

CHINA US Focus

Can the U.S. Congress Change China's Human Rights Policy?

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The U.S. Congress is the driving force behind sanctions imposed on much of the world. Unfortunately, they rarely achieve their objectives. Such measures are unlikely to work any better against China.

Decades ago, Congress pioneered the use of secondary sanctions in an attempt to oust Cuba's Castro dictatorship. Sudan became another early sanctions target, in response to Khartoum's atrocities in the brutal civil war.

Since then, sanctions directed at foreign enterprises through the U.S. financial system have become commonplace. Not trusting President Donald Trump, legislators tightened penalties against Russia. Congress approved legislation targeting the People's Republic of China over its response to the protests in Hong Kong. In December, members of Congress hit Russia again, along with NATO ally Germany, for cooperating on a natural gas pipeline. The same bill targeted Syria.

What makes these restrictions noteworthy is how Congress attempts to conscript the entire world to do its bidding. Anyone doing business in any way in the U.S. or with U.S. institutions faces massive penalties for failing to follow Washington's dictates. In doing so, the risk of overreach is steadily increasing, as the Europeans join China, Russia, and a gaggle of other nations in resisting America's attempt to govern the entire globe.

Just this past year, veto-proof majorities in both the House and Senate have enacted versions of the Uighur Human Rights Policy Act, which would mandate reporting on treatment of Uighurs. They have also urged President Donald Trump to sanction Xinjiang Party Secretary Chen Quanguo and other officials over the same issue, and have pushed to bar the sale of American goods to provincial enterprises.

Beijing's mistreatment of Uighurs is atrocious. An estimated million or more have been rounded up and imprisoned in reeducation camps. The province has deployed one of the most sophisticated surveillance systems yet created. CCP apparatchiks even have been moved into people's homes. Nor are Uighurs the only victims. There is a nationwide shift back toward Maoist totalitarianism.

However, the Uighur Human Rights Policy Act is unlikely to help a single Uighur.

Sanctions have one certain effect: they cause economic pain. But they rarely change any government's policies in ways demanded by the U.S. Highly publicized evil has not been remedied.

For instance, communism continues to reign in Cuba, 60 years after the first U.S. economic embargo was imposed. In Sudan, political revolution arrived only after Washington had lifted most of its sanctions. Venezuela's Nicolas Maduro survives despite the Trump administration's attempt to destroy their already desolate economy. Sanctions helped convince Iran to negotiate, but the Trump administration's decision to abandon the agreement then reached and reinstitute sanctions led Iran to revive its nuclear program, target Gulf shipping, and attack Saudi oil facilities. Russia has yet to surrender Crimea or exit Ukraine. North Korea appears to be preparing to restart missile and nuclear testing. Years of sanctions did not stop Syria's government from waging a brutal campaign to suppress multiple insurgents. Legislators assume that the sanctions will pressure the country in question to change courses, which increasingly seems to be a preternatural optimistic stance.

Broad, society-wide sanctions do not generally work because they hit the wrong people. Governments and well-connected elites tend to manipulate controls to their benefit. Banning commerce may leave regimes with less funds, but they almost always put their ambitions before their people's needs. And no government, including the U.S., would trade away perceived national interests for cash, absent the threat of immediate collapse. Prohibiting the sale of U.S. products—other than, say, technologies put to particularly nefarious purposes—sometimes hurts Americans as much, if not more than foreigners.

Narrow-targeted penalties have the moral advantage of hitting alleged miscreants and their supporters. But what dictator will abandon nationalistic policies because he or she no longer can visit or bank in America? What dictator's ally will oust his or her patron to maintain access to a vacation home or commercial opportunity?

The legislation moving through Congress will achieve little. The measures mandate reports on Xinjiang, a worthwhile objective but already covered by the State Department as part of its annual human rights report.

The economic penalties are only symbolic, probably because even Congress recognizes that initiating a commercial conflict with a major trading partner and world's second-largest economy, one with extensive trading relationships with America's Asian and European allies, would be folly. The President's current trade war would look like a minor skirmish in comparison. Worse, Washington could not count on the support of its allies. Forced to choose commercially between the PRC and U.S., some might go with the former and dare America to retaliate.

Congress wants the president to sanction Xinjiang's party apparatchiks. They deserve censure, but so what? Who believes that after the bill's passage Xinjiang chief and Politburo member Chen will travel to Beijing and urge CCP General Secretary and President Xi Jinping to free the Uighurs? And that the latter will do so? The Uighur Human Rights Policy Act looks like another act of moral vanity, something that allows legislators to feel good about themselves, even as they achieve little.

Perhaps the measure would offer some moral uplift to the few Uighurs who learn about it and embarrassment to Xi and his officials. However, the downside could be significant: inflaming nationalist sentiments, thereby making concessions in Xinjiang or anywhere else less likely. One obvious regime imperative will be not appearing to retreat under U.S. pressure.

Consider Hong Kong. Washington has already strengthened Beijing's belief that Americans support the protests. Not only did Congress approve the legislation, but Hong Kongers greeted news of the measure's approval by waving U.S. flags and holding signs thanking President Trump. That gives Beijing another reason to hang tough. Foreign interventions that are simultaneously public but empty can do more harm than good.

Many Americans are genuinely concerned about foreign injustice. However, Washington's ability to dictate other nations' behavior is surprisingly small. To lead on human rights, Washington should avoid the sanctimonious hypocrisy that has so often marred prior efforts. Most important, U.S. policymakers should practice humility and prudence, with a keen focus on what is likely to work. Just because something feels good does not mean it is the right thing to do. Like sanctioning the PRC today.

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