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House Foreign Affairs Committee
Tom Lantos Human Rights Commission

**Hearing**
**on**
**Considerations of Economic Sanctions**

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I want to express my thanks and appreciation to Commission Co-Chairs Congressmen McGovern and Smith for the invitation and opportunity to engage with you. I commend the Commission for its attention to economic sanctions and their impacts on human rights, both today and the important work you have done over the years.

As noted, I am the William Preston Few Professor of Public Policy and Professor of Political Science at Duke University. I also hold positions as a Global Fellow at the Woodrow Wilson International Center for Scholars and Non-Resident Senior Fellow at the Chicago Council on Global Affairs.

I have worked on sanctions both as a scholar and in various U.S. Government policy capacities. Much of my scholarly work is delineated on my home page. I want to give particular mention to my recently published book, *Sanctions: What Everyone Needs to Know* (Oxford University Press) which addresses such overarching questions as:

Why are sanctions used so much? What are their varieties?

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How to measure success? What key factors affect their success?

What lessons can policymakers derive for why, how and when to wield sanctions?

Policy positions in which I have worked on sanctions as well as other foreign policy issues include serving in the State Department as Senior Advisor to the Policy Planning Director (2009-11).

Here today I've been asked to speak to human rights sanctions and the ethical dilemmas they may pose, with my colleagues then adding their own expertise on this and other sanctions-human rights issues.

**Sanctions and Human Rights: Ethical Dilemmas**

As well intended as they may be, sanctions imposed because of human rights violations can risk posing a *fundamental ethical dilemma of intentions vs. consequences.*

For example, Myanmar: On the one hand how could the US not impose sanctions on the Myanmar military amid its brutal February 2021 coup? Shouldn't brutalizers be made to pay a price? Don't internal opponents deserve to know that the international community stands with them? Don't we have to stand up for American values? Yet the military and its supporters have largely insulated themselves from the sanctions, while according to some NGOs sanctions have ended up a factor in "a humanitarian and displacement catastrophe."

And what about whether to lift sanctions already in place against an offending regime for humanitarian reasons? Like Afghanistan after the Taliban victory in 2021: The Taliban were killing and arresting anyone at all deemed an opponent. They were again repressing women. They held American prisoners. They still had links to international terrorist groups. Yet as the winter of 2021–2022 set in, 9 million people were facing starvation. "The current humanitarian crisis," warned David Miliband, president of the International Rescue Committee in January 2022, "could kill far more Afghans than the past 20 years of war. . "Carve-outs" and other such measures have helped, but only somewhat.

And Cuba: Just this past Sunday a full-page ad ran in American newspapers, "Let Cuba Rebuild," proposing even a temporary six-month partial lifting of sanctions on construction materials to help rebuild after the devastation of Hurricane Ian.

*While the intention of such sanctions are to affirm core values and principles, as well as other US foreign policy interests and considerations, their humanitarian consequences on the very people in whose name the sanctions are imposed can be highly ethically problematic*.

This sanctions intentions: sanctions consequences tension can play out in two main ways, backfiring and misfiring.

Backfiring entails effects counterproductive to the intended target state policy change. For example, a study in the *Journal of Peace Research* of 95 countries for 1981-2000 showed how sanctioned regimes cracked down even more on human rights including torture and political killings. These include Cuba which has repeatedly manipulated U.S. sanctions as rationales for further repression, and China which

responded to the sanctions imposed for the 1989 Tiananmen Square massacre by strengthening the People's Armed Policy and intensifying policing of the Internet.

Misfiring involves hitting the people not the regime. In a number of cases sanctions worsened life expectancy, infant mortality (increases), child malnutrition, women's health, overall public health, poverty, clean water and sanitation, and refugees and internally displaced persons. With the Haiti 1990s sanctions the poor bore the bulk of the burden while the regime and supporters were minimally affected, leading to such take-offs in Creole on *anbago* (embargo) as *anba gwo*, meaning "under the heels of the rich and powerful. Over the past few years in Venezuela, while principal fault for the humanitarian crisis, indeed for the destruction of what had been one of the more robust civil societies in Latin America, lies with Maduro and Chavez, the sanctions have also been a contributing factor. A study attributed over 40,000 excess deaths between 2017 and 2018 to the Trump sanctions. By 2019 96% of the population was living below the poverty line, 80% in extreme poverty. Sanctions and hard currency shortages pinched food imports from $11.2 billion to $2.46 billion. Undernourished children were 400% higher than 2012. Clean water was tightly rationed. With Iran, once COVID-19 hit, while the Iranian regime bore plenty of responsibility for the disease's severity in its country, American sanctions so further hindered access to drugs and medical equipment that humanitarian ethical critiques were intensified.

To be sure, even when humanitarian assistance is offered the problem remains of the regimes in question blocking and diverting funds and resources from reaching the people in most need. While such actions further add to these regimes' own moral responsibility, we still must reckon with the effects of our own actions.

**Policy Recommendations**

Conscious of time limits and knowing how much my colleagues have to offer, let me briefly suggest five policy recommendations:

- Do more to resist the temptation to turn to sanctions as the default option based on negatives/downsides of other options and build net assessment into the front end of the policy process weighing costs and risks such as backfiring and misfiring. Recognize that sanctions may not just not work but end up with net negative effects on US policy and values as well as the people of the country in question.

- Get past the frequent assumption that the greater the economic impact, the more likely policy compliance, as was urged in a 2019 Government Accountability Office (GAO) study criticizing the USG tendency to focus principally on sanctions economic impact and not "sanctions' overall effectiveness in achieving broader U.S. policy goals or objectives."

- Give higher priority to efforts to mitigate humanitarian consequences such as private sector de-risking, a topic my colleague Dr. Erica Moret has extensive expertise on.

- Notwithstanding the rationales for criticizing and punishing adversaries are obvious, take into account that human rights sanctions against allies and partners may be more effective as the military aid, trade and /or technology they receive can be combined with other levers in the relationship to pressure some opening up; e.g., 1970s-early 80s sanctions against Latin American military regimes. And even if the regimes do stay repressive, the US is less directly implicated.

- Strategize sanctions as part of, not instead of, diplomacy. This is what was done with some success in such cases as the South Africa anti-apartheid sanctions, the 2003 agreement with Libya to dismantle weapons of mass destruction programs and reduce terrorism, and the sanctions relief for nonproliferation of the 2015 Joint Comprehensive Plan of Action with Iran.

I pass the baton to my colleagues and look forward to your questions. Thank you.

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