

Humanitarian Sanctions? The Moral and Political Issues

by David Cortright

Multilateral economic sanctions offer the prospect of a more civilized world where international norms are enforced not through military violence but through the power of trade. Sanctions can be an effective tool against military aggression, weapons proliferation, and gross violations of human rights. Since the end of the cold war, the UN Security Council has imposed multilateral sanctions with unprecedented frequency. South Africa, Iraq, former Yugoslavia, and Haiti are four recent cases where comprehensive trade sanctions were imposed. Despite the increasing use of

that sanctions cause excessive economic hardship and suffering among vulnerable populations while having little effect on those in power. Conventional

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theory holds that the effectiveness of sanctions is directly proportional to the level of pain they impose on a target nation. Some analysts take issue with this view, arguing that there is no necessary causal relationship between the amount of hardship caused by sanctions and the degree of political change adopted by a target nation. Others contend that sanctions are questionable ethically because they impose disproportionate harm on innocent civilians. UN Secretary General Boutros Boutros-Ghali, in his *Supplement to an Agenda for Peace* report, questioned "whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders."

The issues of humanitarian impact and effectiveness of sanctions are directly interconnected. When economic measures are imposed, the

result in the target country can be either a "rally-around-the-flag" effect or an "internal opposition" effect. In the former, the leadership uses external pressures to invoke patriotic and nationalist forces in support of government policies, a pattern apparent in Iraq and Serbia. In the latter, sanctions empower domestic opposition groups and isolate the political elites responsible for wrongdoing. This effect was substantially evident in the case of South Africa, and to a more limited degree, in Haiti. Obviously, the goal of

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nations implementing economic sanctions should be to create an internal opposition effect rather than a rally effect. This will depend on the ethical and humanitarian consequences of the sanctions regime.

Much thought has been devoted recently to the ethical criteria for imposing sanctions. Some argue that although sanctions imposing hardship on a target nation may be appropriate, they should not drive living standards of the general population below subsistence levels. A sanctions regime that goes beyond this standard loses politi-

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cal and moral legitimacy. Arguing from a just war perspective, others make the related point that sanctions should never deprive a civilian population of the basic human right to life and survival. Moreover, the international community has a responsibility to provide humanitarian assistance and alleviate

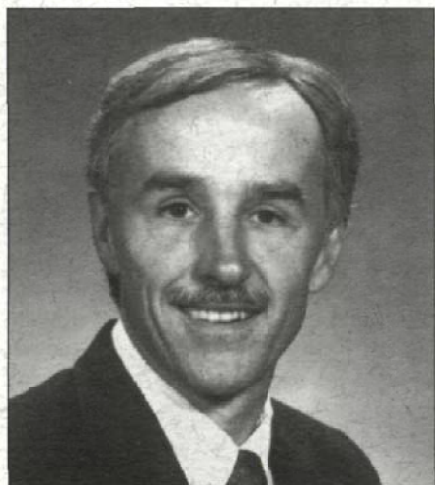


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sanctions, however, much uncertainty remains regarding their political effectiveness.

The most serious questions regarding the use of sanctions concern their humanitarian impact. Many believe

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The human cost of sanctions, even those mobilized for legitimate reasons, is therefore a cause for genuine concern. As Senator Richard Lugar observed in 1986, when the Congress was considering the enactment of

Sanctions imposed in the past have been very effective means of achieving well-defined foreign policy objectives.

extensive sanctions against South Africa, "[w]hatever steps might be adopted with respect to South Africa, they will have to be taken with both a sense of tragedy and reality."

What, then, is the reality of economic sanctions in relation to human rights? I would suggest that there are two dimensions to this question. First, should the construction of an economic sanctions program always proceed on the assumption that harm to the interests of subsistence and security must be avoided? The answer in U.S. practice is mixed. For example, under the International Emergency Economic Powers Act (IEEPA), the principal statutory authority for non-wartime U.S. sanctions, the President lacks the power to regulate or prohibit personal communications not involving the transfer of any thing of value. Furthermore, he may not regulate uncompensated transfers of "articles" for humanitarian aid unless he determines that

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the transfers would either (1) seriously impair his ability to deal with the emergency situation, (2) be in response to coercion against the potential donor or recipient, or (3) endanger U.S. armed forces. Beyond those situations, however, the IEEPA does not limit the executive from fashioning sanctions that have direct or indirect effects on

human rights. Thus, in the Iraqi case, a significant impact on the civilian population followed fairly directly from the imposition of U.S. sanctions. The same may be said for the Cuban sanctions, which are based on a pre-IEEPA statute, the Trading With the Enemy Act. Furthermore, not even this modest "humanitarian aid" exception applies under section 5 of the United Nations Participation Act of 1945, which serves as the statutory authority (at least in part) for the sanctions imposed on Yugoslavia and Iraq. Hence, in current practice, it is almost entirely within the discretion of the executive to decide that adverse effects on human rights interests are merely incidental — and tolerable — costs of an economic sanctions program.

The second and more difficult dimension of the problem concerns the underlying legitimacy of sanctions programs that affect human rights concerns. Broad, cogent policy interests concerning threats to the foreign policy, national security, or economy of the United States — the typical factual predicates under IEEPA for the imposition of sanctions — have generally trumped concerns regarding their

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direct or indirect human rights. Assuming the seriousness of such threats, this trumping may be unavoidable.

A more poignant situation arises, however, when the foreign policy objective that triggers the use of sanctions is itself a human rights objective, as, for example, in the case of South Africa. Throughout the period of broad-scale sanctions against South Africa, beginning in 1985, continuous concern was expressed over the disproportionate impact of sanctions upon the oppressed black South African population. Was it appropriate, for example, to impose sanctions against South Africa that resulted in exacerbated near-term economic privation of blacks in the interests of the long-term objective of moving South Africa beyond its policy of apartheid? Despite the difficulty of this question, the firm, though anguished, answer of many in the black South African community was that this

hardship was part of the price that had to be paid to achieve the end of apartheid and vindication of human rights in South Africa.

Essentially, the strategy of any effective sanctions program is to induce dysfunction in the trade and financial payments system of a target state with the goal of furthering a specific policy objective critical to the national inter-

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est. Given the concerns involved, it is probably counterproductive to limit the use of sanctions in an abstract or general way in order to protect human rights concerns. Indeed, sanctions programs that try to be "surgical" and avoid unnecessary effects are often relatively ineffective. The Southern Rhodesian sanctions and the early stages of the Iran hostage sanctions come to mind. Nevertheless, responsible policy also counsels that a well-constructed sanctions program should not

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inflict gratuitous collateral damage. The hard fact, however, is that sanctions are not delicate surgical tools but explosive devices. Effective sanctions are usually broad-based, and almost necessarily have extensive adverse effects on the population of the target state. Whether and how to use such sanctions are questions that should be asked before they are unleashed, not after they are deployed. ☸



the suffering of the most vulnerable victims of sanctions. Pacifists argue that nations imposing economic sanctions have an affirmative obligation to pro-

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vide humanitarian aid and protect the lives of vulnerable populations in a target nation. This raises the related issue of sanctions as an alternative to war. Too often, sanctions are a prelude to war rather than an alternative. To be morally acceptable, sanctions must stand in sharp distinction to the use of military violence.

A crucial standard for determining the moral and political legitimacy of a sanctions policy is the degree to which sanctions are supported within the target nation by democratic and human rights groups. The American Friends Service Committee focused on this criterion in their 1993 report, *Dollars or Bombs: The Search for Justice Through International Economic Sanctions*. When sanctions are supported by human rights advocates and victims of oppression, the moral legitimacy of the sanc-

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tions regime is enhanced. Political effectiveness is likely to be greater as well. In the case of South Africa, sanctions were morally legitimate and politically effective precisely because they were supported by the majority African population represented by the African National Congress. In nations such as Iraq, where repression has eliminated domestic democratic opposition, applying the standard of internal support is much more difficult. Even here, howev-

er, the voice of opposition groups in exile can be consulted. The Iraqi National Congress, based in Iraqi Kurdistan and London, continues to support UN sanctions as indispensable to resistance efforts against the regime of Saddam Hussein.

There are no easy solutions to the sanctions dilemma. Each particular case must be judged on its own merits, or lack thereof. The following observations may serve as guidelines for assessing the moral and political appropriateness of a sanctions policy:

- Sanctions should be applied only in a multilateral fashion, with the support and authorization of the UN Secu-

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riety Council. Unilateral measures, such as the U.S. embargo against Cuba, are politically ineffective, morally questionable, and without foundation in international law.

- Humanitarian assistance for vulnerable populations must be a major element of sanctions policy. The Security Council grants humanitarian exemptions in its sanctions regimes, but current procedures are woefully inadequate in addressing the nutritional, medical, and other needs of vulnerable populations in nations targeted for sanctions. As the American Friends Service Committee report argues, nations imposing sanctions have an "affirmative obligation" to ensure that humanitarian assistance is actually delivered.

- The targeting of sanctions holds considerable promise as a means for applying pressure on political and military elites. The use of financial sanctions, including the freezing of overseas financial assets, may be especially effective in this regard. Other measures might include selectively canceling development projects, revoking

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passports and visas, and banning air transport.

- Sanctions should be combined with offers of incentives and an ongoing process of dialogue and negotiation. While sanctions may close off avenues of trade, they should not block discussion and communication.

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Indeed, sanctions work best when they are part of a "carrots and sticks" policy designed to bring the dispute to the bargaining table for resolution.

Is it possible to impose economic sanctions effectively while providing humanitarian assistance to vulnerable populations? Many would say no, but my own view is that these two objectives can and must be addressed simultaneously. Sanctions cannot be effective politically if they are unacceptable morally. Economic pressures should be targeted against decision makers, not the innocent, and special care

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should be taken to meet the humanitarian needs of vulnerable populations. When affirmed by human rights advocates within the target nation, such an approach can lead to a sanctions policy that is both effective and humanitarian. ☉

