

FEBRUARY 18, 2020 | NUMBER 884

Ineffective, Immoral, Politically Convenient

America's Overreliance on Economic Sanctions and What to Do about It

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EXECUTIVE SUMMARY

American sanctions target around two dozen countries, with some states experiencing what amounts to near total economic embargoes. Why are these policies in place, what effects do they have, and how successful are they in achieving their geopolitical objectives? Sanctions have massive humanitarian costs and are not only ineffective but likely counterproductive. On these points, there is overwhelming agreement in the academic literature. Such policies can reduce the economic performance of the targeted state, degrade public health, and cause tens of thousands of deaths per year under the most crushing sanctions regimes. Moreover, they almost always fail to achieve their goals, particularly when the aim is regime change or significant behavioral changes pertaining to what states consider their fundamental interests. Sanctions can even backfire, making mass killing and repression more likely, while decreasing the probability of democratization.

Why, then, does the United States use economic sanctions so often? The popularity of sanctions owes more to the domestic interests of politicians than their ability to achieve geopolitical goals. American policymakers show

little interest in the empirical research on sanctions and they often do not supplement trade restrictions with diplomatic efforts that can help achieve a bargain. In contrast, sanctions make sense from the perspective of domestic politics and political psychology. They provide a middle ground between military force and doing nothing and are unlikely to cause a domestic backlash because the damage they inflict is indirect and largely unobserved. Taking into account political realities, here are several suggestions to prevent the overuse of sanctions: when implemented, they should be restricted to symbolic targets, which would allow American leaders to achieve their political goals without harming innocents abroad; the United States should be laxer in the enforcement of current and future sanctions regimes; and Congress should legislate to make it more difficult for the executive branch to unilaterally impose sanctions without end, which would create a legal cause of action for those affected. Finally, opponents of current policies should continue to make the public aware of the effects of robust sanctions, which can remove the political incentive to enact and implement them. The more often that imposing heavy economic sanctions is seen as an ineffective policy that harms innocents abroad for self-interested reasons, the less likely they are to be used.

“Sanctions are impractical and morally destructive but politically convenient.”

INTRODUCTION

In early 2011, Syrians took to the streets to protest the government of Bashar al-Assad. Almost nine years later, Syria is still enduring a brutal civil war that has cost hundreds of thousands of lives. From the beginning of the conflict, critics accused the Obama administration of “doing nothing” in the face of wide-scale atrocities and suffering among the Syrian population.¹ This criticism, however, ignores that, aside from arming rebels fighting against the government for a time, the United States has, since the beginning of the conflict, sought to crush the Syrian economy—an effort in which it has largely been successful.²

In August 2011, President Obama, announcing that “Assad must go,” signed an executive order that froze the assets of the regime, prohibited the importation of Syrian oil, and made it against the law for any American to invest in Syria or to do business with its government.³ Following his lead, the next month the European Union also banned Syrian oil imports, a particularly devastating act given that 95 percent of that country’s oil exports went to Europe.⁴ While the United States and its European allies have not succeeded in overthrowing the Assad government, they have been able to contribute to the destruction of the Syrian economy. Between 2010 and 2015, Syria lost 75 percent of its GDP, according to estimates by the International Monetary Fund, a decline greater than that of Germany or Japan during World War II.⁵ Much of this is surely due to the destructiveness of the war itself, but the unprecedented nature of the decline can only be explained by the country being subject to what the UN calls “some of the most complicated and far-reaching sanctions regimes ever imposed” in the form of policies that have deprived the Syrian people of even basic foodstuffs and necessary medicine.⁶

The fact that this economic warfare can coincide with widespread claims that the Obama administration did nothing in Syria illustrates two points. First, the use of sanctions that may cause the deaths of thousands, while being certain to impoverish millions,

is such a normal part of American foreign policy that to much of the educated public it barely counts as noteworthy. Second, there is widespread recognition, even among interventionists, that sanctions do not accomplish much toward the goal of regime change. This latter belief is correct and backed up by decades of research. Furthermore, in recent years academics have found that, in addition to the economic and humanitarian costs of sanctions, economic pressure tends to be counterproductive when it comes to achieving political goals such as democratization and stronger compliance with human rights norms. Nevertheless, as of November 2019, the Treasury Department’s website lists sanctions of various levels of severity pertaining to Belarus, Burundi, Central African Republic, Cuba, Democratic Republic of Congo, Iran, Iraq, Lebanon, Libya, Mali, Nicaragua, North Korea, Russia, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, Yemen, the former Yugoslavia, and Zimbabwe.⁷

Given the negative consequences of sanctions in terms of both humanitarian effects and accomplishing policy goals, why do they continue to be a normal part of American foreign policy? I address this question and explore the humanitarian and economic costs of sanctioning foreign countries, first by describing the American approach to sanctions, its legal underpinnings, and the practical impacts on people living in targeted countries. Then I discuss what the academic literature says about the effects of sanctions. The fact that economic coercion does not accomplish its stated goals raises the question of why it is so commonly used. Politicians who want to be seen as doing something, but who do not want to commit to the use of military force, see sanctions as a middle ground. While directly killing people through military force can lead to domestic backlash, sanctions kill indirectly and over a longer period of time. In other words, sanctions are impractical and morally destructive but politically convenient. I conclude by arguing that, in light of these political realities, policymakers should

avoid implementing restrictions on trade and commerce that cause widespread suffering. If sanctions are meant to accomplish domestic political goals that are symbolic in nature, then there may be ways to implement policies that achieve the same benefits without harming innocent people.

U.S. SANCTIONS: LAW AND PRACTICE

The history of American sanctions can be traced to the Trading with the Enemy Act of 1917. Through statutory interpretation and legislative amendments, that law has, in the words of Benjamin Coates, “transformed over the decades into a broad writ of executive authority to wage economic warfare against loosely defined enemies virtually anywhere and at any time.”⁸ In 1977, Congress passed the International Emergency Economic Powers Act (IEEPA), which gives the president the right to declare a national emergency in circumstances involving “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.”⁹ Once such an emergency is declared, the president may, among other powers, prohibit “any transactions in foreign exchange” between anyone under the jurisdiction of the United States and the foreign country or its nationals.¹⁰ When a president wants to sanction a country, he signs an executive order that begins by quoting the statute and declaring an emergency in accordance with the provisions of the bill, before listing the specific actions to be taken. There are few restrictions on the kinds of trade or transactions that the president can regulate or prohibit.

Sometimes, a president will only sanction certain foreign individuals or businesses rather than enact more sweeping orders. For example, current sanctions against Belarus target only individuals, such as President Aleksander Lukashenko and members of his staff, and a handful of businesses, rather than entire categories of economic transactions with that

country.¹¹ The toughest sanctions programs are applied to what are often referred to as “rogue states,” governments that are known for their violations of human rights and hostility to American foreign policy. Cuba is the only country in the world still sanctioned under the original Trading with the Enemy Act of 1917. American law bans practically all exports to Cuba, prevents Americans from doing business with that country, and even prohibits those that do business in Cuba from operating in the United States.¹² Likewise, Americans cannot legally do business with hundreds of Iranian individuals and corporations, and third parties that do not avoid dealing with the sanctioned entities can themselves face punishment.¹³

The United States not only restricts trade between the targeted state and those under its jurisdiction, but also works through allies and the United Nations to impose sanctions worldwide. UN sanctions must be approved by the Security Council, meaning that—in addition to the United States, Great Britain, and France—Russia and China have the right to veto any resolution. Thus, UN sanctions require widespread agreement and tend to apply to fewer countries and be less all-encompassing than the toughest regimes created by executive order under the authority of the IEEPA. While there are both U.S. and UN sanctions against North Korea for its nuclear weapons program, for example, there are no UN sanctions against Venezuela or Syria because of Chinese and Russian opposition. Nevertheless, because the United States has shown the ability and willingness to punish third parties through methods such as fines and restricting access to American markets, and because it pressures allies to adopt similar policies, unilateral sanctions can have serious global repercussions.

The most crushing regimes therefore apply when the United States not only declares an emergency under the IEEPA, but threatens third-party sanctions and goes around the UN to restrict the target country’s trade and financial transactions. Often the United States and its allies work with the EU, Canada,

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“Sanctions can be devastating to the population of the targeted state.”

and Japan, and can effectively bar poor countries from having meaningful economic relations with the developed world. Consider the case of Iran. Before 2016, the EU, the United States, and the UN all had sanctions that applied to the Central Bank of Iran, the Revolutionary Guards, and the oil, banking, and insurance industries. Upon the signing of the Joint Comprehensive Plan of Action (JCPOA) in 2015, the UN sanctions were removed.¹⁴ Relief for U.S. sanctions was to be phased in, but that policy was reversed under the Trump administration, which now justifies its approach by pointing to Iranian behavior unrelated to the pursuit of nuclear weapons.¹⁵ The Trump administration has also encouraged the European Union to join it in the economic embargo—a move that the latter has resisted as it has sought to preserve the Joint Comprehensive Plan of Action.¹⁶

Venezuela has been another target of comprehensive economic sanctions, as imposed by a series of executive orders signed by President Trump since coming into office. These documents give the Treasury Department the right to sanction anyone working in the Venezuelan gold or oil sectors, and blocks the country's access to U.S. financial markets.¹⁷ In July 2019, the Treasury Department even sanctioned individuals and companies involved in a Venezuelan government food-subsidy program on the grounds that it was plagued by corruption.¹⁸

While only a handful of such policies are widely covered in the press, lesser-known sanctions regimes abound around the globe. The Department of the Treasury maintains a Specially Designated and Blocked Nationals List, which is composed of individuals and entities that have their assets blocked and are prohibited from business dealings with Americans. As of November 2019, the list, which includes drug traffickers, terrorists, individuals, companies, and even specific aircraft and ships, runs 1,346 pages.¹⁹ Most of these sanctions are decided on and applied within the executive branch with little input from Congress or the broader public.

THE HUMANITARIAN COSTS OF SANCTIONS

U.S. policymakers present sanctions as policies that are specifically aimed at the leaders of a regime. However, they can be devastating to the population of the targeted state. Often, it is difficult to meaningfully harm a government without causing collateral damage to its citizens, as a state can be both an oppressor of its people and at the same time provide them with food, medicine, and law and order—tasks that it cannot do as effectively if it is deprived of resources. Cutting off access to Western financial markets and banking services and prohibiting investment in a country can likewise suffocate the private sector. Thus, aside from those narrowly targeted at the financial interests of individuals, economic sanctions practically always cause hardship to innocent third parties. Ironically, some of the people most victimized by these policies are those that the economic sanctions are designed to help.

Sanctions regimes that target the economy of a country usually have humanitarian exceptions. Despite this, other regulations usually serve to limit their effectiveness. For example, federal law prohibits the president from implementing sanctions on Iran that involve “the sale of agricultural commodities, food, medicine, or medical devices . . .”²⁰ Still, sanctions related to the financial sector and other parts of the economy work to nullify these exemptions. To see why, imagine an American company that tried to trade in food or medicine but did not have access to banking services, such as the ability to take out loans or accept credit cards.²¹ Compounding the problem is the fact that Iran is a largely state-run economy, which makes it difficult to do business there while completely avoiding the government sector. Even when one can potentially operate within the letter of the law, the sanctions regime is of such complexity, and the potential consequences of running afoul of U.S. law so dire, that there is a chilling effect on many businesses.²²

Some European banks have refused to process payments from Iranian firms that are

exempt from sanctions on the chance that the banks may potentially face U.S. penalties as a result. In response to the Trump administration's "maximum pressure" campaign, which was begun in 2018, an employee of an Iranian affiliate of the German pharmaceutical corporation Bayer said that her company was facing challenges in transferring money in order to pay for imported drugs. Since trade with major Iranian banks has been restricted by U.S. sanctions, companies have been forced to risk working with lesser known banks that could themselves one day be subject to sanctions, or else the companies stop operating in that country altogether.²³ The American practice of applying secondary sanctions to those who have economic dealings with entities that violate Iranian sanctions also serves to scare off many businesses.²⁴

In the case of the sanctions on Syria, the UN reports that the chilling effect "has even affected United Nations staff, who reported being refused bank accounts or mortgages from European banks when the word 'Syria' appeared in their job title."²⁵ Large human rights organizations based in that country have faced difficulties importing medicine, or even processing donations from abroad.²⁶ Investigating one of the largest public hospitals in Damascus, the *Los Angeles Times* showed how the facility runs into trouble importing even the most basic medical necessities.²⁷ If a piece of medical equipment breaks down, buying a replacement from a Western corporation becomes a bureaucratic nightmare, as "foreign suppliers often don't dare send anything to Syria for fear of triggering unexpected violations—a real possibility." Getting access to software updates for hospital computers and other equipment can also be difficult. Banks from outside the United States have already paid billions of dollars in fines, most of it going to American regulatory agencies.²⁸ According to one pharmaceutical supplier based in Aleppo, "I have money, I can't transfer it, I can't buy anything with it, I can't even put it in the bank." Sanctions affect every aspect of financing or running a modern economy.

Apple even bans apps that have a Syrian origin, which led one bank in the country to create its app under a different name so that customers could download and use it.²⁹

Moreover, even if the provisions regarding humanitarian exceptions worked as intended, most sanctions regimes would nevertheless harm the living standards of those in the targeted state, including hindering access to food or medicine. Policies that work to destroy an economy but carve out exceptions cannot be expected to have no effect on the exempted industries. Lowering economic output ensures that all sectors are harmed: the food and medical sectors depend on other industries such as construction, education, transportation, and, of course, banking. Countries that suffer from poor economic performance for whatever reason thus see worse health and nutritional outcomes. This means that humanitarian exemptions, even when they "work," should not obscure the degree to which sanctions harm the population of the targeted country.

In order to estimate the economic effects of these kinds of policies, a 2015 study looked at 67 countries that were subject to American or UN sanctions between 1976 and 2012 and compared them to countries that did not face similar kinds of economic coercion.³⁰ UN sanctions reduced GDP by an average of 2.2 percent a year, for an aggregate effect of more than 25 percent of GDP over a 10-year period. The effects of American sanctions were smaller but still significant, reducing GDP by about 1 percent a year, for a total effect of a 13.4 percent decline over seven years. The more stringent the sanctions regime, the greater the economic decline. As mentioned above, the GDP of Syria dropped by 75 percent between 2010 and 2015.³¹ Per capita income in Iraq likewise went from \$3,510 in 1989 to \$450 in 1996.³² The economy of Venezuela has been mismanaged for years, yet it did not completely collapse until after the election of Trump, when the United States began to place stringent sanctions on the Maduro government. From 2016 to 2019, GDP per capita income of that country dropped from \$9,090

“The more stringent the sanctions regime, the greater the economic decline.”

“Economic sanctions tend to kill through harming the most vulnerable.”

to a projected \$2,550.³³ While all of these countries have suffered due to bad economic choices made by their governments, rarely have modern countries seen declines of this magnitude without the imposition of Western restrictions on trade. Besides perhaps war, it is difficult to think of a tool of foreign policy that today causes more economic and humanitarian destruction than economic sanctions.

Even studies that focus on the costs of sanctions put most of their energy toward understanding nutritional and health outcomes. This should not obscure the fact that, if even by some miracle nutrition and health outcomes did not decline in the face of comprehensive sanctions, the destruction of wealth would still represent a tragedy for millions of people. Economic growth is correlated with nearly everything that humans value, including time, convenience, comfort, and the ability of individuals to live their lives as they desire.³⁴ While stories of vacations never taken, educational opportunities never pursued, and lifetimes of soul-crushing jobs that people cannot afford to leave do not make headlines, these costs are nonetheless real and significant for millions who suffer because of U.S. policy.

Of course, economic sanctions do influence nutritional and health outcomes, and several efforts have been made to quantify these effects in terms of lives lost and other metrics. Economic sanctions tend to kill through harming the most vulnerable: pregnant women, newborns, the sick, and the elderly. The economic sanctions on Iraq in the 1990s were said to have killed more than 500,000 children by increasing the infant mortality rate.³⁵ Recently, researchers have argued that these numbers were manipulated by Saddam’s government, yet even the “corrected” numbers still imply a death toll that may reach into the six figures.³⁶ A 1993 UN report indicated that sanctions on Haiti were killing 1,000 children a month.³⁷ One recent study estimates that 3,968 North Koreans died in 2018 alone because of the impact that sanctions had on delaying or preventing funding for UN programs aimed at addressing health problems

and malnutrition.³⁸ As the report says, that analysis does not take into account the effects of sanctions on hindering other international aid programs or preventing the North Korean government from addressing its own domestic needs. In Iran, sanctions are estimated to have contributed to the deaths of 1,600 people from the H1N1 virus in fall 2019 alone.³⁹ Again, this number is based on one kind of death over a very limited period of time, during which much of the entire Iranian health care sector was—and remains—in crisis.

Finally, according to the Center for Economic and Policy Research, the Trump administration’s economic war on Venezuela led to more than 40,000 excess deaths between 2017 and 2018, calculated based on a nationwide survey that found an increase in mortality over that time period.⁴⁰ This does not include any deaths that have resulted from the even more crushing sanctions regime inaugurated by executive order in January 2019, which barred the United States from importing Venezuelan oil.⁴¹ The Maduro regime exported 35 percent of its oil to the United States in 2018, and the cumulative effect of sanctions is such that “oil export revenues in 2019 are projected to fall by a cataclysmic and unprecedented 67.2 percent from 2018.”⁴² Thus, the death toll in Venezuela as a result of sanctions likely continues to increase to this day.

In the case of Syria there are no estimates of the number of deaths from sanctions, likely because of issues with reporting and the fact that it is impossible to precisely differentiate between deaths that can be attributed to the economic embargo and those caused more directly by the war itself. Two things are worthy of note, however. First, the vast majority of the population lives in government-controlled areas, and second, key indicators of health and well-being have fallen across the board. This implies that a large portion of the health and nutritional effects of the war can be attributed to international sanctions, either by preventing aid or by suppressing economic activity. Between 2006 and 2016, the vaccination rate among Syrian children dropped

from 95 percent to 60 percent, leading to the reemergence of diseases that were once practically eliminated, including typhoid, measles, and rubella.⁴³ Between 2011 and 2016, Syrian production of wheat fell by 53 percent, lentils by 70 percent, and chickpeas by 30 percent, with an estimated 38 percent of the country being unable to meet basic food requirements as of 2018, which was after the worst of the fighting was over.⁴⁴

These case studies represent only a small fraction of the total number of deaths that have resulted from international sanctions, as the studies involved usually cover only a short period of time in a single country, and often only look at a single metric, such as infant mortality. The Treasury Department website lists 22 countries with individuals or entities targeted by U.S. sanctions.⁴⁵ If the harshest sanctions regimes can kill tens of thousands of people a year, then U.S. sanctions have likely led to the deaths of hundreds of thousands, and perhaps even millions, of people in the post-World War II era. While we will likely never have a precise estimate of how many people have lost their lives because of U.S. and international sanctions, the data that do exist imply that such restrictions on trade over the last two decades have, in the aggregate, been more deadly than all but a handful of wars across that same span of time.⁴⁶

WHAT THE ACADEMIC LITERATURE SAYS ABOUT SANCTIONS

Sanctions are meant, at least in theory, to accomplish geopolitical goals. Thus, even if they exert humanitarian costs, is it possible that they work from the perspective of achieving national security objectives? The academic literature says that they do not. The best research indicates that not only do sanctions cause massive economic harms and ultimately cost lives, but that they also fail even by the standards set by policymakers. Moreover, research over the last few decades indicates that rather than furthering American political

goals, such as democratization and respect for human rights, economic coercion is more likely to backfire.

Politicians who support sanctions typically argue that economic pressure can help propel major changes in policy, perhaps even regime change. Occasionally, American leaders spell out precisely how this is supposed to happen. They sometimes argue that by hurting the economy of the targeted country, the people will become fed up, blame the regime for their problems, and get rid of it. Secretary of State Mike Pompeo, for example, predicted that the Trump administration's "maximum pressure" campaign against Iran "will lead the Iranian people to rise up and change the behavior of the regime."⁴⁷ Sometimes policymakers expect regime elites, rather than regular citizens, to rise up against the government. The Trump administration sanctioned Venezuela beginning in 2017 in the hopes that military leaders would overthrow President Nicolás Maduro.⁴⁸ Proponents of sanctions also occasionally expect that the process of starving the targeted government of resources will lead to regime change. Thus, after the Obama administration placed sanctions on the Syrian government in August 2011, then secretary of state Hillary Clinton assured the American public that the new measures would "strike at the heart of the regime" by making it unable to fund its security forces.⁴⁹

Each one of these theories about how sanctions lead to regime change or major policy shifts has serious theoretical flaws. First of all, even if citizens living under tyranny and economic deprivation dislike their government, they still face a collective-action problem in overthrowing it.⁵⁰ Regime elites, almost by definition, benefit from the current system, so even if they face less of a collective-action problem, they usually should not be expected to take a major risk in order to bring down their government. Furthermore, there is little reason to expect any government to simply run out of money to pay its security forces. A regime facing an internal threat should prioritize security above all else. While international

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arms races are expensive, domestic repression is cheap, with governments having been known to even compensate private militias by allowing them to loot civilians and enemies of the regime.⁵¹ Finally, when the United States sanctions a regime, it is possible for rival powers to come to its rescue, thus blunting the impact of American restrictions on trade.⁵²

For these reasons, scholars who have studied whether sanctions lead to regime change generally agree that they rarely, if ever, work.⁵³ In their classic study of the issue, *Economic Sanctions Reconsidered: History and Current Policy*, authors Gary Clyde Hufbauer, Jeffrey J. Schott, and Kimberly Ann Elliott found that, from 1914 to 1990, sanctions were at least partially successful 34 percent of the time, meaning they made at least a modest contribution to the goals being sought.⁵⁴ Moreover, as the authors emphasized, even the low success rate does not imply that sanctions were a major or primary reason why the targeted state changed its behavior. Unambiguous cases of sanctions achieving political goals are quite rare in the literature, and the findings of that paper have subsequently been challenged on the grounds that they are too optimistic.

In the late 1990s, Robert Pape of the University of Chicago refuted the existence of even the moderate success rate put forth in the earlier paper.⁵⁵ Although the authors claimed that sanctions were successful in 40 out of 115 cases, Pape found that only 5 of those cases could stand up to empirical scrutiny. Sometimes the authors classified sanctions as working when an embargo was part of a larger war effort, as when they identified the Allied defeat of Nazi Germany as a case of the successful use of economic coercion.⁵⁶ They similarly included foreign-backed military coups as successful cases, including the U.S.-supported overthrows of Mohammad Mosaddegh in Iran, Ngo Dinh Diem in Vietnam, and Salvador Allende in Chile.

Few would consider such cases relevant to the question of whether modern sanctions regimes are likely to achieve American geopolitical goals today. In the five instances that Pape

classified as successful uses of economic sanctions, the coercing state only achieved modest political goals. For example, Canada gave in to the Arab League and decided not to move its Israeli embassy to Jerusalem in 1979, and the Soviet Union in 1933 gave in to the UK and released six British nationals accused of spying.⁵⁷ Elliott's response to Pape on behalf of all the authors acknowledged Pape's main points, while quibbling over the facts in only three cases.⁵⁸ In large part because of Pape's critique, the idea that sanctions do not work the vast majority of the time—if ever—is now regularly talked about as being the consensus or conventional wisdom within political science.⁵⁹

Supplementing this work, a more recent wave of scholarship reveals that sanctions can actually be counterproductive in achieving the goals of democratization and greater respect for human rights. Sanctions are associated with greater levels of repression, as leaders become increasingly desperate to hang on to power.⁶⁰ Compared to similar countries, states that are hit by sanctions are less likely to move toward democratization.⁶¹ Empirical research also suggests that sanctions may indirectly contribute to governments deciding to engage in mass killing. States would usually rather not commit atrocities against their domestic population, as doing so can bring international pressure on the regime, cost the government legitimacy in the eyes of the public, and spur disobedience among security forces sent to carry out orders.⁶² Thus, states tend to kill large numbers of people only when they become desperate, which is why the existence of an ongoing civil war is perhaps the strongest predictor of mass killing discovered by scholars.⁶³ Poorer countries are similarly more likely to engage in mass killing, since they often cannot afford to buy off their enemies or rely on more targeted forms of repression.⁶⁴

Desperation on the part of governments has a brutalizing effect. The logic of economic warfare of the kind enacted by the United States relies on a theory that is practically the opposite of what the literature suggests. American policy assumes that sanctions can

produce regime change, or at least coerce the targeted state to change its behavior for the better. Yet states become, if anything, more likely to engage in mass killing and repress their populations when they are deprived of resources and find themselves under pressure from abroad. This is particularly true when American policy puts the freedom—and in some cases, the lives—of leaders at stake. The process of sanctions leading to brutalization can be seen in current-day Iran, where economic difficulties have inspired protests against the regime, which has, in turn, killed hundreds of citizens in response.⁶⁵ The goal of the American “maximum pressure” campaign was to have such policies lead to negotiations or regime change. Yet while the first step of the plan, causing economic hardship, has succeeded, there is no indication that this will ultimately accomplish U.S. foreign policy goals. The Iranian regime has increased repression in response and the ongoing chaos has helped empower hardliners within the government.⁶⁶

The Iranian case is instructive in that it also demonstrates the unintended consequences of sanctions and how they can benefit those that they are intended to harm. In domestic policy, when government makes certain forms of commerce illegal, it empowers organized crime and other groups that are willing and able to get around the law. In states with weak and corrupt institutions, organs of the government can play that role. Sanctions on Iran have, over the years, helped strengthen the control that the Islamic Revolutionary Guard Corps exerts over the economy, with the organization having built a powerful military-industrial-financial complex that deals in everything from oil and narcotics to the construction of major infrastructure projects.⁶⁷ In Iraq under Saddam Hussein, U.S.-led sanctions deprived most of Iranian society of resources and this meant that aspiring elites could only achieve wealth and power through developing relationships with the state.⁶⁸ While the Iraqi people suffered, Saddam’s son Uday ran the oil-smuggling business, making the ruling family one of the richest in the world.⁶⁹

If sanctions can have any positive effect, it is only when the stakes are small. The more ambitious the goal, the less likely they are to work.⁷⁰ Yet the most crushing sanctions regimes often seek regime change: this was U.S. policy toward Cuba after Castro came to power in 1959, Saddam Hussein after the Iraq Liberation Act of 1998, the government of Syria after August 2011, and the Maduro regime in Venezuela since January 2019. While regime change is not official American policy toward North Korea, the interest at stake, a nuclear deterrent, is fundamental to the survival of the Pyongyang government.⁷¹ Regarding Iran, the Trump administration calls for the government to give up on its most important foreign policy goals and abandon its closest allies before sanctions can be removed, which is a set of maximalist demands that Iran simply will not comply with.⁷² One of the many tragedies of the American use of sanctions is that they are most brutal and harmful when they have the least likelihood of success.

SANCTIONS AS A POLITICAL ACT

Given that they cause widespread suffering and are counterproductive, why do policymakers continue to use economic sanctions as a tool of foreign policy? While they are sold to the public as being important for achieving geopolitical goals, economic sanctions in reality only serve domestic political ends. Thus, to understand Washington’s overreliance on economic sanctions, it is more useful to look at domestic political constraints, and the political objectives sought, than it is to assume that such policies are designed to accomplish something in the realm of foreign policy. The former perspective can be called the political explanation, while the latter perspective we can call the instrumental explanation.⁷³

A political understanding of sanctions is the only way to make sense of their overuse in U.S. policy, as there are two reasons not to take the instrumental case at face value. First, policymakers have shown no interest in the empirical research on this issue, unless it can

“Sanctions on Iran helped strengthen the control that the Islamic Revolutionary Guard Corps exerts.”

“Policymakers have shown no interest in the empirical research on this issue.”

be cherry-picked in order to support current practices. While earlier work purporting to show that sanctions can work has had some impact on American policy, later scholarship refuting it has had no discernible influence.⁷⁴ This is despite the later research on sanctions being covered in some of the most prominent newspapers in the country and being widely promoted by human rights organizations.⁷⁵ If policymakers remain ignorant of the empirical research, it is because the findings are politically inconvenient for them. This disinterest in evidence is also reflected in a 2019 Government Accountability Office report which notes that, although the National Security Council may make higher level judgments about the geopolitical impacts of sanctions, officials in the State, Treasury, and Commerce departments emphasized that “there is no policy or requirement for agencies to assess the effectiveness of sanctions programs in achieving broad policy goals.”⁷⁶

Second, policymakers show little interest in actually using the leverage that sanctions give them to achieve foreign policy goals. If the instrumental explanation of sanctions is correct, then the United States should, at the very least, talk to targeted regimes in order to make its demands clear and provide a clear path toward the removal of sanctions. Yet American administrations have done the opposite, in certain cases both demanding the impossible from their adversaries and cutting off all contact. As Tariq Aziz, former foreign minister of Iraq, told his American captors, “[w]e didn’t have any opportunity to talk to a U.S. official during the Bush, Clinton, or new Bush administration, so there was no opportunity to talk face-to-face and address matters of concern. They always rejected us.”⁷⁷ The United States today sanctions Cuba, Iran, North Korea, Syria, and Venezuela in order to remove their governments or significantly change their behavior, despite no clear path to regime change and little in the way of the most rudimentary channels of communication that would be necessary in order to facilitate a bargain. Politicians often attack opponents

for even wanting to negotiate with certain regimes, as former senator John McCain did during the 2008 election when he called then senator Obama “reckless” for being in favor of talking to adversaries.⁷⁸ Interestingly, after President Obama assumed office he mostly stuck to the policy of not speaking to adversaries, indicating that political pressures coming from within the bureaucracy and the media lead presidents away from diplomacy. When the Obama administration did begin to openly engage in bilateral negotiations with Iran, it was only after years of engaging in secret back channels that were hidden from the public.⁷⁹

Thus, from the perspective of the instrumental approach, American policy makes no sense. In contrast, the political theory of American sanctions provides a satisfying explanation of why the United States continues to exert economic pressure and place embargoes on other countries. Because foreign publics do not get a say in the American political system, there is little reason to suspect that their interests will be protected or significantly taken into account. Leaders themselves have recognized this point, occasionally acknowledging that they place sanctions on foreign countries out of political necessity. In talking about sanctions against Italy in 1935, British Prime Minister Lloyd George quipped that “They came too late to save Abyssinia, but they are just in the nick of time to save the government.”⁸⁰ After the 1989 Tiananmen Square protests, National Security Advisor Brent Scowcroft wrote that he told Deng Xiaoping that President Bush did not want to place new sanctions on China in order to preserve Sino-American relations, but he was feeling domestic pressure to act.⁸¹ As Hufbauer, Schott, and Elliott have acknowledged, “U.S. presidents seemingly feel compelled to dramatize their opposition to foreign misdeeds, even when the likelihood of changing the target country’s behavior is remote.”⁸²

Political psychology can explain the appeal of sanctions. A leader who engages in an unpopular foreign intervention can see his presidency destroyed. That happened during the

presidencies of Lyndon Baines Johnson, who decided not to run again when facing pressure over his policies in Vietnam, and George W. Bush, who, although he won reelection, saw Iraq contribute to the collapse of his approval ratings during his second term and damage the electoral prospects of his party. At the same time, there is often domestic pressure to “do something” about human rights violations and cases of military aggression.⁸³ Sanctions can thus appear to be a moderate and measured response to unacceptable behavior abroad. British diplomat Jeremy Greenstock was expressing a common frustration when he said that “there is nothing else between words and military action if you want to bring pressure upon a government.”⁸⁴

Sanctions are an “easy” option because the death and destruction that they cause are unlikely to stir large-scale domestic opposition. In addition to the fact that foreigners cannot easily influence American politics, people are subject to psychological barriers that impede a full appreciation of the damages caused by sanctions. Governments face pressure to address immediate harms that produce easily identifiable victims, a tendency that is rooted in what is called the availability bias.⁸⁵ Relative to the harms caused, as a general matter we pay too much attention to school shootings, terrorism, and shark attacks, and not enough to marginal changes in death rates from more mundane problems such as smoking, obesity, and car accidents.

John Mueller and Karl Mueller compare the limited threat from chemical and biological weapons, which are treated as out of bounds by all civilized nations, to the large-scale death and destruction caused by economic sanctions, which are a normal part of American foreign policy.⁸⁶ The authors write that “sanctions . . . may have contributed to more deaths during the post-Cold War era than all weapons of mass destruction throughout history” but nonetheless “this loss of human life has failed to make a great impression in the United States.”⁸⁷ The availability bias helps explain why. Even if the possibility of chemical and

biological weapons causing a large number of deaths is extremely remote, they can appear more threatening to policymakers and the public than economic embargoes that are certain to kill large numbers of people from such causes as infant mortality and lack of access to adequate health care. While nationalism and in-group bias ensure that our politics values the lives of Americans more than those of foreigners, immediate and clear harms to those living abroad, such as the bombing of civilians, can occasionally cause a domestic backlash. By contrast, economic sanctions, with harms that are largely hidden, have no hope of stirring up even a limited reaction similar to what we see when innocent foreigners are directly killed in American military strikes. If bombings caused as much economic and humanitarian destruction as sanctions did, the harm would be indisputable and such policies would be widely acknowledged as war crimes.

CONCLUSION

U.S. sanctions have harmed millions and led to a death count that trumps that of most wars of the last two decades. Policymakers’ willful ignorance of the empirical evidence showing that sanctions do not work, and their failure to combine economic coercion with diplomacy, strongly suggest that sanctions are enacted mainly for the sake of domestic political goals rather than to achieve foreign policy objectives. In looking for alternatives to current practices, it is thus important to consider not only the ostensible geopolitical aims of sanctions, but the political realities that American leaders face. In light of such considerations, three policy recommendations are appropriate: first, if using sanctions, the United States should limit them to individuals or symbolic targets rather than restrict entire categories of trade; second, the United States should be laxer in its enforcement of current and future sanctions regimes; and third, the law should be changed to make it more difficult for the executive branch to unilaterally impose sanctions in perpetuity.

From the perspectives of both the

“Sanctions are enacted mainly for the sake of domestic political goals.”

“Sanctioning individuals is more likely to be effective, while avoiding the worst humanitarian consequences.”

instrumental theory and the political theory of sanctions, a policy that only targeted individuals in foreign countries, rather than entire categories of commerce, would be a major improvement over the current approach. Sanctioning individuals is more likely to be effective, while avoiding the worst humanitarian consequences. Although there is no strong statistical evidence suggesting that sanctioning individuals can change state behavior, it is at least theoretically plausible that it would, for the same reason that a deterrence regime that focuses on those that commit crimes is more likely to succeed than one that harms innocent third parties. Leaders in the developing world often own property, take vacations, and send their children to school in the United States and Europe. Preventing them from doing so could lead human rights abusers and officials in rogue states to change their policies for self-interested reasons. Some anecdotal evidence suggests that such targeted policies can work, as Trump administration sanctions on the associates of Joseph Kabila, the former president of the Democratic Republic of Congo, might have helped convince Kabila to not seek reelection.⁸⁸

Replacing more comprehensive sanctions regimes with restrictions aimed at foreign leaders can also serve the political interests of American politicians, even if it falls short of actually changing the behavior of the target state. The United States sanctioned Ayatollah Khamenei in 2019, a symbolic move that caused little harm to the Iranian people, while giving the Trump administration the appearance of being tough on the regime.⁸⁹ It is unclear whether going beyond sanctions against the leadership of a country provides much more of a “symbolic win” than what one gets by focusing on a few individuals. If anything, placing broader sanctions on a country takes attention away from sanctions on individual leaders, which can be done to much greater dramatic effect. Personalization, that is, making political debates about individuals rather than issues, tends to make the news more compelling to the broader public.⁹⁰ Imposing sanctions on Vladimir Putin would likely grab more public attention

than has so far been given to the sanctions on the Russian economy, while also inflicting less collateral damage on the Russian people.

Besides sanctioning individuals, the United States can engage in symbolic boycotts that do not significantly harm the living standards of the people in the targeted country. For example, some historians believe that preventing South Africa from participating in international sporting events during the second half of the 20th century had a large psychological effect on the country and may have helped turn its white citizens against apartheid.⁹¹ Additionally, if the United States must keep current sanctions regimes in place, or enact new ones, lax enforcement may lead to fewer unintended consequences. While sanctions are created by legislation and executive order, ultimately the interpretation and implementation of the resulting programs is done through agencies such as the Department of the Treasury, to which few Americans pay close attention. The political benefits of placing sanctions come at their announcement, while enforcing them until they harm innocent parties abroad tends to mostly bring negative news coverage. When politicians face pressure to “do something” in the face of crises, it is far more humane to craft policies that maximize symbolic effects, while minimizing the economic and humanitarian costs.

Just because leaders have found it politically useful to implement stringent sanctions in the past does not mean that they will always do so in the future. Viewing sanctions through the lens of domestic politics, rather than international statecraft, suggests that opponents of such policies should focus most of their efforts on seeking reforms that create different incentive structures for American politicians, rather than putting forward different methods to achieve the foreign policy goals that sanctions are ostensibly meant to solve. This can be done by changing laws. Currently, Congress has delegated to the president the unilateral right to place sanctions on foreign countries. Under the International Emergency Economic Powers Act, the executive has nearly unlimited

power to restrict almost all forms of trade simply by declaring a national emergency. Under current practice, the “mere reiteration of statutory language in an executive order” is all that is needed to begin the process.⁹² President Reagan declared a national emergency on the basis of the “unusual and extraordinary threat” that the Export Administrative Act of 1979, a law that regulated the ability of American businesses to engage in foreign boycotts, was about to expire.⁹³ The ability of the president to enact major economic regulations at the stroke of a pen is not only a usurpation of Congressional power, but has made it too easy for administrations to employ sanctions, thus leading to the overuse of an ineffective policy instrument.

Given Congress’s long-standing penchant for abdicating its responsibility in foreign affairs, particularly the constitutionally specified authority to declare war, it may seem unrealistic to expect the legislative branch to amend the IEEPA.⁹⁴ However, Congress has, in recent years, taken a more assertive role, passing bills that have been opposed by the White House pertaining to Russian sanctions⁹⁵ and support for the Saudi war in Yemen.⁹⁶ It is therefore possible to imagine legislation modeled after the War Powers Resolution, which requires the president to gain approval from Congress within 60 days of sending American forces into hostilities or else to end the operation.⁹⁷ A similar bill that would require congressional approval 60 days after the point at which a president decided to declare a national emergency under the IEEPA would make sanctions less likely to last by requiring congressional action for them to continue.⁹⁸ In politics, default rules often determine outcomes; by switching the default from sanctions continuing indefinitely to such policies ending after a certain period of time, Congress can help prevent their overuse.

Unfortunately, while the existence of the War Powers Resolution should be cause for optimism, its actual implementation has failed to achieve its stated objective. Presidents have simply ignored the reporting requirement and continue to enjoy the nearly unfettered ability

to employ force abroad.⁹⁹ We may therefore suspect that a similar law that sought to rein in the IEEPA would suffer the same fate. To avoid this, Congress should make it explicit that Americans harmed by unauthorized sanctions can bring lawsuits against the federal government.¹⁰⁰ Courts have been known to defer to the executive branch on major foreign policy issues, but they would likely be more willing to intervene in economic policy in the light of specific statutory authorization than they have been to weigh in on ongoing wars. While the War Powers Resolution failed because Congress did not remain vigilant after it was passed, allowing aggrieved parties to challenge sanctions in court could ensure a reliable enforcement mechanism for a law meant to limit the emergency powers created by the IEEPA. In such a case, one would not have to rely on the continuing input of a legislative branch that has, for several decades now, shown itself to be extremely passive with regards to major foreign policy issues.

Finally, greater awareness of the deficiencies of sanctions should discourage their overuse. If sanctions are used mostly because they give the impression that the American government is doing something between war and nothing, then a better understanding on the part of the educated public of the actual impact of sanctions can have a major effect. Leaders would like to appear bold and decisive, carrying out policies that serve the interests of the nation without harming people abroad. This is why executive orders and statements regarding sanctions often reference the people of the nation being targeted, purporting to care about their well-being.¹⁰¹ Yet the narrative presented by American leaders is false. For their own political gain, policymakers impose costs on powerless groups of people, up to and including death, without achieving American foreign policy goals. The more aware that the public is of the counterproductive effects of sanctions, the less likely it is to support their use. This is a reason for optimism: although domestic politics is currently the driving force behind sanctions, it may also be what ultimately ends the practice.

“Greater awareness of the deficiencies of sanctions should discourage their overuse.”

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CITATION

Hanania, Richard. “Ineffective, Immoral, Politically Convenient: America’s Overreliance on Economic Sanctions and What to Do about It.” Policy Analysis No. 884, Cato Institute, Washington, DC, February 18, 2020. <https://doi.org/10.36009/PA.884>.