

Berliner Corcoran & Rowe LLP

From the Selected Works of Perry S. Bechky

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Talk on Human Rights & Economic Sanctions

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Available at: https://works.bepress.com/perry_bechky/31/

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Human Rights & Economic Sanctions HRIG Annual Meeting



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Defining terms

- ▣ Human rights
 - ▣ Economic rights?
 - ▣ Democracy?
 - ▣ Sovereignty or autonomy?
 - ▣ Relationship with humanitarian law

- ▣ Economic sanctions
 - ▣ Focus on the strictest
 - ▣ US only
 - ▣ OFAC, the Office of Foreign Assets Control



OFAC Sanctions

Countries

- ▣ Traditional
- ▣ Broad
- ▣ Mainly now: Cuba, Iran, North Korea, Russia (Crimea), Syria, Venezuela
- ▣ Mixed motives, often include HRts

Targeted

- ▣ “Smart”
- ▣ Mainly “blocking”
 - ▣ Often entry bans too
- ▣ Enabled by tech
- ▣ SDN List over 1000 pages
- ▣ Changes almost daily
- ▣ Many triggers



The Good: Rising Trends

- ▣ More triggers
 - ▣ Magnitsky & Global Magnitsky
 - ▣ Parts of numerous programs
- ▣ More designations
- ▣ More statutes
- ▣ New use of BIS Entity List for Uighurs
- ▣ Likely more coming: HK, Uighurs, Religious Freedom



Recent Examples

- Syria Caesar Act designations for atrocities, including Bashar & Asma al-Assad
- Nicaraguan National Police “for its role in serious human rights abuse”
- 2 Zimbabwe officials “for their role in human rights abuses related to political repression in Zimbabwe”
- The First Vice President of South Sudan “for his involvement in serious human rights abuse, including the disappearance and deaths of civilians”

The Bad

Due process issues

Effects on targets
personally and families

Effects on population of
target country

Effects on sending
country's own population



UN HRC Special Rapporteur:
“precipitating economic and
humanitarian disasters, making
ordinary people pawns and
hostages thereof”

The Ugly

- ▣ “An unusual and extraordinary threat to the national security and foreign policy of the United States”
- ▣ A threat, not yet actualized
- ▣ ICC: “[A]n unacceptable attempt to interfere with the rule of law and the Court's judicial proceedings.... [A]lso represents an attack against the interests of victims of atrocity crimes....”
- ▣ Ben Ferencz: “Refusing to accept the rule of law”





Further reading

Several of my articles and speeches are available at www.iti-law.com, including:

- Sanctions and the Blurred Boundaries of International Economic Law, Missouri LR, 2018
- The Politics of Divestment, in The Politics of International Economic Law (Cambridge UP), 2011
- Darfur, Divestment & Dialogue, U Penn JIL, 2009

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Thank you!

Please do not hesitate to contact me:



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