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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **ANALYSIS OF THE EFFICACY OF INTERNATIONAL SANCTIONS IN GLOBAL GOVERNANCE**

AUTHORED BY - SOUMYA G B

## **ABSTRACT**

This paper examines the effectiveness of international sanctions, focusing on the role of nationalist sentiments and historical colonialism in shaping state responses. Sanctions, though aimed at altering state behaviour and enforcing international norms, often fail to achieve their desired goals. By using a doctrinal research methodology, this paper explores how a nation's political structure, public opinion, and colonial history affect the impact of sanctions. The analysis highlights how nationalist feelings within sanctioned states often counteract the intended effects by fostering unity and resistance against perceived external aggression. Formerly colonized nations, in particular, tend to interpret sanctions as neo-colonial interventions that threaten their sovereignty, resulting in a bolstering of domestic support for the targeted regime. Case studies of North Korea, Iraq, Zimbabwe, and Cuba are used to demonstrate how nationalist narratives and the legacy of colonialism have diminished the effectiveness of sanctions in these contexts. The paper also ascertains that the success of sanctions depends heavily on a nuanced understanding of the target state's socio-political landscape and historical experiences and that sanctions are less likely to be effective when they are perceived as an infringement on national sovereignty or as a continuation of colonial domination, especially in states with strong nationalist sentiments.

Key words: Sanctions, Nationalism, Colonialism, Public Opinion, State Sovereignty

## **INTRODUCTION**

The goal of sanctions is usually to encourage adherence to international laws and standards by influencing or discouraging particular actions in the states that are the focus of the sanctions. They can come in a number of forms, such as trade restrictions, military embargoes, and economic sanctions. Even if the goal of these sanctions is to force states to alter their behaviour, a careful review of past instances shows that these measures usually fail to accomplish their full purpose. A number of factors affect the effectiveness of sanctions, such as the political,



social, and economic environments of the target state and the countries implementing them. The perception and eventual impact of sanctions can be greatly influenced by various factors such as the political structure, the economic resiliency, and the attitudes of the targeted population.

Besides, it is intrinsically hard to measure the actual effect of punishments. The true effect of sanctions is the "gap" between what is and what could have been if sanctions had not been put in place, yet this "impact" is paradoxically also undetectable. It is realistically quite difficult to precisely measure such an influence<sup>1</sup>. It is difficult to say for sure what would have happened if there had been no sanctions. Because of the complexity of international relations, a state's actions can be influenced by a wide range of variables, making it difficult to distinguish the impact of sanctions from other influences. The actual extent of their influence may be hidden since the very measures by which their achievements are assessed are susceptible to personal interpretations or outside political narratives. So, while it is difficult to assess why some sanctions are effective and some aren't, it is fundamentally hard to understand what sanctions are effective and what are not in the first place. This paper would assess whether a sanction is impactful or not by not looking at what changed after the imposition of sanction, but by looking at whether the desired goals of the sanction was achieved.

## RESEARCH METHODOLOGY

Effectiveness of international sanctions vary from state to state and kinds of sanctions that are imposed. These variations depend on a number of factors. To carry out this research, doctrinal research was employed. This methodology facilitates a more thorough comprehension and interpretation of legal issues by offering a methodical approach to the analysis of statutes, case law, and legal concepts. Doctrinal research provides a structured framework for assessing the effects of legal principles inside the legal system when applied to the analysis of these aspects. Doctrinal research is a scientific method that provides a strong basis for evaluating the ways in which factors such as public opinion and historical colonialism affect the efficacy of international sanctions. Legal texts, statutes, case law, and scholarly judgments are extensively examined in order to clarify the complex links between legal concepts and principles. It makes it possible to analyse past rulings in-depth and provides information on how rules and

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<sup>1</sup> Giumelli, . *A Comprehensive Approach to Sanctions Effectiveness: Lessons Learned From Sanctions on Russia*, 30 Eur J Crim Policy Res 211-228 (2024). <https://doi.org/10.1007/s10610-024-09585-x>



regulations actually work in real-world situations.

## OBJECTIVES

This paper explores into the existing links between various political and economic conditions of states and efficacy of sanctions on these states. While multiple factors shape the effectiveness of sanctions, this paper will focus on two key aspects: firstly, the role of nationalist sentiments and public attitudes within the sanctioned state, and secondly, how formerly colonized nations respond to sanctions. A thorough examination of case studies of states and their response to sanctions will deliver a pattern of how these factors influence the efficacy of sanctions and how they are interlinked.

In the first objective, it is analysed that a targeted nation's political system, socioeconomic standing, and public opinion can all have a big influence on how sanctions are viewed and how they ultimately work. Targeted states occasionally react to penalties by strengthening their determination against outside forces by embracing their national identity. This can have an opposite effect of why the sanction was imposed in the first place, with the populace uniting behind their government and seeing sanctions as an act of foreign aggression instead of a valid tool of influence. As a result, the sanctions' intended objectives may be compromised, and the very behaviour that they were designed to curtail may continue or even get stronger.

In the second objective, the paper analyses how formerly colonised states react to international sanctions imposed on them. The population develop a sense of nationalist feeling and look at sanctions as an attack against their state.

The rhetoric around violent political resistance has contributed tremendously to the self-perception of postcolonial states and their worries over their statehood; they in turn continue to build particular genealogical narratives about postcolonial modernity and the idea of the nation-state.<sup>2</sup> In order to preserve this idea, sanctions are viewed as opposing to their narratives and threatening their state hood and this feeling influences their response to the sanction.

This paper analyses the efficacy of sanctions and how these 2 factors influence referring to past examples.

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<sup>2</sup> Parashar & Swati, *Colonial Legacies, Armed Revolts and State Violence: The Maoist Movement in India.*, 40 Third World Quarterly (2019). 337–54. doi:10.1080/01436597.2019.1576517.

## RESEARCH ANALYSIS

### A. National sentiments and their role in shaping response to international sanctions

How the targeted state reacts to international sanctions, especially when viewed through the eyes of public opinion and national identity, has a significant impact on the sanctions' efficacy. When penalties are applied or sanctions are imposed, the people living in the impacted country frequently react negatively, disrupting the intended effects of the sanctions. The degree to which the public displays support or unhappiness with the sanctions plays a crucial role. The intended consequences of penalties, such as following international conventions or changes expected for the same, are often not adhered to when the population has a strong feeling of pride in their country or allegiance to their political leader.

It's also important to note that public sentiment about economic sanctions and national pride are closely related. People who are very proud of their country generally think that it is important to preserve its sovereignty and dignity. Under these circumstances, the impression of outside forces, such as sanctions imposed on them, can evoke a feeling of anger and dissatisfaction, which, instead of encouraging opposition, increases support for the political establishment. Those who have experienced colonialism or oppressive foreign involvement in the past may react more strongly to these sanctions due to their existing sensitivity to past memories of oppression. Sanctions are also influenced by the attitude of the people of the states imposing the sanctions. The disapproval of the US population led to US pulling out its troops from Vietnam. Maldives boycott by India which led to loss in the tourism sector of Maldives is because the Indian population collectively decided to boycott travelling to Maldives after the impact of the media incident.

However, such feelings of national pride may also lead to increased efficiency of sanctions in few cases. When people feel good about their economic situation, this feeling might serve as a trigger, strengthening their support for the sanctions placed on their nation. In such cases, people can view the economic hardships brought on by the sanctions as a necessary sacrifice for the greater good of maintaining national sovereignty and dignity, rather than as a reflection of their own poor leadership<sup>3</sup>. However, the negative effect on efficiency is much greater in extent due to this factor.

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<sup>3</sup> Seongjo Kim, Hanna Kim, *National Pride, Economic Evaluation, and Public Support for Economic Sanctions: The Case of Japan's Economic Sanctions Against South Korea*, 36 International Journal of Public Opinion Research (2024), <https://doi.org/10.1093/ijpor/edae016>

This can be analysed using two examples of sanctions imposed on North Korea and Iraq.

#### North Korea

Even in the face of severe sanctions imposed by the US and other countries, the Kim dictatorship has managed to hold onto power. The people suffer economically due to the sanctions, but the regime has been successful in framing the story around national sovereignty and external threats. The leadership mobilizes popular support by characterizing the sanctions as an act of hostility from the West. This ensures that many residents of the country stay loyal and continue to have faith in their leaders, despite the sanctions' negative effects on day-to-day living. In these situations, the sanctions unintentionally strengthen the legitimacy of the regime, which prevents them from accomplishing their original goals of encouraging political reform or compliance.

The fundamental component of the regime's juvenile ideology is nationalism with an overtly xenophobic and even racist bent. The regime obtains legitimacy from anti-Japanese feeling, animosity toward South Korea, and propaganda against the United States. North Korean military leaders are picked for their political loyalty rather than military competence<sup>4</sup>. Even the US and other countries are hesitant on imposing sanctions on North Korea as the resulting economic hardships will still be blamed on the sanctions imposed rather than on the errors done by the political leader of the country.<sup>5</sup>

Even though sanctions are targeted either on the political leaders or elitist political and economic section of a state, the specific section of people most affected by sanctions are the ordinary class of people residing and working in the state. North Koreans who depend on basic amenities businesses for their livelihood are disproportionately affected by export restrictions on the coal, fisheries, and textile sectors as well as by laws prohibiting employment outside. Moreover, sanctions make bureaucratic procedures such as customs and trade procedures more difficult, they frequently cause delays and suspensions in the distribution of international humanitarian aid. According to a UN Security Council assessment from 2019<sup>6</sup>, processing

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<sup>4</sup> Byman, Daniel and Jennifer Lind, *Keeping Kim: How North Korea's Regime Stays in Power*, Belfer Center for Science and International Affairs (Mar. 5, 2024), <https://www.belfercenter.org/publication/keeping-kim-how-north-koreas-regime-stays-power>.

<sup>5</sup> *Id.*

<sup>6</sup> Selwa Yousif, (Sept. 25, 2019), <https://documents.un.org/doc/undoc/gen/n19/028/82/pdf/n1902882.pdf?OpenElement>.



humanitarian aid to North Korea might take up to 10 months, if it is not completely halted.<sup>7</sup> This creates a sense of anger in the population of the country which leads them to develop a view that sanctions are a way of disrupting their livelihood and businesses rather than assessing the actions of the political leaders which led to the imposition of the sanctions in the first place. So, the desired effects of sanctions are not achieved and people sympathise with their leaders countering the impact intended while imposing the sanctions.

#### Iraq

Resolution 661 of the UN Security Council was enacted, instantly enforcing economic sanctions in response to Iraq's invasion of Kuwait.<sup>8</sup> Although the sanction had prevented the political leader Husayn from obtaining Weapons of Mass Destruction (WMD), the sanction was not efficient as it strengthened his rule rather than weakening it.<sup>9</sup>

Husayn adopted a rationing system which provided food supplies to the population once sanctions were imposed and ties with other countries were cut off<sup>10</sup>. Although the system had many flaws, it was used as an instrument to manipulate the population of people and as a political tool to use the rationing system to exercise control over the people. This led to Husayn's government gaining popularity and his systems as a way-out during impositions of sanctions.<sup>11</sup>

Husayn's strategy reaction includes presenting the sanctions as part of a greater Western imperialist goal, specifically targeting the UN and the United States, despite UN efforts to enforce the restrictions by blocking the flow of goods into Iraq.

Hussein often rallied the Iraq population with speeches of anti-American and anti-United Nations sentiment<sup>12</sup>. He portrayed Iraq as a victim of injustice and hypocrisy on the part of the West by using strong nationalist symbols and themes and portrayed the Iraqi people as suffering at the hands of a "merciless international community." This narrative resonated with the public,

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<sup>7</sup> Lindsay Maizland, *What to Know About Sanctions on North Korea*, Council on Foreign Relations (July 27, 2022), <https://www.cfr.org/backgrounder/north-korea-sanctions-un-nuclear-weapons>.

<sup>8</sup> See text of UN Resolution 661, available at: <http://www.un.org/Docs/scres/1990/scres90.htm>

<sup>9</sup> Mazaheri & Nimah, *Iraq and the Domestic Political Effects of Economic Sanctions*, 64 Middle East Journal 253-68 (2010). <http://www.jstor.org/stable/40783043>.

<sup>10</sup> See Kanan Makiya, *The Republic of Fear: The Politics of Modern Iraq*, Berkeley: University of California Press (1989).

<sup>11</sup> Supra note 9, at 257.

<sup>12</sup> See Cordesman and Hashim, Iraq 154.

strengthening his authority by connecting his defiance of the West with Iraqi national pride.<sup>13</sup>

Because of this people did not view sanctions as a result of the actions of Husayn's political rule or regime, instead they view Husayn as their saviour from the hardships they have to undergo due to the imposition of sanctions.

#### B. Colonial past and its impact on sanctions

The political, economic, and social circumstances of previously colonized have a substantial impact on how international sanctions affect them and can either increase or decrease their effectiveness. These nations' responses to sanctions can be influenced by circumstances resulting from colonialism, which can eventually alter their effectiveness.

Historically oppressed countries frequently have a strong sense of nationality and a narrative about their history that is formed by these experiences. This may result in a defiant attitude against the sanctions, which is viewed by these states as maintenance of colonial dominance. Colonialism's historical narratives can affect how the public views sanctions, which can result in compliance or resistance depending on shared memory and identity.

Former colonies would try to form coalitions against Western dominance or with other countries that have undergone similar experiences of oppressions and share similar colonial histories. The purpose of the sanctions may be compromised by this by opening up new channels for support and trade. Former colonies frequently have economic systems that are highly dependent on particular industries due to their colonial past. These dependencies may have an impact on how they react towards sanctions and the efficiency of such sanctions imposed on them. Sanctions are such states can either be efficient or not so efficient depending upon their trade dependencies around the world.

#### Zimbabwe

Following its independence from British colonial authority, Robert Mugabe's land reforms and violations of human rights led to sanctions against Zimbabwe by Western countries. These sanctions failed as they did not address the primary objective of the sanction which was to

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<sup>13</sup> Supra note 9, at 259.

improve political rights, human rights situation and ending political violence.<sup>14</sup> None of these objectives were clearly achieved. Rather than encouraging cooperation, these punishments strengthened nationalist feelings and bolstered Mugabe's role as Zimbabwe's guardian against alleged neo-colonial interference. People's support for the government became unwavering, which reduced the impact of the punishments and strengthened the hold of authoritarian behaviour.

The sanctions imposed on Zimbabwe also further deepened the poverty gap and led to deprivation of basic access to a large section of the society by increasing levels of income inequality and mortality rates.<sup>15</sup>

Rodinism, derived from the works of Walter Rodney, frames European colonization as a process of exploitation that enriched Europe at Africa's expense. In this framework, sanctions are viewed as a continuation of imperialism, aimed at controlling Zimbabwe's sovereignty and maintaining unequal power relations.<sup>16</sup>

Mugabe was successful in uniting the populace by appealing to anti-colonial feelings and arguing that sanctions were an unfair attempt to undermine the nation's economy and its goals of land redistribution and economic sovereignty rather than a reaction to wrongdoing by the government. Radical land reforms, including taking land from white farmers and giving it to black Zimbabweans, were justified by Mugabe's use of rodinism. The changes brought in an economic downturn and severe sanctions from Western countries, despite the fact that they were meant to rectify the abuses of colonialism. Mugabe, however, presented these restrictions as imperialist assaults meant to stop Zimbabwe from claiming its own resources.

Mugabe framed Zimbabwe's fight as one of national liberation rather than economic mismanagement by associating it to Rodinism. He explained the sanctions as an effort by the West, akin to what the colonial authorities had done in the past, to regain control over Zimbabwe's political system and resources. This story spoke to a people who had lived under

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<sup>14</sup> Grebe J, *And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions Against Zimbabwe/Und Sie Sanktionieren Weiter: Zur Wirksamkeit Zielgerichteter Sanktionen Gegen Simbabwe*, 45 . Africa Spectrum 3–29. <http://www.jstor.org/stable/25798904>

<sup>15</sup> Mararika M, *Rodinising Economic Sanctions: How Sanctions Have Destroyed Zimbabwe. In Zimbabwe Will Never Be a Colony Again!: Sanctions and Anti-Imperialist Struggles in Zimbabwe*, Langaa RPCIG 57-86 (2019). <https://doi.org/10.2307/j.ctvmd84jt.10>

<sup>16</sup> *Id*, at 60.



colonial control and saw the West's actions as products of past exploitation. Rodinism was a tool employed by Mugabe's administration to claim that the global capitalist system was to blame for the continent of Africa's continued poverty and dependence rather than internal issues. The government was able to justify its disobedience of Western sanctions by presenting it as a component of a larger campaign against global economic inequality. This led to the failure of achieving the primary objectives of the sanctions.

## Cuba

Former colonised nations were often dependent on certain kinds of businesses and trades and these dependencies affect how a state reacts to sanctions. Cuba being formerly colonised was heavily economically reliant on the Soviet Union.

Cuba was subject to a unilateral embargo by the United States in the early 1960s in retribution for the unpaid nationalization of American assets. The Organization of American States (OAS) quickly took regional action in response, though, and Cuba was excused from the inter-American system as a result of its ties to Marxist-Leninist ideology.<sup>17</sup>

The embargo was intended to weaken the Cuban economy and prompt political change. However, Cuba's historical ties to the Soviet Union provided an alternative source of support, enabling the Cuban government to maintain its regime despite the sanctions. The four stated goals of the U.S.-led sanctions against Cuba were to: lessen the country's capacity and willingness to export revolution; show the Cuban people that their government was failing them; prove that communism had no place in the Western Hemisphere; and raise the financial and political burden on the Soviet Union of continuing to hold political and economic sway over Cuba. However, these goals were not accomplished exactly as planned. The Soviet Union's support for it was enough to keep it going under the sanctions. The sanctions policy mostly succeeded in raising the financial strain on the Soviet Union as it continued to fund Cuba over several decades, rather than achieving its objective of undermining the government<sup>18</sup>.

The embargoes' inefficiency was evident more and more with time. Although the sanctions

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<sup>17</sup> See R. St J Macdonald, "The Oas in Action, 15 University of Toronto Law Journal 325-429 (1964).

<sup>18</sup> Doxey Margaret, *Sanctions Revisited*, 31 International Journal 53-78 (1975). <https://doi.org/10.2307/40201303>.

cost Cuba, they were unable to cause the public unrest necessary to overthrow Castro's regime. Rather than diminishing the regime's authority over the nation, they strengthened Cuba's need on the Soviet Union for both military and economic assistance. Because of the government's ability to portray the sanctions as an imperialist assault on Cuban sovereignty—a theme that connected with the people's own revolutionary and nationalist feelings that can be attributed to the nation's colonial past, the Cuban government was able to withstand considerable opposition.<sup>19</sup>

Aspects of nationalism, economic reliance, political resilience and cultural narratives are just a few of the many ways that former colonialism has influenced how international sanctions are perceived. Each of these elements influences the way that formerly colonized countries view and react to sanctions through intricate interactions. Although sanctions can be used as a coercive measure, the historical legacies of colonialism sometimes decrease their effectiveness.

## CONCLUSION

The efficacy of international sanctions, particularly on states with a colonial past, is deeply influenced by public opinion, national identity, and historical memory. Rather than achieving the desired political or economic objectives, sanctions often provoke reactions that reinforce the legitimacy of the targeted regimes, especially when the population views such measures as external impositions threatening their sovereignty.

In many cases, sanctions fail to achieve their goals due to the public's perception of national pride and resilience. The regimes in North Korea and Iraq, for example, were able to frame sanctions as imperialist or Western aggression, thereby rallying domestic support and strengthening the leaders' legitimacy. This phenomenon occurs when national identity and historical experiences of oppression or colonialism are invoked to portray sanctions as unjust attacks on the nation's sovereignty. North Korea, despite suffering from severe sanctions, has maintained regime stability through propaganda that portrays the country as a victim of Western hostility, thus reinforcing loyalty to the leadership. Similarly, Saddam Hussein's regime in Iraq used anti-American and anti-UN rhetoric to rally the population, portraying the sanctions as part of a broader imperialist agenda. These examples highlight how national pride can lead people to support their leaders, even in the face of economic hardships, counteracting

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<sup>19</sup> *Id.*

the intended effects of sanctions.

The legacy of colonialism plays a crucial role in shaping public reactions to sanctions. Former colonies, such as Zimbabwe, often view sanctions through the lens of their colonial past, interpreting them as neo-colonial attempts to control their political and economic sovereignty. Robert Mugabe, for instance, used the doctrine of Rodinism to link Western-imposed sanctions to colonial exploitation, thereby rallying the Zimbabwean people against perceived foreign interference. Instead of encouraging political reform, the sanctions strengthened Mugabe's regime by fostering a sense of resistance against external control, which resonated with the population's historical experience of colonialism.

Sanctions also have a disproportionate impact on ordinary citizens, further diminishing their effectiveness. While the intention may be to target political elites or authoritarian leaders, sanctions often increase the economic hardships of the general population, who may suffer from shortages of essential goods, reduced access to services, and overall economic stagnation. However, there are cases where sanctions can bolster public support for the measures, particularly when people feel that the economic hardships are a necessary sacrifice for preserving national dignity and sovereignty. Still, the negative effects of sanctions tend to outweigh these instances, as national pride and historical narratives often encourage resistance rather than compliance.

The failure of sanctions in cases like North Korea, Iraq, Zimbabwe, and Cuba demonstrates that national pride, reinforced by the memory of colonialism, can transform sanctions from a tool of coercion into a rallying point for defiance. Thus, sanctions are less likely to succeed when they are perceived as an infringement on national sovereignty, especially in states where the scars of colonialism remain central to political and social identity.