

Economic Sanctions Kill

by Alfred de Zayas,* Geneva



Alfred de Zayas
(Photo ma)

AdZ. This article draws on the research of other scholars including Jeffrey Sachs and Mark Weisbrot and encourages further research by UN agencies including UNICEF, WHO, FAO to quantify the concrete harm done by economic sanctions, in particular the nexus between sanctions and famine, sanctions and

scarcity of medicines (the ECWAS study on Syria is very revealing) and suggests that because of the tens of thousands of deaths caused by sanctions world-wide, they should be considered under article 7 of the Rome Statute as crimes against humanity.

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The international community is committed to advancing the enjoyment of all human rights by all persons in all countries. This noble goal enshrined in the *Universal Declaration of Human Rights* and ten core human rights treaties can only be achieved through international solidarity and cooperation.

The international community is also bound to advance the foundational purposes of the UN, namely the promotion of local, regional and international peace and development. In order to achieve these goals strategies should be developed, so that a democratic and equitable international order can emerge that brings prosperity and stability while respecting the sovereignty of states, their right to choose their socio-economic systems and modalities, and the right of self-determination of peoples.

The Office of the UN High Commissioner for Human Rights has shown that its Advisory Services and Technical Assistance are effective in strengthening democracy, the rule of law and state institutions. One example: The opening of

an OHCHR bureau in Caracas, Venezuela, in 2019, which I strongly advocated when I was the first UN rapporteur to visit Venezuela in 21 years, represents a significant step in coordinating the assistance of UN agencies including UNDP, UNHCR, UNICEF, WHO, ILO and FAO.

Bearing in mind that the *United Nations Charter* is akin to a world constitution, we should endeavour to ensure that international action is based on multilateralism and that make domestic law and practice conform with that constitution. History shows that international peace and the welfare of nations are threatened by unilateralism, including by the imposition of unilateral coercive measures against other countries, most frequently against geopolitical or geoeconomics rivals. Only UN sanctions imposed pursuant to Chapter VII of the UN Charter are legal. *Unilateral sanctions contravene the letter and spirit of the UN Charter.*

While arms embargoes are necessary and legitimate, because they aim to deescalate conflicts and give a chance to peace negotiations, economic sanctions aimed at “regime change” constitute a threat to the peace and stability of the world and should be condemned by the Security Council under article 39 of the Charter. Any country or group of countries can impose embargoes on the import and export of weapons by countries already at war or in danger of entering internal or external turmoil, but they should not gang-up on a geopolitical rival by imposing crippling economic sanctions and financial blockades that invariable impact the most vulnerable.

Experience shows that economic sanctions adversely impact the enjoyment of fundamental human rights by targeted populations. Many sanctions, even “legal” sanctions imposed by the *United Nations Security Council* (e.g. against Iraq 1991–2003), can cause death, even massive death, as documented by UNICEF and other international organizations. (It is estimated that at least 500,000 children died because of the sanctions,¹ in Venezuela some 40,000 people died because of sanctions in 2018 alone.²)

When sanctions cause such havoc, they must be lifted and other methods must be tried that

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are consistent with the principles and purposes of the UN. Such sanctions also contravene international humanitarian law, which specifically condemns “collective punishment”.

Moreover, sanctions regimes that disrupt or even asphyxiate the economies of the targeted countries result in unemployment, hunger, disease, despair, emigration, suicide. To the extent that such sanctions are “indiscriminate”, they are tantamount to a form of state “terrorism”, which by definition entails indiscriminate killing, just as land mines, cluster bombs and the use of cancer-producing depleted uranium weapons. It is a disgrace for the international community that the US has disregarded 29 *General Assembly resolutions* demanding that the US stop embargo against Cuba.

It is a disgrace that notwithstanding General Assembly Resolution 76/161 of December 2021 and Human Rights Council Resolution 46/5 of March 2021 – unequivocally condemning unilateral coercive measures and demanding their abolition – the United States, Canada, UK, European Union have actually intensified economic sanctions affecting the rights of hundreds of millions of human beings the world over. To pretend that these sanctions have anything to do with promoting human rights is a *contradictio in adjecto*, an Orwellian cognitive dissonance.

The history of unilateral coercive measures is one of suffering and devastation. According to the theory, such sanctions are expected to “persuade” the targeted countries to change their policies. As the pundits like to predict, sanctions should lead to such public discontent that the population will arise in anger against their governments or lead to a coup d’état.

Although the purpose of the sanctions is precisely to cause chaos, a national emergency, a volatile situation with unpredictable consequences, the political narrative that attempts to justify the sanctions invokes human rights and humanitarian principles as their true purpose.

This is the classical instrumentalization of human rights for purposes of inducing “regime change”. But are human rights served by the sanctions? Is there any empirical evidence showing that countries subjected to sanctions have improved their human rights records?

Experience shows that when a country is at war – any kind of war – it usually derogates

from civil and political rights. Similarly, when a country is enduring non-conventional hybrid warfare and is subjected to economic sanctions and financial blockades, the result is not an expansion of human rights, but exactly the opposite.

When sanctions trigger economic and social crises, governments routinely impose extraordinary measures and justify them because of the “national emergency”. Accordingly, as in classical war situations, when a country is subject to a siege, it closes ranks in an attempt to regain stability through the temporary restriction of certain civil and political rights.

Article 4 of the *International Covenant on Civil and Political Rights* does envisage the possibility that governments may impose certain temporary restrictions, e.g. the derogation from Art. 9 (detention), Art. 14 (fair trial proceedings), Art. 19 (freedom of expression), Art. 21 (freedom of peaceful assembly), Art. 25 (periodic elections). NO ONE wants such derogations, but every state’s priority is survival, defending its sovereignty and identity. International law recognizes that governments have a certain margin of discretion in determining the level of threat to the survival of the state posed by sanctions, paramilitary activities, sabotage.

Thus, instead of facilitating the improvement of the human rights situation, economic sanctions often result in emergency domestic legislation that aim at safeguarding vital interests. In such cases sanctions reveal themselves as counter-productive, as a lose-lose proposition. Similarly, the overused practice of “naming and shaming” has revealed itself as ineffective. What has been effective in the past is quiet diplomacy, dialogue, compromise.

If the international community wants to help a country improve its human rights performance, it should endeavour to eliminate the threats that make governments retrench instead of opening-up. By now it should be obvious that sabre rattling, sanctions and blockades are not conducive to positive change.

Precisely because they aggravate the situation and disrupt the proper functioning of state institutions, they actually weaken the rule of law and lead to retrogression in human rights terms.

In the light of the continuing threats by some politicians against countries subjected to sanctions, it would seem that an old French adage has application:

La bête est très méchante – lorsqu'on l'attaque, elle se défend. (The beast is very nasty – when you attack it, it defends itself.)

Bottom line

Let us recognize that “democracy” cannot be exported and imposed by force, that human rights are not the result of a vertical, top-down enforcement but rather require a horizontal recognition of the dignity of every human being, and that the exercise of human rights depends on education, mutual respect and solidarity.

It is imperative to reaffirm the reasons why unilateral coercive measures are incompatible with the object and purpose of the United Nations Charter and violate basic principles of the Charter including the sovereign equality of states, the self-determination of peoples, freedom of trade, freedom of navigation, non-discrimination, the obligation to solve differences by negotiation, the prohibition of the use of force.

A strong argument can be made that the language of article 2(4) of the Charter prohibiting “the threat or use of force” logically encompasses all forms of coercion against other states – coercion that would deny those countries the right to choose their form of government and their socio-economic system.

Coercion cannot be used to impose a neo-liberal economic system on other states. See General Assembly Resolutions 2131, 2625, 60/1 (para. 135), 76/161, OAS Charter Articles 19, 20, etc. See in particular the Reports of the Special Rapporteurs of the Human Rights Council on the negative impacts of unilateral coercive meas-

ures, the late Dr. *Idriss Jazairy* and Professor Dr. *Alena Douhan*.³ See also the language of the 29 General Assembly resolutions condemning the US embargo against Cuba.

It is imperative to reject the pretence that sanctions have anything to do with promotion of human rights. On the contrary: SANCTIONS KILL.

Experience shows that sanctions are there to advance geopolitical and geoeconomic agendas. The corporate media, however, disseminates the propagandistic and profoundly wrong argument that sanctions are imposed with the benevolent purpose to induce countries to stop violating international law or stop violating human rights. Such is pure cynicism and hypocrisy.

Moreover, bearing in mind that economic sanctions and financial blockades kill hundreds of thousands of innocent persons world-wide, the International Court of Justice should issue an advisory opinion enunciating point for point why such sanctions are contrary to international law and defining the legal consequences for the rogue states that impose them. Finally, the International Criminal Court must declare such sanctions to constitute crimes against humanity for purposes of article 7 of the Statute of Rome.

Source: <https://www.counterpunch.org/2022/03/18/economic-sanctions-kill/>, 18 March 2022

¹ <https://www.independent.ie/world-news/sanctions-have-killed-500000-iraqi-children-26114461.html>

<https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1188-razing-the-truth-about-sanctions-against-iraq>

² <https://cepr.net/report/economic-sanctions-as-collective-punishment-the-case-of-venezuela/>

³ <https://www.ohchr.org/EN/Issues/UCM/Pages/SRCoerciveMeasures.aspx>