

Biden Administration to Release Long-awaited Sanctions Review

Hopefully it will be more than tinkering around the edges — fundamental changes in how they are used, if at all, are in order.

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This week the Biden Administration’s is expected to release its long-awaited review and recommendations regarding the U.S. use of international economic sanctions. It’s hard to imagine an area that more desperately needs rethinking. But the question that Congress and the public need to ask is whether this review will call for the kind of fundamental reform that is needed given the deep ethical and practical issues in the U.S. sanctions regime, or whether it will include only technical and essentially cosmetic changes.

Since the 1990s, sanctions have become perhaps the central coercive tool of U.S. foreign policy, a tool that has seen steady growth in recent years. The Trump Administration set a record pace by [designating](#) almost 1000 entities per year for new sanctions. The Biden Administration has continued a rapid pace of designation while so far failing to significantly reverse the Trump Administration’s sanctions binge.

Advocates of sanctions claim they are both effective in pursuing American goals and values, and more humane than outright war. In fact, sanctions have a long record of being ineffective in achieving their stated goals. Extensive sanctions on countries like North Korea, Russia, China, Venezuela, and Cuba have not led to regime change or substantial impacts on behavior. A Peterson Institute [analysis](#) of 174 sanctions regimes found that in the long term only 34 percent of these were even partially successful in achieving modest policy changes.

Although sanctions have at best limited effects on getting the ruling autocrats to change their behavior, they often have devastating effects on civilian populations. This raises serious questions as to whether they are in fact a more humane alternative to war. Broad-based sanctions — those that target an entire country or entire critical civilian sector for isolation from the world economy — are especially damaging. Medical experts have [called](#) broad-based sanctions a “failed foreign policy” that “can have a devastating impact on

public health” and “hurt the most vulnerable in the population first.”

Human Rights Watch [found](#) that even before the Covid-19 epidemic so-called “maximum pressure” sanctions on Iran were sharply restricting civilian access to critical health care. More recently a Brookings Institution [analysis](#) found that between May and September of 2020 alone, sanctions led to an additional 13,000 Covid deaths in Iran. Sanctions are [crippling](#) the ability to rebuild civilian hospitals after years of war in Syria, and comprehensive sanctions [have led to](#) tens of thousands of civilian deaths in Venezuela, constituting a kind of collective punishment of the civilian population. In response to the civilian harm created by sanctions across numerous countries, the UN Human Rights Council recently [stated](#) that broad unilateral sanctions such as those used by the United States infringe on the basic right to human development and access to critical services.

Despite these manifest issues, sanctions reforms have so far focused not on strategic reconsideration of the overall sanctions framework, but instead on crafting more technical and limited humanitarian exemptions to broad-based sanctions. Another area of change has been the increasing use of so-called “smart sanctions,” which purport to minimize humanitarian impacts by targeting the coercive impact of sanctions on limited sectors of the economy.

While these technical changes might be better than nothing, they appear to have at best a very limited effect on the core problems of the collective punishment of civilians and the ineffectiveness of sanctions. Licenses and exemptions from sanctions for humanitarian aid might seem to permit essential goods to reach civilian populations. But the reality on the ground is often far different. The problem is that the breadth and scope of sanctions lead businesses to be reluctant to engage with sanctioned countries at all for fear of inadvertently triggering U.S. penalties. In addition, exemptions are often difficult to use, requiring extensive bureaucratic paperwork. These issues can be especially damaging by effectively cutting off countries’ access to the international financial and payments system.

Humanitarian organizations have [detailed](#) the crippling effects of this problem of “over-compliance” with sanctions in cutting off sanctioned countries from resources of all sorts. The United Nations [described](#) the problem well recently, stating that “punitive restrictions on banks and financial institutions ... routinely lead to over-compliance out of abundance of institutional caution....it becomes difficult to import even basic food items, health-care equipment and other forms of humanitarian aid into sanctioned countries, despite the existence of applicable exemptions. Fearing penalties, third-country banks refuse to transfer funds, require oft-onerous certification for each transfer, or create additional costs and delays that impede assistance.”

Real reform will require a far-reaching reconsideration of the role of sanctions in U.S. foreign policy. It’s especially important to sharply limit the currently extensive use of broad-based sanctions that create collective punishment for civilian populations. Without fundamental changes to the breadth, scope, and frequency of sanctions use, tinkering with the details of exemptions to sanctions will only have limited effect. In evaluating this week’s report, observers need to ask whether it goes far enough.

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