Department of the Treasury's Office of Foreign Assets Control "OFAC" which is responsible of the implementation, classification and measurement of forms of sanctions to apply for what purpose and under which situation. Most U.S. traditional sanctions are considered "primary sanctions" that stands for trade embargos, blocking assets or any other transactions with the sanctioned state. However, in recent years, the "OFAC" especially under Trump administration, endorsed another type of sanctions "secondary sanctions" when primary sanctions proved ineffective, that abuse a third part out of the sanctioning-sanctioned circle. The debate about secondary sanctions functioning has gained fresh prominence with many arguing the large difference between the two.

In one hand, "primary sanctions" are simply restrictions imposed on the targeted country to engage directly with the "sanctioning country". Specifically, U.S. primary sanctions stands for restrictions within the U.S. geographic and nationality zone which

means that “Target’s agents” or “agents of any nationality who are located on its own territory, or its own nationals wherever they are located in other words, agents who are subject to its territorial and/or personal jurisdiction” (Fabre 2).

On the other hand, “Secondary” or “extraterritorial sanctions”, targeted any third element whether a country, companies or citizens if they have any economic relations with the sanctioned state (Turkey 2). Arguing this idea, Cecilia Fabre drew attention on the “extraterritorial” nature of these penalties, she point out that the aim of these specific type of sanctions is to restrict the economic actions of states “who are not subject to its territorial and/or personal jurisdiction, on the grounds that they trade with or invest in Target” (Fabre 3).

Except for the Arab League’s boycott of Israel that was in fact extraterritorial in nature to prevent trade with Israel allies, all secondary sanctions have been administered by the U.S. The most acknowledged American secondary sanctions are under the Iran sanctions program, preceding the Joint Comprehensive Plan of Action “JCPOA” in 2015. Under that program, the U.S. had frozen a sum of secondary sanctions on foreign entities for doing business with Iran for the sake of forcing the last to accept the nuclear talks. The program included restrictions on non-U.S. companies engaging in certain markets with Iran fundamentally petroleum market and shipping industry (McVey, Part II, 2).

In the line with the U.S. conceptualisation of secondary sanctions, that category of penalties ‘do not impose monetary penalties, but rather seek to cut off foreign parties from access to the U.S. financial and commercial markets if these entities conduct business in a manner considered detrimental to U.S. foreign policy’ (Ruys and Ryngaert 7). As claimed by John Forrer, secondary sanctions main purpose is to intensify the aftermaths on the sanctioned country and cause more harm to it (2). Profoundly, it seeks to coerce the allies of the target state to empower the effectiveness and the coercion of these penalties.



All in all, international consensus considers secondary sanctions as much confusing as controversial the American sanctions are. To this vein, international law scholars along with judicial experts tend to unravel the legitimacy code of U.S. sanctions as it is bullying the international arena.

#### **4. Investigation on U.S. Sanctions Legitimacy facing International Law Conventions:**

“Once therefore it is understood that law is a function of a given political order, whose existence alone can make it binding, we can see the fallacy of the personification of law implicit in such phrases as ‘the rule of law’ or ‘the government of laws and not of men’. ‘Law cannot be self-contained; for the obligation to obey it must always rest on something outside itself. It is neither self-creating, nor self-applying.’ (E. H. Carr, the Twenty Years’ Crisis, quoted in Alexander 55)

From the heart of what the quote deeply means, International law has been signified to be out of the rule of neither men, nor governments but out of every political aspects it could hold paradoxically, to be outside itself, it should hold every state at the moment still not bound to any. The definition proposed by Prosper Weil that the world states, together, incarnate the international law regulations through ensuring “the coexistence and cooperation of basically disparate entities composing a fundamentally pluralistic society” (Quoted in Hovell 140). Those entities are chiefly treaties and international custom. Kern Alexander named “Treaties” to be “legally binding rights and obligations between states” that can take the form of transnational agreements or international bodies founded upon multinational agreement as the World Trade organization (WTO) and the General Agreement on Tariffs and Trade (GATT), while international custom takes the form of customary principles and guidelines administered by

international consented organization like the United Nations thus, regarded as “a general or uniform state practice with respect to the particular rule or obligation, and be accepted by states as a legal obligation” (Alexander 56).

International law aspires the world peace and to achieve coexistence and cooperation among sovereign states, which remain inconsistent with the distorted nature of sanctions that opens the door for illegitimacy trials.

### **4.1. Unilateral and Multilateral sanctions in International Law:**

International law conventions agreed on the standpoint that defines sanctions as principally “collective” if administered by the UN or through multilateral action, i.e. managed by a vast international community (Mohamad72). Understandably, unilateral sanctions are considered to be shadowy under international law, if not, entirely illegal.

To solve this problematic issue, it is crucial to examine the existing International Arbitrage towards sanctions policies, hence, inspecting the UN Charter. The most well known critic of unilateral sanctions is argued and determined by Chapter VII of the UN Charter. Within Article 41, the Charter cites only collective or “multilateral” sanctions as it specifies nature of its engagements through “complete or partial interruption of economic relations” in case of world peace has been violated.<sup>20</sup> Within this framework, extreme international caution has been paid to unilateral sanctions quest of legality.

There is still a series of debates in regards to the fact that unilateral sanctions lack international consensus and seek to achieve the sanctioned state national interests, which is contrary to the idea of multilateral sanctions that seek to maintain far less self-seeking goals (Mohamad 76). Within this context and following his realization that the imposition of economic sanctions requires proved justifications preceding the imposition legalization, Justin Stalls came to the conclusion that justifying unilateral sanctions a purely

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<sup>20</sup>U.N. Charter, Article 41.

“subjective” process compared to multilateral sanctions that need a unified diplomatic process (126). From an analytical viewpoint, He finds that “prior international agreement” would be the legal basis that could restrict them by a joint compromise, if not, legitimising their usage (126). To this vein, the possible explanation of Stalls supposition might indicate the need for International arbitrage to establish legal legitimate sanctions. From this point, it is deduced that sanctions by international bodies are held to be legal, thus, coercive measures administered by casual bodies or states are to be under the law-breaking sector. Evidently, unilateral coercive measures violate several basic principles of the UN Charter, remarkably, abusing territorial dignity, the non-intervention policy in internal issues of sovereign states, cooperation under the UN spirit, and most importantly, peaceful settlement of international disputes (Mohamad 79). Indeed, in 1984, the UN General Assembly issued the resolution 39/210 to appealing the international community not to apply sanctions unilaterally, which is in fact conflicting with the UN Charter and its principles that protect countries whereas unilateral measures disturb “their political, economic, and social development” (A/RES/39/210 160).

The illegitimacy of unilateral sanctions is publicized through the international community’s response over American autonomous sanctions. Basically, U.S. unilaterality has been justified over the government’s goals to protect its foreign interests (Stalls 126). Even though, Stalls highlighted the probability if U.S. sanctions decision were based on multilateral agreement, legality controversies would not even exist (127). Therefore, the United States' use sanctions autonomously indicate the illegitimacy of unilateral economic sanctions.

**4.2. Legality of Secondary Sanctions and the Customary of International Law Jurisdiction:**

The real challenge remains controversial regarding the laws that enacted unilateral sanctions against other states. It is noteworthy to mention that the challenge stood in the ability of the sanctioned states to impose its national legislations, let alone on its geographical and national territory, but also on extraterritorial parts. Regardless of their type, whether unilateral or secondary, sanctions are presumably extraterritorial in nature as they involve the application of national legislation on extraterritorial boundaries.

While tracing out that extraterritorial sanctions are to be illegal in the international judicial transits, Gideon Rachman statement captured the essence of the quest. He pointed out that: “The rise of extraterritoriality is the latest sign of the decline of the rules-based international order, under which big powers at least pretended to play by the same rules as everybody else” (quoted in Stall 18). Similarly, Peter Fitzgerald claims that “... The international community is coming to regard the blacklisting of third parties, or secondary boycotts, as “unreasonable,” and therefore an unjustifiable intrusion upon the sovereignty of the neutral state” (quoted in Meyer 933). Truly, these secondary measures could be correctly “unreasonable” since tend to coerce and enforce jurisdictional laws out of their jurisdiction capability to prescribe.

As a matter of claim, international law asserted that national legislations are only territorial in character and application (Mohamed 77). International law customary, likewise the UN Charter, insist on the territorial integrity of sovereign states that is more or less a part of the international stability and security. Nevertheless, each state has the absolute right to exercise its legislations, however, on its territory or under the governmental “nexus” only (Mohamed 77).

Therefore, applying this principle on the United States case, while each state has the right to impose whatever law, under whatever person, condemned by whatever wrongdoing unless he is a U.S.-nexus, i.e. a U.S. person, American by nationality, a non-American however lives or works under the U.S. territory or any foreign entity that has business bounds with the U.S., if not, these measures are not acceptable. Still, making an exception of this, extraterritorial application of national legislation is desirable for several favourable situations often related to multinational business affairs or transnational criminal deals (Mohamed 78).

Through their analysis, Ruys and Ryngaert cleared out how U.S. secondary sanctions do work. As a vivid example, under Iran sanctions Act, any U.S. person who owns or controls foreign entity is “prohibited from knowingly engaging in any transaction, directly or indirectly, with the Government of Iran” (19). To this end, all procedures are of national jurisdiction, thus reasonably legal. Moreover, these were not the only sanctions imposed. Ruys and Ryngaert added that “or any person subject to the jurisdiction of the Government of Iran” (19). Surprisingly, that last is targeting any person or entity that has any type of engagement with the Government of Iran whether it is a U.S. person or a non-U.S. person. Here ironically, the United States is threatening third parties, extraterritorial ones, from transacting with Iran not because they are wrongdoers but they do business with a wrongdoer. For instance, in 2014, U.S. severe monetary penalties have been implemented on BNP Paribas for having dealings with Iran. The French Bank received a USD 9 billion fine for not respecting U.S. sanctions against Iran and therefore violating the American jurisdiction (Stoll 24). Eventually, to protect their investments in the U.S. and all over the world, many other companies whether European or multinational ceased their financial engagements with Iran (Stoll 24). Likewise, The IEEPA does not limit its penalties to U.S. persons only. Similarly to the intelligence that drafted Trading with the

Enemy Act, the IEEPA was once more intelligent in keeping the conditions open to infinity of situations. The Act targeted “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the U.S. national security, foreign policy or economy”. It is safe to say that the IEEPA managed to find a jurisdictional justification for the American secondary sanctions although it remains a national legislative order.

### 4.2.1. World Trade Organization WTO:

Respecting the main purpose it was founded for, the World Trade organization tend to illegitimate unilateral, precisely, secondary ones as it clearly endorse open multilateral cooperative trading organism that seek to liberate global trade in the light of what sanctions functions for; restrictions and relations behind locked doors. Practically, WTO visions and analysis upon secondary sanctions have remained few and mostly on the Helms-Burton Act against Cuba with far less skirmishes concerning the Iran sanctions regime.

At the outset, being a member of the WTO, the USA has committed to release a sum of trade restrictions and to prevent governmental confinement for international monetary transactions by virtue of Article XI<sup>21</sup> of the General Agreement on Tariffs and Trade (GATT) (Stoll 56). Therefore, American sanctions are definitely violating the WTO agreements by implementing fundamentally the assets freeze which seems to be conflicting with the WTO principles. However, every law has its exceptions; the WTO has the so-called national security exceptions, contained in article XXI of the GATT. The article affirmed, “Nothing in this Agreement shall be construed... to prevent any contracting party

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<sup>21</sup> “No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.

from taking any action which it considers necessary for the protection of its essential security interests...taken in the time of war or other emergency in international relations...” (Stoll 56). To a similar vein, the United States, basically under the IEEPA, activated its joker card under it called it to be an international emergency. Nonetheless, WTO jurisprudence did not regard “national security” exceptions as joker card but hopelessly “carte blanche” that offers WTO members the chance to “self-judge” their decisions (Stoll 56).

According to the 2019 Panel report in *Russia – Transit*, WTO Members define “security interests” must be for the purpose of “good faith” confined with certain limits (Stoll 57). Thus, unilateral secondary measures are not entirely free to be taken even to protect its essential security interests.

### **5. Conclusion:**

Apparently, U.S. sanctions policy is of a wide controversial nature that clashes between an unstoppable de facto regime and lack of international de jure settlement for it. If that was the case, then there appears that the United States have secured jurisdictional resistance, thus, immunised international position to escape from all the international sanctions legality-based conflict. Even if the U.S. sanctions policy proved illegal within the international law framework among many various critiques, it is safe to say that its hegemonic position in the world played the essential part in establishing the de facto status for its decisions. Moreover, the third and final chapter shall examine and measure the impact and fallouts of these coercive measures on the Middle Eastern region specifically, on the most damaged and controversial countries, Iran, Syria and Saudi Arabia.

**Chapter III:**  
**The Impact of U.S. Sanctions Policy**  
**on the Middle East Region:**  
**Iran, Syria and Saudi Arabia as**  
**Case Studies**



**Chapter III:  
The Impact of U.S. Sanctions Policy on the Middle East Region:  
Iran, Syria and Saudi Arabia as Case Studies**

**1. Introduction:**

Metamorphosis is undeniably persistent experience witnessed by the majority, if not, all Middle Eastern countries basically since the colonialist period subsequently, because of the western continuous contributions and interests in the area. That constant transformation is clear regarding the realities of Persian and Arabic states that resisted coping with the impact left by the foreign influence. Furthermore, in recent years, the shock held by the west fundamentally through the U.S. coercive measures, has of another effect different from that of colonialism. Regardless of its peaceful application and the fact it seems to be only a fire spark, certainly, U.S. sanctions policy is harming by giving the first shot to a spark to let it burn all what it in its way without calculating the fallouts.

Being a warlike, U.S. sanctions stood as a hindrance opposite to what the region aspires to achieve, to evolve technologically, to reshape its political tendencies or to strive for national security. In fact, the tremendous increase in sanctions usage during the last decade has been a matter of research and investigation, especially regarding the metamorphosis it force to happen on the Middle East. Iran has maintained its position to be the first target for U.S. sanction since 1979. In the 2000s, the U.S. stretched its sanctions program to other countries among them, Iraq after their invasion to Kuwait, Sudan, Lebanon and Libya. However, the case of Syria was until the Arab spring, when it rose to be another Russian friend and therefore an American enemy. Notwithstanding, the Saudi Arabian case is much distinctive for not being an enemy but a loyal ally. Though interests do blend, other securities do not.

### **Chapter III: The Impact of US Sanctions Policy on the Middle East Region: Iran, Syria and Saudi Arabia as Case Studies**

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The current chapter will scrutinize thoroughly the special effects and consequences generated by the implementation of U.S. economic penalties basically on the three states, Iran, Syria and Saudi Arabia as representative cases. At the outset, it is designed to take a panoramic overview on U.S. sanctions on the Middle Eastern three selected cases. Moreover, the following sections will inspect the impact on each country aside limiting the timeline on the last two presidential administrations, Obama and Trump's.

## **2. An Overview about Recent U.S. sanctions towards Iran, Syria and Saudi Arabia:**

### **2.1. Iran:**

Previously revealed, the U.S. long history of imposing sanctions on Iran is basically related to its nuclear program. Western powers along with the U.S. feared the Iranian goals were for evolving a nuclear powerful state in the region that would threaten their goals. Regarding the fact that Sanctions have proved to be a way for many nations to solve political problems and alter policies without going to war significantly, if that nation could possibly hold nuclear weapons though under siege, the Iranian nuclear program would represent the foremost motive that magnetizes U.S. sanctions as well as international penalties.

The whole story started within the incidents of 1979 that shook the stability between the two states when the first sanctions were imposed under the IEEPA to freeze the Iranian assets. However, Additional sanctions took place as a containment strategy to the Iranian supremacy in the region, first, during the Iran–Iraq war and afterwards as a reaction to the growing support for Hamas therefore the growing animosity towards Israel (Luers et al. 23). Yet, it was a question of time to reach the nuclear conflict that begun in 2002, after the publication of IAEA reports revealing the Iranian nuclear (Haugen et al.

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136). As a result, IAEA reports pushed the U.S. Intelligence Committee to determine that by 2015 Iran would certainly have a nuclear weapon (Haugen et al. 138). To this vein, action shall be taken to prevent the U.S. supposed scenario. This took the form of the Iran-Libya Sanctions Act of 1996 (ILSA), later in 2006, called only by Iran sanctions Act (ISA) that originated the JCPOA in 2015 (Nephew 31).

ISA was the first extraterritorial sanction on Iran, it pursued to impede Iran's aspirations to foreign investment through which several foreign corporations and businesses progressively abandoned their investing projects especially in petroleum and gas industries (Katzman 11). ISA requires the President to impose sanctions on foreign entities that make an investment of more than \$20 million in one year in Iran's energy sector. The ISA deals with the denial of Bank loans, credits, denial of licenses for the U.S. export of military technology in addition to restriction on imports from the entity, in accordance with the IEEPA (Katzman, ISA 2).

Cleverly, the U.S. sanctions program has been keenly investigated by its experts to cover the Iranian most vulnerable point, i.e., nuclear and oil. For the last, Zarouni Zahra has freed minds from confusions relating to the U.S. maintained steps towards oil-based sanctions primarily. Despite the fact that it seems to be a probability yet, Zarouni made her point that it is total conviction that Iran is economically vulnerable through depending mainly on oil industries, if not, "the power of imposing sanctions, sanctions would be negligible" (88).

On the other side, the JCPOA is not actually sanctions to implement deal but a compromise agreement between Iran and the P5+1 for a relief economic penalties program. For the P5+1, the JCPOA were to put end to Iran nuclear program particularly to uranium enrichment (Joyner 1). The U.S. relief plan concerned mostly its sanctions on petroleum industry nevertheless, their penalties on the Iranian trade sector remained in

### **Chapter III: The Impact of US Sanctions Policy on the Middle East Region: Iran, Syria and Saudi Arabia as Case Studies**

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action (Katzman 39). According to President Obama, “America negotiated from a position of strength and principle” so that, “the international community will be able to verify that the Islamic Republic of Iran will not develop a nuclear weapon”.<sup>22</sup> Nevertheless, this situation lasted until President Donald Trump in May 2018 decided to “withdraw” the U.S. from the JCPOA, and to reimplement all the lifted secondary sanctions (Kerr and Katzman 24).

#### **2.2. Syria:**

The Arab spring shook almost the Middle East region. Amid, it quaked the Middle Eastern ground tremendously to destroy nearly every piece of life there while politics trembled harder between war of peace and power. Again, the U.S. put its hands in Syria to reach out a suitable solution for ending hostilities and more significantly pushing Syria away from being an extremist authoritarian state like Iran. Prior, the U.S. was watching Assad’s state support to Hezbollah, Hamas alongside its persevering conflict with Israel over the Golan Heights (Sharp, Syria: Background1). According to the U.S. Department of state, Syria has been labelled “a State Sponsor of Terrorism since December 1979”<sup>23</sup> accountable of global terrorism and therefore it is subject to the U.S. sanctions regime. Nevertheless, to be found guilty with terrorism support in the present time ipso facto hints to nuclear proliferation inspection. Indeed, in 2007, after an Israeli bombing to a Syrian alleged nuclear site in Al Kibar, the IAEA inspected the area to settle on the probability of nuclear proliferation (Sharp Syria: Background 7). On set, chemically processed uranium particles were found as indication to nuclear reactor existence (Sharp, Syria Background 7).

The U.S.-Syrian sanctions policy has been inaugurated under the International Emergency Economic Powers Act (IEEPA) through the issue of “The Syria Accountability

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<sup>22</sup> “Statement by the President on Iran.” The White House. Office of the Press Secretary. 14 July 2015.

<sup>23</sup> The US. Department of state’s statement on Syria sanctions.

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and Lebanese Sovereignty Restoration Act of 2003” (SALSA) on December 12, 2003 by President Bush (Sharp, Syria: Background 10). This act approved sanctions “to halt Syrian support for terrorism, end its occupation of Lebanon, and stop its development of weapons of mass destruction, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes”<sup>24</sup>. Under Section 5 of the SALSA, the American president, “shall prohibit the export to Syria of any item, including the issuance of a license for the export of any item”<sup>25</sup>, and “Prohibit the export of products of the United States (other than food and medicine) to Syria”. The act also banned U.S. investments and financial transactions in Syria. More severely, the SALSA was issued to cut the diplomatic relations between the two states, effectively; it reduces U.S. diplomatic connections with Syria except the meetings and dealings that may resolve the core issue for this act<sup>26</sup>.

Since the SALSA has an expiry date related to conditions and the contexts it was issued for, in 2011, Obama’s administration had to react differently to the brutality appeared earlier that year. Amid the Arab spring uprisings, President Obama executed additional penalties against Syrian officials abusing human rights or those in support of the Assad regime launched in April 2011. Specifically, On the period between April and May, President Obama issued Executive Orders (EO) 1357220 to block properties and interests of elite Syrian officials and bodies, including President’s Assad brother and cousin besides, the director of the Syrian General Intelligence Directorate (GID) then serious coercing measures strike within the president Assad himself being under sanctions with his governmental ministers operating the (EO 13573)(Sharp, Unrest in Syria 11). Furthermore,

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<sup>24</sup>PUBLIC LAW 108–175—DEC. 12, 2003. H.R. 1828, 22 U.S.C. 2151 note.

<sup>25</sup>PUBLIC LAW 108–175—DEC. 12, 2003. H.R. 1828, 22 U.S.C. 2151 note.

<sup>26</sup>PUBLIC LAW 108–175—DEC. 12, 2003. H.R. 1828, 22 U.S.C. 2151 note.

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in 2012, president Obama spoke loudly his position towards Assad's non-stop slaughtering chemical weapons used on civilians like that killing nearly 1400 people in the Ghouta, Damascus as "a red line" that through his words; "would change my calculus ... my equation" (Kanat 117-99). More profoundly, it is apparent that the issued executive orders did not hamper the Syrian government's use of lethal force as a response to the protesting momentum. To do so, the 112th Congress issued new Syria based legislations aiming that it would achieve serenity in the Syrian sphere as well as altering Assad's regime including "The Syria Freedom Support Act H.R. 2106", "The Iran, North Korea, and Syria Non-proliferation Reform and Modernization Act of 2011, H.R. 2105", and The Syria Sanctions Act of 2011.

Realistically, The Syria Freedom Support Act foster embargoes on the Syrian Oil sector while "The Iran, North Korea, and Syria Non-proliferation Reform and Modernization Act prohibit any U.S. or non U.S. nuclear assistance of any kind to the selected countries involving a serious ban to export licenses, transfers of materials (Sharp, Unrest in Syria 13). On the other hand, The Syria Sanctions Act stands more of a comprehensive secondary nature than the other legislations. It imposes sanctions on foreign bodies once they involve in Syria's energy and investment sectors (Sharp, Unrest in Syria 14).

Likewise, the Trump administration along with the OFAC aimed to "disrupt support for the Assad regime by preventing the normalization of economic and diplomatic relations [...] The United States is committed to isolating the Assad regime and its supporters from the global financial and trade system in response to the continued atrocities committed by the regime against the Syrian people"<sup>27</sup>. Under a new national

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<sup>27</sup> Department of the Treasury, "OFAC Advisory to the Maritime Petroleum Shipping Community," March 25, 2019.

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emergency regarding Syria, the Caesar Syria Civilian Protection Act was enacted and named in honour of a Syrian military who exposed more than 55,000 photos from inside the regime's prisons condemning the Assad's crimes (Madouni and Derradji<sup>61</sup>).

It was issued in 2019 and has been passed into full effect law in June 17, 2020. The law is considered to be the heaviest sanctions law ever levied on Assad's government and its supporters. The Caesar law specifies sanctions against the Syrian government with its military bodies, any foreign person of a military status who "operating in a military capacity inside Syria for or on behalf of the Government of Syria, the Government of the Russian Federation, or the Government of Iran" besides any other foreign entity determined by the U.S. government to have "knowingly, directly or indirectly" engaged in petroleum actions, Syrian aircrafts, or any other significant services to construct the government of Syria<sup>28</sup>. The law is considered to be the heaviest sanctions law ever levied on Assad's government and its supporters. Indeed, it relentlessly functions to punish Syria through additional freezing assets of 39 Syrian individuals and firms in the U.S. banks, including Bashar Assad and members of his family and other Syrian state elites (Madouni and Derradji<sup>62</sup>).

#### **2.3. Saudi Arabia:**

From administration to another, American rhetoric with regard to Saudi Arabia has remarkably proved the unique relationship of a Middle Eastern state with the United States. Though both interests and principles are conflicting, the two sovereigns embrace the need for that special bond subsequent to Roosevelt companionship establishment in the 1930s. Being one of the chief states in oil capitals, the U.S. required alliance with the Al Saud to secure the petroleum global market as well as fixing its bills from foreign

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<sup>28</sup> Caesar Syria Civilian Protection Act of 2019, 116TH CONGRESS 1ST SESSION, H. R. 31

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exploitation. Since then, the Saudi-American partnership encompasses a U.S. military protection including arms sales to protect the country from regional threats that of the terrorist groups, the Houthis in Yemen or any other rival (Blanchard 3). Thus, the Trump special relationship with the Al Saud is not an up to the minute interest but a renewal to contract for the updated attentions. Nevertheless, the only issue rising between the two states sets within the human rights protection.

Prior to King Salman bin Abd al Aziz Al Saud, an international criticism not only an American one has grown in the scope of the restrictive social life of women and the repressed freedom of expression and press (Blanchard 10). However, the appointment of the king's son as Crown Prince Mohammed bin Salman bin Abd al Aziz and the reforms he made ensuring equal rights for men and women including women's right to drive as well as lifting restrictions on the press and social media to be more free to some extent, had eased the international community (Blanchard 10). However the American-Saudi happily ever after did not last forever. In addition to all this critiques, Saudi Arabia faced U.S. sanctions related to the religion freedom and human rights abuse regarding religious limits in the country under the International Religious Freedom Act of 1998 (P.L. 105-292, as amended and 22 U.S.C. Ch. 73) for having "engaged in or tolerated particularly severe violations of religious freedom" to be renewed under President Trump administration in December 2019 (Blanchard 17).

Despite these penalties, it is noteworthy to acknowledge the cooperative and untouchable relationship between the two countries. Nonetheless, the U.S.-Saudi fairy tale reached its climax after the murder of the Saudi journalist Jamal Khashoggi by Saudi government personnel in October 2018. In fact, President Trump declared the khashoggi assassination as one of the biggest foreign policy crises of his presidency (Haberman et al. Cited in Abdel Aziz 10). Being bewildered with the potential aftermaths of the murder,



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Trump was keen upon the implementation of sanction if the kingdom officials are proved to be guilty, but on the other hand, he stressed the significance of U.S.-Saudi partnership, the weight and the cost of billions of dollars it has inter alia on the oil orbit (Abdel Aziz<sup>10</sup>). That last could be the main reason why the American reaction was at its minimal level. In fact, Saudi Arabia is one of the largest exporters of U.S. arms, costing 115 billion USD from 2009 to 2016 and in 2017; the cost peaked at 350 billion USD by making a defence contract for selling American arms over a decade (Abdel Aziz 9).

In this sphere and inspite interests, the global echo voiced after Khashoggi's incident led the U.S. sanctioning authority to impose financial, travel sanctions and assets freeze on 17 Saudi individuals in November 2018, including a principle adviser to the crown prince, Saud al Qahtani, for being directly involved in Khashoggi's murder (Blanchard 15). This move marked the first time that the U.S. government implement sanctions on Saudi officials even over the 9/11 attacks the Saudi government assured its immunity over U.S. sanctions (Zengerle and Kalin para 9).

### **3. U.S. Sanctions Impact:**

#### **3.1. Iran:**

##### **3.1.1. Oil Sector :**

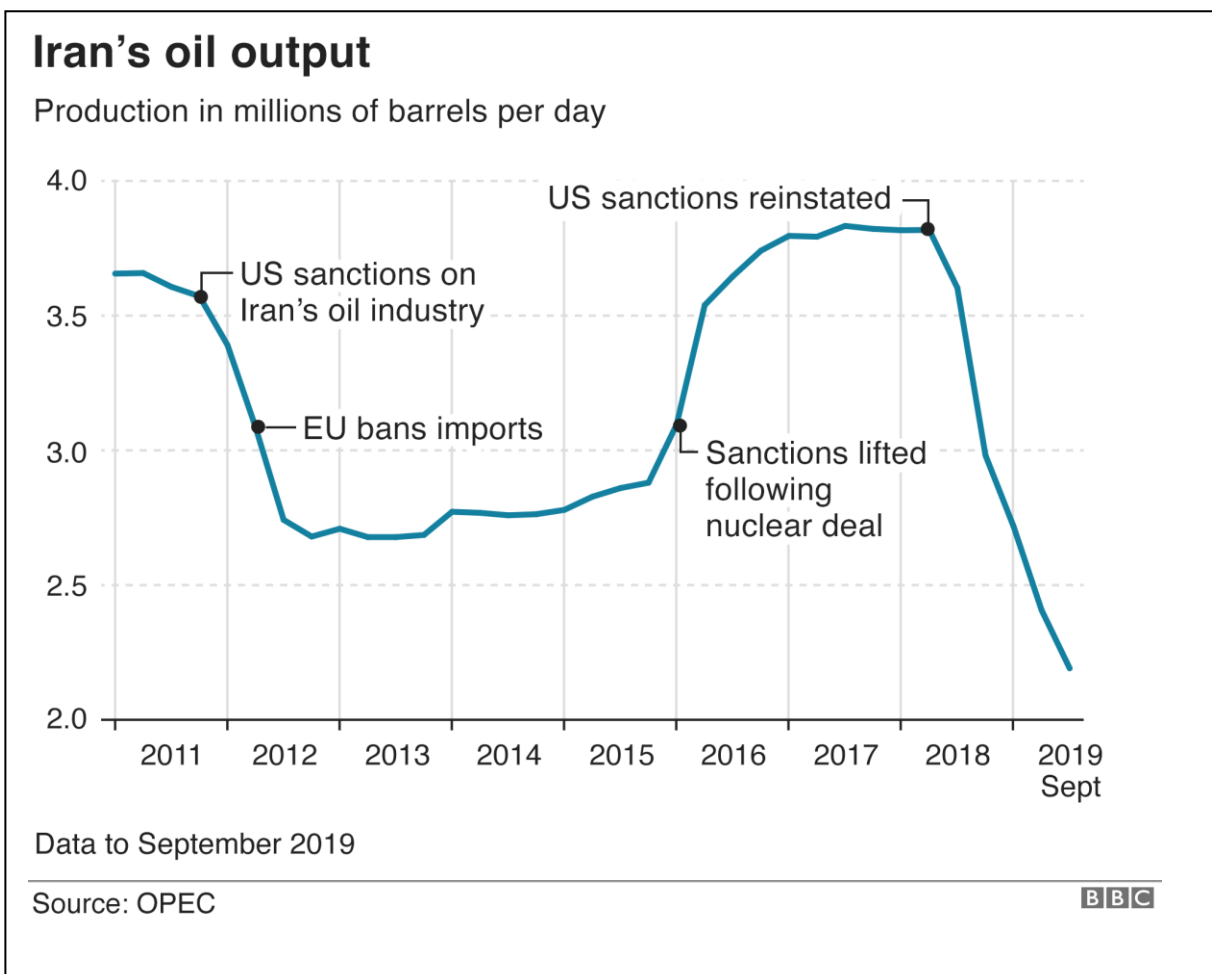
The exact economic data about Iran reaction to U.S. sanctions is almost unclear while the Iranian government do not expose the effective impact and fallouts reliably. However, scholars and agencies are inspecting the probabilities and estimating the damage according to the few data they have. According to the U.S. Energy Information Administration (EIA), "the Iranian energy dividends on petroleum (39%), Gas (59%), Coal (1%) and hydro power (1%)" (Qader 62). Though the Gas sector is of a high surface, Oil is presumed as the central sector in Iran. Relying on this fact, Washington has centralized its

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unilateral penalties mostly on oil related businesses to wound harder the Islamic Republic of Iran.

Besides the ISA, the U.S. has issued a continuous number of secondary sanctions to paralyse Iran's economy, most strikingly, the (CISADA) in 2010 and (NDAA) in 2011. In fact, executed by President Obama and by amendments to ISA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) was enacted July 1, 2010 prohibiting Iran gasoline transactions and other petroleum products (Van de Graaf 148). Following the ISA and CISADA that are still active for the present moment, Iran's oil income has been reduced significantly with the prohibition of foreign cooperation with Iran in energetic fields. In her article, Zahra Zarouni stated that oil incomes are affecting almost every economic aspect in Iran. She explains if oil incomes decrease, taxation incomes will be reduced correspondingly the budget deficit increases (92). Evidently, all the danger that seems to occur because of sanctions did not frightened Iran leaders. Specifically, Khamenei reacted as being "unafraid of Western sanctions," and "we are able to create an opportunity out of this threat" (Borszik 10). As a vivid example, during the period from 2005/06 to 2011/12, Iran oil income was approximately 531 billion USD, indubitably it exceeded the 141 billion USD earned, from 1989 to 1997, and the 157 billion USD from 1997 to 2005 (Torkan and Farnam cited in Borszik 10). Based on these statistics, Comprehensive Iran Sanctions (CISADA) did not reach its goal to paralyse the oil sector since apparently the income has been increased from an average of 149 billion USD from 1989 to 2005, a period where sanctions has been, to some extent not comprehensive under the ISA, to 531 billion USD from 2005 to 2012, the most critical period in Iran sanctions history.



**Figure 1.** Iran's oil output (BBC News Services, December 2019)

Nonetheless, U.S. sanctions have been supported largely by EU sanctions therefore; the rest of the world has been compelled to the secondary sanctions threats starting from 2012. The abovementioned figure shows that U.S. sanctions have a severe impact on oil revenues. It is clear after the JCPOA implementation, oil inputs have risen around 4 millions of barrels a day between 2016 and 2018. While the American Withdrawal from the nuclear deal and sanctions' reimposition caused a remarkable decline in oil production by 2018 and forth.

As a matter of claim, sanctions may not only affect negatively from a foreign side however some local symptoms have been diagnosed also. Macaluso assured that U.S. sanctions have stimulated oil smuggling operated by Iranian officials which caused more

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damage in oil sector (9). Effectively, during Ahmadinejad's rule, more than 200 billion USD of oil incomes had been signalled as lost, while in 2014, 53 billion USD were regarded of unknown place related to oil incomes between March 2012 and March 2013 (Macaluso 9).

A part from the CISADA and other executive orders that sanctions Iran oil related sector, Trump administration swept its power to blacklist Iranian officials related to oil sector. In fact, in October 2020, president Trump imposed sanctions on Iran's "Ministry of Petroleum and Minister of Petroleum, the National Iranian Oil Company (NIOC), the National Iranian Tanker Company (NITC), and 21 other individuals, entities and vessels" accused with financing terrorist groups ( The Iran Primer para 29).

U.S. Secretary of State Mike Pompeo said in a statement that "the few remaining buyers of Iranian crude oil should know that they are helping to fund Iran's smuggling activity across the Middle East, including its support for terrorism". So far, Trump administration did its maximum to damage Iran's oil sector practically by remove its investing companies and psychologically by denouncing Iran's economic system to a primer terrorist funder letting alone the nuclear issue.

#### **3.1.2. Investments Sector:**

During the past two decades, sanctions policy has evolved into a permanent war between Iran and the United States through which each battle will impact the Iranian government as a whole thus, its economic and sub-sectors.

The initial impact of sanctions proved significant in oil sector. Zarouni stated that U.S. penalties generated national crisis in domestic capital through which oil investment and projects has been freezed (91).Relatively, reduction in foreign investment catalysed the slow national economic growth. In the period between 1997 and 2005, the Iranian government under President Hashemi Rafsanjani adopted countermeasure strategy of "an

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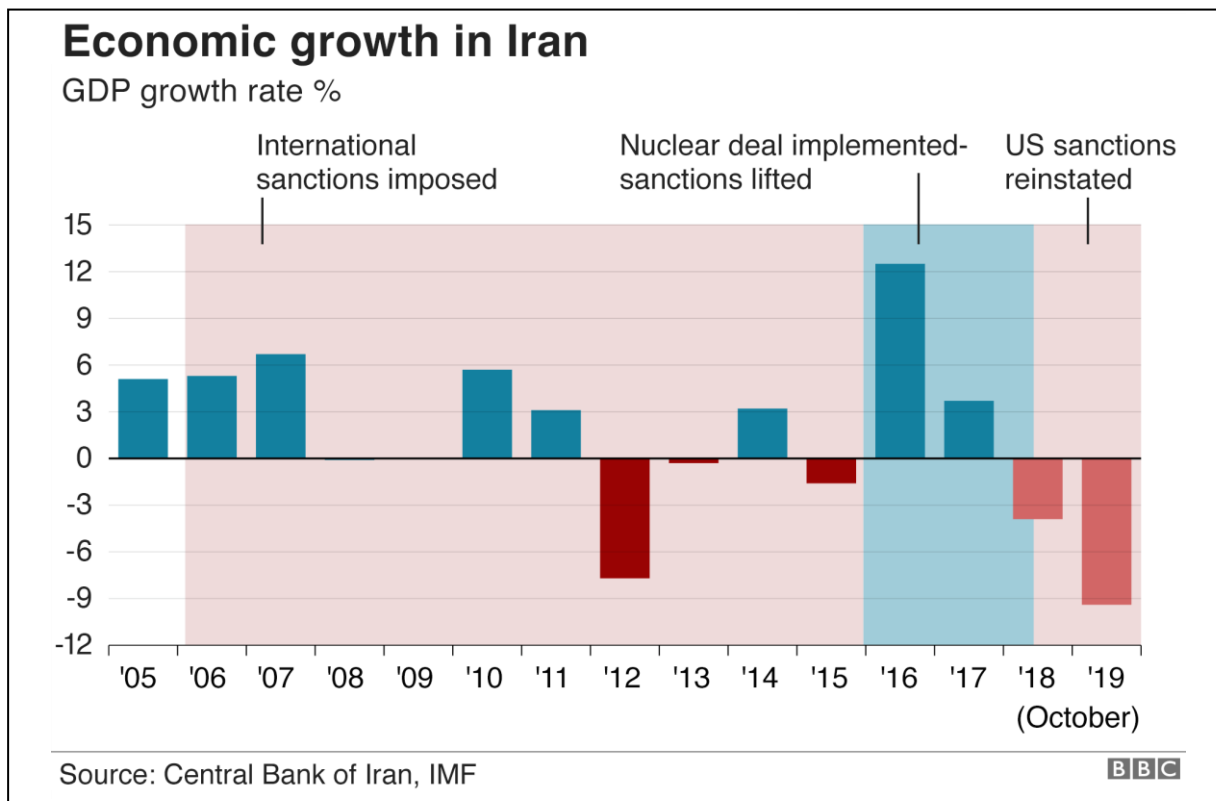
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open economy to the outside” to capture foreign investments (Qader 49). Furthermore, Qader explained that the economic recovery plan was based on “the privatization of state entities” including the banking system (49). However, this plan could solve only a sum of issues. Nevertheless, Rafsanjani’s successor in office, Ahmadinejad worried less about the economy and more about his population as he promised to realize justice by “bringing the oil wealth to people’s tables” (Fürtig quoted in Borszik 7). Effectively, he endorsed different strategy based on governmental equality reduce poverty and help the people exploited by the privatization policy (Qader 49). Profoundly, President Ahmadinejad’s economic plan insisted on the active role of the Iranian government in economy working with the redistribution of wealth strategy to achieve his goal in poverty reduction (Habibi in Qader 49).

Be that as it may, all these measures did neither shield the Iranian economy nor prevent sanctions. Determined to paralyse whatever it is still left with Iran’s economy, in December 2011, the U.S. Congress passed the National Defence Authorization Act (NDAA) authorizing sanctions towards the Central Bank of Iran (Van de Graaf 148). Specifically, requires the U.S. president to deny foreign banks or financial institutions that process payments through Iran’s Central Bank access to U.S. financial markets (Van de Graaf 148). The NDAA was a clear step towards America’s desires into pushing Iran to the glass ceiling and isolating its financial system from the rest of the world. In fact, the U.S. demanded foreign bodies to cease their business with Iran unless they wanted to put theirs with the U.S. in danger zone (Macaluso 5). As a result, Iran has lost many of its international foreign investments as a response to the American threat and more severely, the loss expanded to investments costed almost 60 billion USD, as the French petroleum company (Total), the American Ernst & Young, the German Daimler AG, the Italian ENI, several more (Macaluso 10). Indeed, Statistics reveals that between 2011-2015, Iran’s

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economy shrank by 20% and increased back 7% average annually during 2016-2018 resumed in the JCPOA relief (Katzman 52), and GDP rose to 12% according to the Central Bank of Iran.



**Figure 2.** The Iranian GDP growth rate in 2019 (BBC News Services, December, 2019)

It is manifestly apparent that the reinstatement of U.S. sanctions in after the withdrawal manifested in an astonishing collapse even harsher than that of CISADA’s in 2012, where the growth collapsed to more than 9% in 2019.

Furthermore, U.S. withdrawal from the JCPOA permitted President Trump to reimpose sweeping sanctions, for instance in January 2020, President Trump authorized sanctions on non U.S. entities by dealing with “Iran’s construction, mining, manufacturing, or textiles sector or any other sector”, including two Hong Kong-based companies, one Chinese company and another company from UAE for importing Iranian oil and other products (The Iran Primer, para 7). Additionally, 18 major Iranian banks including the

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Central Bank were also sanctioned in October 8 (The Iran Primer, para 26). All these new measures had only one purpose; to halt the Iranian infrastructure and therefore isolating it from the world financial organism, first by cutting the international transactions in the country cleverly by cutting the flow of the American dollar in the Iranian financial system.

Most significantly, in November 18, 2020 at a press conference, former Secretary of State Mike Pompeo declared that U.S. sanctions “maximum pressure” campaign against Iran has been “extraordinarily effective” resulted in “... currency crisis, mounting public debt, and rising inflation”<sup>29</sup>. Furthermore, He stated that prior to these intensive measures “Iran was exporting nearly 2.5 million barrels of oil per day, now it struggles to export even a quarter of that volume”. Moreover, according to Pompeo’s words, the Iranian rial has lost to “one fifth of its former value against the dollar”, through which Iran’s national growth has contracted around 6% during Trump’s administration.

However, these losses were not the end. In his November, 2020 review on Iran sanctions, Katzman shed light on the severe psychological threat that was left behind internationally after the U.S. sanctions. He mentioned that during the period between 2011-2015, almost all international banks the Iranian market and “hesitated” to rejoin it even after the JCPOA relief because of several concerns related the U.S. reaction and all of a sudden coercive that is generating a “lack of transparency in Iran’s financial sector” and most significantly, “the inability to use dollars in Iran-related transactions” (52). In this essence, the U.S. withdrawal from the JCPOA will tremendously cost Iran a severe struggle to regain back international investments.

#### **3.1.3. Health sector:**

The long-lasting American infatuation with sanctions has not only implicated in the Iranian government’s economic deterioration, but most drastically on its health sector.

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<sup>29</sup>Mike Pompeo, U.S. secretary of state press conference on November 18, 2020. US Department of State.

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The humanitarian effect of U.S. targeted penalties harmed the innocent population more than it did with Iran's officials and the elites that were the primary target for U.S. sanctions. Effectively, the financial collapse led to a significant fall in people salaries and therefore their access to medical and health facilities will be more and more difficult. Relying on Fatemeh Kokabisaghi systematic review, about 11% of Iranian population "were living below absolute poverty line and 30% under relative poverty line in 2016" (385). In 2013, UN Special report stressed the sweeping sanctions on Iran affected their rights to learning, well being, and health (Kokabisaghi 385). As a case in point, in 2012, with the CISADA intensifications, inflation rate in the government's health sector was nearly 45% that affected directly the insurance firms and led them to cut their services (Kokabisaghi 385). Thus, as Kokabisaghi stated, it developed "the increase of patients' share of health services and ended in withdrawal of healthcare and more reliance on self-treatment" (386).

The comprehensive right to health is tightly related to the intensive right to secure medicines in a national community far from securing it as part of the big international picture. Iran needed medicines to secure its national picture affected from the decline in national revenues and more seriously the international embargo to hard currency access. Practically, medicines were not part of the embargoes, though sanctions on licensing, exports/import trade made purchasing medicines a challenging task to achieve (Kokabisaghi 386). Indeed, the psychological factor appeared again in health sector as it did with the general investments. The international health investing ground feared the threat of secondary sanctions and complications in money system. As it banks has been sanctioned, Iranian managements had to deal with local cash in advance in importing medicines that made the late very high-priced and hard to get (Kokabisaghi 386). A CEO of a governmental pharmaceutical company spoke louder than sanctions to cry out the real



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damage in the Iranian health zone, “Sometimes companies agree to sell us drugs but we have no way of paying for them. On one occasion, our money was in the bank for four months but the transfer repeatedly got rejected.” (Batmanghelidj and Axel Hellman 5). Unstoppably, U.S. embargos on Iran’s Banks is the primary reason towards public health breakdown. As a case in point, according to the head of the Medical Equipment Office in the Iranian Ministry of Health, Iran produces about 70% of the country’s medical supplies, i.e. the remaining 30% is imported as being of high critical status for instance, chronic illnesses medicines (Batmanghelidj and Axel Hellman 4). This means that the problem involves the question of affordability regarding foreign manufactured medicines for special diseases as paracetamol, “antimicrobial fluconazole”, and cancer medications (Batmanghelidj and Axel Hellman 4).

Succeeding the 2012 comprehensiveness of exchange measures, U.S. sanctions banned access to vital medications as “nuclear medicines and radiotherapy pieces for Cancer diagnoses and treatment” in addition to “anti-rejection transplant medicines, and kidney dialysis instruments” as they could be implemented for military grant or biological proliferation (Kokabisaghi 386; Setayesh and Mackey 5). All these health shortages resulted in swelling of deaths rate as well as a number of other diseases that saw an overwhelming outbreak in recent years in Iran.

#### **3.1.3.1. Covid-19 Pandemic:**

In 2020, Iran suffered from a dualistic shock, sanctions and more enormously the Covid-19 pandemic. Even though the two may not overlap as one issue yet, Trump administration through economic penalties stood red handed maximizing the effect of Covid-19 on Iran. With a population over 80 millions, the pandemic put the Islamic Republic entirely under quarantine. The pandemic aftermaths cost Iran, high rate of

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infections to 150,000 and 8000 deaths in June 2020 to mark the peak of infections in the Middle East (Haute Couverture 2).

Measures to combat the disease were internationally similar, but the only difference stood in the lack of medicines, machines and protection tools already restricted and prohibited by U.S. penalties. In depth, Iran was paralyzed to purchase medical apparatus and necessities for its health centres incorporating Covid-19 testing engines as PCRs and X-Ray Machines and more dramatically, respirators, facial masks and disinfectants that were of major cruciality at the beginning of the virus outbreak (Abdoli 2). Tehran's prestigious Sharif University of Technology assumed that the Iranian health organism will fall apart at any time causing swinging rates in inflation and thus economic deterioration (Divsallar and Narbone 3).

Despite the fact that U.S. sanctions do not cover humanitarian spheres, sweeping reports have accused the U.S. officials with “an undeclared embargo” on pharmaceutical products (Divsallar and Narbone 3). An Iranian doctor positioned his testimony as a proof to what extent sanctions had indirectly worsened the pandemic crisis, he said:

“There are a lot of shortages now . . . [Hospitals] do not have enough diagnostic kits or good quality scanners, and there is also a shortage of masks. Medical staffs who want a specific type of medicine or equipment are having difficulty transferring money outside of Iran due to the sanctions.” (Smith 1)

Indeed, due to the sanctions imposed on the Iranian bank system and significantly the heavy pressure put on the oil sector that could undeniably help Iran to gain more income in combating the sanitary crisis if the sanctions factor was eliminated. The Iranian standpoint to Trump's coerciveness was so clear as mentioned by the Minister of foreign affairs Mohammad Javad that, “What we want is for him to stop preventing Iran from

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selling oil and other products, from financing its needs, from making and receiving payments”(Hautecouverture 4).

Even if Iran managed through time to produce its health supplies domestically, the challenge now remains in affording Covid-19 vaccines for its population. To do so, Iran joined the COVAX, the World Health Organization (WHO) initiative seeking an equal global vaccine distribution, in October 2020; however, it had a conditional offer based on an official authorization from the OFAC (Heiat para 12). The COVAX officials says the U.S. Treasury’s Office of Foreign Asset Control has already issued a license for Iran and there was no “legal barrier” to Iran vaccine procurement through their organization (Motevalli para 4). Nonetheless, how to pay for the vaccine purchase is the real barrier. Iran reach out to pay through buying “funds worth billions of dollars locked up in South Korean won-denominated accounts” (Motevalli para 2). Yet, the money should be transferred through a U.S. bank first, at that point, South Korea and Iran are assuming the worst scenarios that the money would seized or freezed once it arrive to a U.S. bank (Motevalli para 6). As a matter of relief, Iran finally found a solution towards Covid-Vaccination and the American hindrances. As reported by the Wall Street Journal in January 21, 2021, Iran and Cuba are producing a joint Covid-19 vaccine, called “Soberana” that will be developed in cooperation between Cuba’s Finlay Vaccine Institute and Iran’s Pasteur Institute (Rasmussen para 2).

### **3.2. Syria:**

#### **3.2.1. Economic response:**

U.S. sanctions have notably affected the Syrian economy. Based on Friberg Lyme’s thorough report about international sanctions implication on the Syrian multiple institutions during Obama’s early mandate, significantly, in 2012, the costs of sanctions imposed on the Syrian oil sector have been estimated by around 4 billion USD (41).

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Besides, Oil production has faced a downward trend due to export blockades and the withdrawal of non-Syrian investing and operating companies responsible for two thirds of the entire oil industry production (Friberg Lyme 41).

Unlike Iran who faced drastic problems due to the dollar currency ban and therefore being excluded from the international banking system, Syria found a strong alternative to its international transactions, the Russian ally, to mark no serious injuries after the U.S. money attack (Friberg Lyme 43). Still, looking from the parallel universe, Syria did not outraced Iran yet, they are both struggling to finish alive at the end of the sanctions' race. The foreign investments sector although awakened by the Russians but lost its operators and more drastically, the Syrian civilian businessmen were banned from using their dollar accounts and basically all their international transactions have been cancelled (Friberg Lyme 49). Similarly, international trade owners preferred not to engage into new business contracts with the Syrian side perceiving their incapability to find alternatives to shipping routes, funding transactions, and for sure a general fear of receiving coercive measures and trade bans from the international community essentially from the American legislator (A/HRC/39/54/Add.2 9).

Though sanctions policy could not be definitely blamed for rising conflict in Syria, in a certain standpoint, it is partially responsible along with the streets uprisings and the Assad's unwilling to step aside peacefully urged the downward rate marked the unemployment growth with a considerable minuses signals in salaries and many other pluses regarding the general living commodities prices (Friberg Lyme 60). One international aid delegate put stress on the Syrian population harsh journey with sanctions; "Those suffering from the sanctions are largely those at the bottom. While those listed are able to diversify their funds, the people at the bottom are hit hard by the significant price increase for the basic food basket" (quoted in Friberg Lyme 60).

On the hand, experts claim that Trump's Caesar law caused more risk to the Syrian civil protection paradoxically to what it aimed to do. Transcending Obama's sanctioning acts, the broad nature of sanctions, according to Omar Dahi, creates "negative consequences for civilians" (cited in Madouni and Derradji 64). In point of fact, the law pushed the Lira into a drastic decrease crushing the socio-economic casualties into the ground. On June 8, 2020, the Syrian Lira hit the ground of 3000 against the dollar. Abou Hassan, a Syrian civilian worker said that his salary became around 60 thousand Syrian liras equivalent to only 27 dollars which is not sufficient to feed his family of seven while there are other people who cannot afford to buy breadcrumbs (Jukhadar and Tsurkov para 7). While all the Syrian media are blaming Caesar sanctions for the financial meltdown, the U.S. government put the whole blame on Assad's state; he said "They squander tens of millions of dollars each month to fund a needless, brutal war instead of providing for the basic needs of the Syrian people. The regime's destructive war has crushed the Syrian economy, not U.S. sanctions." (Dadouch, Has the Caesar Act already squeezed Syria? Para 4). In fact, the blame is shared jointly by the two regimes while each tries to achieve its goals at the expense of the Syrian population.

### **3.2.2. Assad's Sovereignty:**

In 2012, Friberg Lyme claimed that the sanctions policy have not yet reached its fundamental purpose either to step down the blacklisted individuals or being the cause for their changing attitudes (44). Contrary to what sanctions regime functions for, the Syrian punished official circles become tighter rather to disappear seeking the survival of the regime and their interests (Friberg Lyme 63). Unlike all the details publicised regarding sanctions affecting the Syrian economy, the economic impact on the targeted Assad regime business and sovereignty is quite strange and ambiguous. In fact, the regime military groups are likely to benefit from the sweeping sanctions to practice their outlawed

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financial activities, “corruption, looting, kidnapping for ransom, carjacking and smuggling” (Friberg Lyme 57). To this end, if the regime proxies managed to escape from the penalties in their own way, it means that the Assad’s regime could and would find methods and ways out to function.

Indeed, in 2021, Friberg Lyme’s assumptions have been proved right, the Caesar Act did not affect or alter the Syrian regime approaches that much since it is not concerned with the socio-economic breakdown of its population (Jukhadar and Tsurkov para 10). Yet, sanctions risked the Syrian population while Assad and his proxies remain in power. In a similar vein, the Human Rights Council claimed that “the Government and elite can actually benefit economically from sanctions, owing to this monopoly on illegal trade” (A/HRC/19/33 10). It is thus a proof that denies the premise that coercive measures will affect the political orientation and the principles of a given regime. In every scenario, U.S. sanction policy makers should find alternatives to their laws that affect the economy that striving with the survival of the civilians but not the elites. Notwithstanding, the U.S. has proved eligible in using sanctions for its interests; thus, the main aim behind the Caesar Act may protect one of these goals rather than the Syrian Civilians. The Caesar law put seven conditions on the table for sanctions removal, ending the repression of the Syrian population, the release of prisoners and the return of the Syrian refugees but none call for the removal of Assad. Within the same context, Hazem Nahar, a Syrian politician claimed that the Caesar Act functions to give a legitimate settlement to the U.S. army in Syria, controlling oil supplies and more effectively, keeping it out of reach for Assad’s regime (Shaherhawasli, Protecting civilians or American interests para 3).

#### **3.2.3. Humanitarian Impact:**

According to the Human Rights Council, unilateral coercive measures affect negatively “the poor and the vulnerable, the very persons for whom human rights

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principles seek to provide particular safeguards” (A/HRC/19/33 10). These kinds of measures like the U.S. sanctions, threaten the social protection of the population. Profoundly, the Human Rights Council believes that “under sanctions, the middle class is eliminated; the poor get poorer, and the rich get richer” (A/HRC/19/33 10). To this vein, it is safe to say that the unrest in Syria destroyed the population aspirations to thrive while sanctions are pushing them backward to limit their hope to survive.

Starting from 2011 U.S. sanctions and Syrian bank embargoes, only UN agencies, and the largest international humanitarian bodies were granted de jure access to money transactions in Syria. This fact hindered Syrian humanitarian organization to import medicines and medical equipments, as well as receiving donations from international sources (A/HRC/39/54/Add.2 8).

Before the uprisings and the sweeping sanctions, Syrian produced more than 90% of the needed medicines in local pharmaceutical laboratories. Economic sectorial sanctions on the Syrian energy along with the hard currency access prohibition turned the health system into a quagmire unable neither to import medicine said such as cancer cure medicines, hormones, specific antibiotics, nor to achieve foreign humanitarian aids that could afford these type of crucial medicines (A/HRC/39/54/Add.2 9-10). The WHO identified some medicines under embargo “as impossible to substitute from other sources, such as India or China” including “Radioactive isotopes for cancer treatment, rotavirus vaccines, and specialized medicines for kidney transplants” and even if these medicines are not under sanctions, each would require licences from the U.S. jurisdictions (A/HRC/39/54/Add.2 10).

In 2020, things did not change despite international efforts to protect Syrian people. Prior to its implications, the public consensus grew an enormous optimism towards the Caesar Syria Civilian Protection Act ability to settle peace, ipso facto to guarantee

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protection to the Syrian people from suffering (Al Shami 2). However on the real ground, the act's spell misleads the target and the unwanted happened. It has been assumed that, "the Caesar Act sanctions do not punish the government as much as they punish the Syrians living in their country (...) the sanctions push them further into poverty and suffering." (Al Shami 2).

Furthermore, sanctions are affecting Syria's response to the COVID-19 pandemic and the Syrian healthcare system. In 29 December 2020, UN human rights expert Alena Douhan called on the United States to remove unilateral sanctions mainly the Caesar Act based sanctions, which may harm the Syrian citizens (Douhan, the Human Right Council). She expressed her concern that "sanctions imposed under the Caesar Act may exacerbate the already dire humanitarian situation in Syria, especially in the course of COVID-19 pandemic, and put the Syrian people at even greater risk of human rights violations" added, "The U.S. government must not put obstacles in the way of rebuilding of hospitals because lack of medical care threatens the entire population's very right to life" (Douhan, the Human Right Council).

#### **3.3. Saudi Arabia:**

U.S. sanctions policy towards Saudi Arabia took a divergent hallmark compared to that towards Iran and Syria with regard to their common interests and the substantial partnership within different fields. Evidently, if the U.S. boycotts the Saudi authorities then it would sound like a bomb on a U.S. land led by U.S. army while the damage would be fixed by U.S. officials. On the other hand, U.S. sanctions even though they have a little impact on the Saudi's leadership, they affect the strong bond between the Washington and Riyadh described by President Trump on November 20th 2018 as "a great ally in our very important fight against Iran. The United States intends to remain instead a partner to Saudi Arabia to ensure the interests of our country, Israel and all other partners in the



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region”(Aghamohammadi and Omidi 617). Nevertheless, these sanctions have really impacted the 17 Saudi officials and that’s the end of the story. The U.S. sanctions were narrowed to the extent that they did not hurt the government not wanted to pledge a misturn to the alliance between the two sovereigns.

#### **3.3.1. U.S.-Saudi Alliance:**

According to some analysts, Jamal Khashoggi assassination in the Saudi Consulate in Istanbul is a severe incident that could have a political shock between the Saudi royal family and Washington. Upon this premise, khashoggi’s incident is notably the major reason behind the relationship decay instead of U.S. coercive measures. However, if the U.S. sanction were only a one-degree developed than just 17 individual, the U.S.-Saudi relationship would reach its peak for once and maybe for good. Among various scenarios, Aghamohammadi and Omidi doubted that the U.S. sanctions on Saudi Arabia would hypothetically shift the Saudi interests into another hegemonic power to survive with its goals such as Europe, China, or more risky alliance would be with Russia (618). In fact, a huge debate has been raised concerning this probability in which Ayham Kamel, head of Eurasia Group’s Middle East and North Africa practice, told CNBC in October 2018 if the U.S. tended to make a harsh sanctions move against the Saudis, “the Saudis I think will begin to tilt. They were already doing that before hand; they’ll be doing more business with China and Russia. I doubt Mr. Putin would’ve given the Saudis much trouble with this crisis as Mr. Trump has” (Turak para 4-5). Although the U.S. legislator decided to impose severe sanctions against Saudi Arabia specifically the Royal family headed by Crown Prince Mohammed bin Salman bin Abd al Aziz, Trump strictly emphasized that arms deals should be put out of reach of sanctions or “Russia and China would be the enormous beneficiaries and very happy to acquire all of this newfound business. It would be a wonderful gift to them directly from the United States!” (Abdel Aziz 11).

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Furthermore, if the sanctions were harder and broader than 17 officials, a probability of a tremendous economic crisis harder than the Arab oil embargo of 1973 and the Covid-19 both together will face the world from the part of Saudi oil market. AL Arabiya journalist Turki Aldakhil stated if the ordinary oil prices are making much debate within the U.S. zone, what out the sanctions reaction as price jumping to \$100, or \$200, or maybe more and the oil barrel may be priced in any other currency rather than the U.S. dollar (para 2).

#### **4. Conclusion:**

For the United States, to be or not to be is a question of hegemony. Therefore, its hegemonic sanctions policy maintained its enemies and interests within the same line through the needed pressure it generate as well as extra damage for the innocents. It is more than evident that U.S. coercive measures against Iran and Syria have reached their goals during the last two presidential administrations, still, the damage stood distinctive from a Middle Eastern region to another.

Consequently to U.S. sanctions policy, Iran has suffered in a long time and still struggling with the economic, diplomatic and humanitarian effects that U.S. penalties is forcing to happen, let alone their nuclear aspiration and the international gravity it buries. For Syria, the political calculus share the same speculations that sanctions could not be the only source of the Syrian suffrage but the unrest and civil war are to be put under the accountability spotlights. To count the damage, U.S. sanctions failed in removing Assad's from his throne or even shake his sovereign regime perhaps it was not aimed to do so. Nevertheless, U.S. financial penalties paralysed the Syrian economy to the hilt completing the work of the unrest to the maximum hurting more civilians with the Caesar Act more than securing protection.

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In another angle, the Saudi powerful and amiable partnership with Washington that lasted through history stood as a shield to the sanctions threat. In addition to this, the U.S.-Saudi shared interests in the region prevented the damage that could occur if sanctions were harder than the actual ones.

To this end, the U.S. sanctions policy has proved effective if not changing behaviour of the wrongdoers; it is pushing tougher their punishment to make rethink their policies as well as their orientation.

# **General Conclusion**

Indeed, the United States of America has redefined the global power to its own standards precisely by the turn of the twentieth century. This fin de siècle marked the emergence and the revival of an ancient economic weapon that proved palpably as a wounding policy. Not exclusively but rather significantly, economic sanctions have been used for a long time to alter the Middle Eastern region into a fully American ally, if not, to secure and maintain the U.S. interests in the Arabic lands. Rooted back from the end of the Second World War, the U.S. reoriented its political foreign agenda towards the East. The Initiative drive was the rising communist spectre holding all over the eastern lateral of the globe, then the enlargement of Arab tribes as kingdoms and most prominently Oil preservers lead Washington to gather new transatlantic allies. Nevertheless, Israel, the new war on terror besides the war against nuclear proliferation aspirations implied the U.S. presence in the Middle East.

By virtue, economic sanctions are coercive measures primarily targeted the sanctioned party's economic system to paralyse the state's existence. The U.S. confirmed that economy is the modern dominant armament into invading states' systems and change their political, social and even religious behaviours.

This policy stood as a political hot pot inviting the law's investigations international court scrutiny to either ascertained it as fully legal or illegal. This end resonate the durable and arduous path international law is fronting as the American sanctions jurisdictions are nationally pertinent while no foreign or international law could decide whether a national law could be outlawed in the global hemisphere. It has been cleared out the U.S. sanctions policy stands unilaterally i.e., undeniably illegitimate vis à vis the U.N. Charter that endorse and merit only multilateral measures under highly international unbiased supervision. Be that as it may, the hegemonic position of the United States as a global power shielded it from any possible peril or warning.

Based on the analysis this dissertation has undertaken, it has been proved that U.S. economic penalties jeopardize the Middle Eastern states under sanctions on a very prohibitive level through which, Iran is identified as the most damaged region among the selected case studies. Starting from 1979, the Iranian economic organism telescoped under the social poverty and world isolation. Despite the JCPOA's efforts to mitigate the catalysts of sanctions on Iran's industry mainly the secondary penalties' exacerbating function, Trump's withdrawal from this nuclear deal led serious complications in the investments sector, energetic industry and even the health sector. Iran lost its significant position as one of the major petroleum leading nations after the U.S. sanctions incidents. Profoundly, this fact intensified the need to find overseas salvaging stakeholders and investors.

In 2020, Iran had enough pressure dealing with prognostication of the American presidency elections that would somehow determine the American new fate their nation's too, the Covid-19 pandemic was displayed as an unwelcomed company besides U.S. sanctions. Approximately, U.S. sanctions succeeded to quarantine Iran even before the health crisis. Ultimately, the Iranian population is living under the phantom of fear, poverty and expected famine if one day sanctions would be firmer than ever.

On the other hand, Syria has been also victimized by the U.S. sanctions regime albeit at different rate compared to Iran. It is noteworthy to mention that Syria sanctioned its territory long before the coming of the American penalties because of the Civil war and the streets uprisings. To this vein, the American touch is exclusively regime targeted, ipso facto; Bashar Al-Assad was the premium purpose. Through assimilating Iran's experience with the Syrian one, the people are the victim at the end of day and the whole battle.

If Iran and Syria are part of the Middle Eastern region, already sanctioned by the U.S. authorities and eventually got paralysed by these coercive measures, what about the

Saudi kingdom? As the political realm requires serenity and endurance at the same time, Washington gauges the doze of damage before indulging in any political operation. The U.S.-Saudi sanctioning memorial has elucidated that U.S. allies are definitely immunized. Khashoggi's murder and the worldwide boom it generated did not affect the U.S.-Saudi epic relationship neither diplomatically nor economically.

This study was limited to only three paragons of the U.S. sanctions victims in the Middle East. Hence, more research is needed to determine whether the current penalizing system that is placed by the U.S. will be replaced in the future by other policies.

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