

The Neo-coloniality of Sanctions on the Right to Development.

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One of the key components in achieving the sustainable development goals is fostering partnerships. The private sector still accounts for the majority of funds and the workforce in global development. When the assurance of secure and transparent partnerships disappears, the private sector often hastily retreats out of fear of risk. Unilateral coercive measures (sanctions) have, and continue to deny many countries the foundations for building transparent partnerships, security and the right to development. Sanctions are being used more frequently in recent years, notably in response to the war in Ukraine. While governments issuing unilateral coercive measures claim that sanctions are getting smarter, the ability to track humanitarian impacts remains difficult. What’s more, there is great evidence to suggest that targeted countries are able to continue to acquire weapons and infrastructure for belligerent activities despite sanctions. Taken together it leaves uncertainty as to the humanitarian ethics of sanctions, and their efficacy more broadly.

Sanctions have a longer, and darker, record than they do a positive one. In cases like Iraq in the 1990s, Syria in the 2010s and Cuba since 1959, humanitarian crises regularly emerge as a result of sanctions. The claim that sanctions will generate popular unrest and lead to the disposal of the local government is a fallacy. Some scholars laud sanctions and boycotts for bringing down the Apartheid regime in South Africa. Such claims give too much credit to unilateral coercive measures, and tend to downplay the importance of local level dissent and activism in bringing about change.

Scholars continue to search for examples and evidence to better understand both political and humanitarian impacts of unilateral coercive measures. One area that provides this evidence is in how sanctions create inhabitable climates for partnerships in the target nation. These climates systemically, and repeatedly, deny autonomy for both individual and collective rights. Issuers of sanctions now more than ever before, require the private sector to be the enforcer of

sanctions, which creates a neo-colonial landscape that prohibits choice and autonomy of individuals, communities and nations. It denies autonomy to make decisions to ensure appropriate access to resources and to pursue the right to development itself. Autonomy is the ultimate goal of development. When individuals are living in heavily sanctioned environments, autonomy to achieve development is denied, and it is often replaced by a murky labyrinth of decisions that are based on survival, not to fulfillment of development. These labyrinths involve local black markets to acquire goods in whatever way possible, which often leads to increased cost for individuals and families. It can also require tremendous expense to acquire medical and agricultural resources at great expense as well. Finally, it can lead to pressure to join jilted strategic alliances that promise access to resources in return for political support. Taken together this hinders autonomy which infringes on the right to development among other factors.

Cuba has long struggled to gain access to medical equipment and various technologies because of patent regulations that fall under the edicts of sanctions from the issuing nation. This has resulted in Cuba relying on other countries to import much needed resources at increased cost. It also leads to chronic shortages of key items. Lowering costs and responding to supply chains crisis can occur anywhere. But without a space that permits autonomous decision making and bidding for private services, the challenge of lacking resources can be staggering.

It is why partnerships and cooperation need to be taken seriously when it comes to ensuring the success of the sustainable development goals especially in heavily sanctioned nations. The absence of vibrant partnership climates is perhaps the most obvious and powerful impact of sanctions. Because enforcement and compliance of sanctions is left to the private sector, there are few mechanisms in place to protect the private sector from being disciplined by the issuing government. This risk leads to overcompliance of sanction goals, the withdrawal from the target environment, and the assurance of humanitarian challenges from a lack of autonomy. The fear of reprisal of the private sector against the issuing nation can be enormous. Private sector firms can also be penalized by shareholders and investors for taking on risky ventures in heavily sanctioned environments. In this way, there is a compounding nature to private sector risk when it comes to unilateral coercive measures.

Knowing that such risk will do more to deny individuals and communities autonomy and the right to development more so than it will to inspire regime changing civil unrest, could it not be possible to develop financial protection mechanisms for the private sector in the key areas of nutrition, health, education, and essential technologies? This is a call for an insurance mechanism that would protect the private sector in these areas from being penalized, or exposed to compounding risk, for engaging with heavily sanctioned nations. Such a tool could be organized and funded through similar structures like that of protection and indemnity clubs for shipping, where there is collective participation within the industry to protect against catastrophic costs that may occur. Such organizations could also support research and legal support to better understand the imposed unilateral coercive measures so that industry members are not needlessly put at risk.

Such a tool would not prevent scrutiny from the issuing country. But it would help to create a supportive environment for partnerships in key areas that directly contribute to the sustainable development goals. It would be an opportunity to ensure that dialysis equipment can reach Iran. It would ensure that cancer medication is made available in Cuba. It would ensure essential medical products and foodstuffs make it to any community that is in need.

Let this serve as a clarion call to issuers of sanctions, smart or not, that the real impacts often hit off target. When they do, the suffering that they inflict will not translate into the political action the issuer seeks. It will deny people of autonomy and the right to development. These are two values that private partnerships fulfill well. Let them do their job.