



The role of U.S. sanctions policies in promoting human rights

Excerpts from testimony of Kenneth Roth, Executive Director, Human Rights Watch before the Senate Task Force on Economic Sanctions, 8 September 1998

Considerations for effective sanctions policies:

The term sanctions covers a multitude of penalties that can be imposed on an abusive regime, including conditions on aid or trade benefits and restrictions on trade. Our experience has taught us that certain types of sanctions, under certain conditions, offer the greatest promise of success in countering abusive human rights practices. A number of policy prescriptions flow from this experience:

Sanctions supported by domestic constituency in targeted country

When human rights activists seeking freedoms in their own countries ask the international community to impose sanctions, the choice is clearest. The United States must listen to Burmese voices today, as it listened to South African voices in 1986 and Polish voices in 1981. Sanctions imposed in response to their pleas reinforce and legitimize their efforts. Domestic support also undermines any effort by the targeted regime to blame the U.S. or the international community for the negative economic impact of sanctions. However, we must recognize that severe repression can prevent a population from expressing its approval for sanctions, and in those cases it may be necessary to act without a manifestation of local support.

Targeted sanctions

We advocate sanctions that are targeted, and designed to have the greatest impact on an abusive regime by depriving it of the tools and means of repression, while avoiding or minimizing any negative impact on the general civilian population.

First in the hierarchy of sanctions are arms embargoes and restrictions on military assistance that a brutal regime would likely use to perpetrate further abuses.

We particularly urge the use of smart sanctions which narrowly target decision-makers, and which do not permit them to shift the burden to the general population. These include freezing the assets of abusive leaders or governments and denying visas and residency permits to such officials. Another smart targeted sanction is active support for the criminal prosecution of abusive officials.

When these targeted sanctions are not sufficient, we support certain restrictions on economic assistance to systematically abusive regimes. Again, some such sanctions, such as the cutoff of assistance to governments that systematically commit gross abuses of human rights, unless that assistance will directly benefit needy people, is mandated by section 116 of the Foreign Assistance Act. A related sanction is the denial of World Bank loans to systematically abusive governments--another tool for denying these governments the means to maintain their machinery of repression. Section 701 of the International

Financial Institutions Act requires a negative vote by the U.S. executive director to the World Bank in such cases. International financial institutions are, of course, an ideal forum in which to rally multilateral support for sanctions.

When we seek restrictions on economic assistance to abusive governments, we always encourage the delivery of aid, particularly aid aimed at meeting basic human needs or promoting economic development in the most impoverished sectors of society, to be channeled through non-governmental organizations. Last summer, the U.S. government successfully used this strategy to funnel aid to the Cambodian people after cutting off assistance to the government.

Sanctions consistent with human rights

We oppose sanctions that themselves violate norms of international human rights or humanitarian law. Therefore, we oppose restrictions of aid or trade that is essential to meet basic human needs for food, shelter, clothing, sanitation or medical care, particularly when such measures would violate fundamental economic rights or prohibitions against the use of starvation and related deprivation as a method of warfare. As President Clinton recently reiterated, food should not be used as a weapon to influence other nations. Generalized sanctions are a notoriously blunt instrument susceptible of causing severe adverse humanitarian consequences. If they are ever imposed, their implementation must be carefully monitored for these consequences and provisions must always be made to meet the basic needs of the civilian population, as is being attempted in the case of the oil-for-food sales in Iraq.

We also oppose sanctions that would restrict the provision of aid, sales or exchanges for the purpose of disseminating information and ideas. Nor do we in general favor sanctions that would, in violation of international norms, restrict the right of ordinary citizens to travel or to speak to or to have contact with citizens of any other country. We do, however, support restrictions on visas for military or civilian officials of abusive regimes, because of the implicit legitimization of their conduct that would be conferred by receiving them outside their country. Such measures have been an effective means of censuring conduct in Nigeria, Liberia, Burma and Zaire (now the Democratic Republic of Congo).

Sanctions tied to clear benchmarks

We have found that sanctions that are tied to clearly defined benchmarks are most effective. The sanctions should be inspired by principle, not political expedience, and this should be reflected in benchmarks rooted in international norms and standards, which, if reached, would trigger a lifting of sanctions. The often-cited example of such graduated sanctions was the Reagan Administration's response to martial law in Poland; tough sanctions were gradually lifted in return for various positive steps by the Polish government, from the release of political prisoners to the formal lifting of martial law.

By contrast, we have objected to the form of sanctions currently imposed on Cuba because they reflect an all-or-nothing approach, with no promise of loosening until the government changes, rather than rewarding concrete steps toward democratization and respect for human rights. In the case of Burma, we have linked our opposition to private foreign investment to a specific human rights abuse: the egregious use of forced labor by Burma's military government on a wide scale, including for infrastructure development and to attract tourism and investment. We do not believe that U.S. or other foreign companies should directly or indirectly contribute to or benefit from forced labor.

When thus tied to clear, realistic, and principled criteria, sanctions serve as a carrot as well as a stick and are more likely to achieve the desired results. For this approach to work, all institutions and agencies of the U.S. and other sanctioning governments must consistently press for implementation of the stated conditions for removal of sanctions. Mixed signals or waffling greatly dilute the effectiveness of sanctions.

Multilateral versus unilateral sanctions

We prefer the use of multilateral sanctions because they are more effective and have greater international legitimacy. Frankly, however, the problem with some U.S. sanctions is not so much that they are imposed unilaterally, but rather that they are imposed in situations and in ways which are actively rejected by the rest of the international community. At the same time, when a multilateral effort is not possible, unilateral sanctions can be useful to stigmatize a government's abusive actions, as leverage to induce change, or to avoid U.S. complicity in abuses. As an example, we support unilateral sanctions imposed on Sudan, including the recent trade ban. Because U.S. trade with Sudan was limited, the trade sanctions have had little impact on the Sudanese population, but, at the same time, they have sent a clear message to a government that, despite its rhetoric, values its ties with the U.S.

The threat or imposition of unilateral U.S. sanctions can also induce other countries to follow with sanctions or other diplomatic and economic forms of pressure, leading to an ad hoc multilateral effort. Burma is one such case.