



Making Sense of Trump's Surprisingly Old-School Sanctions Regime

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Last week, the United States **imposed sanctions on 13 people and 39 entities** it said were implicated in human rights abuses and corruption worldwide, among them the son of Russia's top prosecutor. Final passage of the **massive Republican tax bill around the same time** helped swallow up this news, but even without distractions, word of economic and travel restrictions on a few non-Americans probably wouldn't have made many headlines. Still, this was a major signal about how the Trump administration will approach human rights and corruption in the years ahead, including when it comes to the country whose election meddling has cast a shadow over Donald Trump's whole presidency.

These new sanctions represented the first application of the **Global Magnitsky Human Rights Accountability Act** (GMA), among the last significant pieces of legislation signed into law by Barack Obama in December 2016. The law takes its name from **Sergei Magnitsky**, a Russian accountant who uncovered a massive fraud scheme involving his country's police and other officials before being jailed, tortured, denied medical treatment, and ultimately found dead in his cell in 2009. (His captor-killers faced no justice.) In 2012, Congress passed a bill known as **the Magnitsky Act**, allowing the executive branch to impose targeted sanctions on individuals or groups involved in his death and similar acts in Russia. (That was the bill Russian agents **reportedly** lobbied Donald Trump, Jr. to push back on in their infamous June 2016 Trump Tower meeting.) The GMA extended these sanctions—which effectively block access to American assets, make it all but impossible for affected parties to do business with many international banks and firms, and can prevent individuals from traveling to or through the US—to any person or group implicated in similar crimes worldwide.

Human rights and anti-corruption groups tend to view the GMA as watershed legislation providing a powerful tool with which to combat bad actors. It allows the government to financially whack anyone, even those who escape local justice, with serious consequences, without unfairly targeting wider swathes of the country in which they might be operating. Granted, sanctions writ large **are increasingly seen as ineffective tools** in modern geopolitics; it seems like there's always a workaround or hitch to them. Still, **rights groups have maintained**

faith that proper targeting can screw up an authoritarian or oligarch's lifestyle, making them think twice about crossing certain lines.

The problem, of course, is that less than a month after this powerful new tool came online, Trump came into office on his America First platform. In the months since, he has **shown repeated sympathy for authoritarians** and their tactics, acted in **ways that seem downright kleptocratic to many**, and **shown a repeated disregard** for human rights activism. "Some of the rhetoric has been uber-Realist and cynical," said Daniel Fried, who coordinated sanctions policy at the State Department from 2013 until early this year. He characterized these views as: "*Who cares? It's none of our business.*"

Trump *has* shown ample willingness to use both targeted and broad sanctions in his **pushback on North Korea** and its nuclear program. He's also been willing to **let numerous old sanctions regimes stay in place**. But the new president has put up strong resistance to other new sanctions, especially those that target Russia or Russian individuals. **He made an official protest** when Congress forced him, via a veto-proof bipartisan vote, to sign **a bill** in August imposing new sanctions. That law didn't just go after those involved in 2016 election meddling, but also targeted corrupt oligarchs writ large, among other shady parties.

Trump did send a letter to Congress in April promising to comply with the GMA, which required he draw up a list of sanctioned individuals by this month. Several activists and legislators saw the need to **put pressure on him throughout the year** to keep that promise anyway. Sure enough, Trump released his list **just under two weeks late**, and included far fewer—and less recognizable—names than some activists and legislators had encouraged him to.

"The Trump administration has chosen to target one or two persons per country, as well as affiliated entities, rather than systematically go after a large number of individuals from a single country," said Anton Moiseienko, a PhD candidate at Queen Mary University of London who studies targeted sanctions. "This approach arguably enables the administration to make a statement, but also minimizes the possible political fallout. [And] it includes some individuals who have already been accused of corruption by the governments of their respective home countries. If the purpose of the GMA is to address impunity," then these may not have been ideal targets for this new sanctions tool, he argued.

Even so, human rights groups **have praised the list**. Fried noted sanctions documents often run a bit late, and that the first ones assembled under any new law tend to be tricky to put together. It also made sense to him that the administration might keep the list tightly focused on cases of flagrant abuse and corruption that should withstand international pushback and scrutiny.

That's not to say the Trump administration's new sanctions hit-list doesn't have its critics. John Glaser, head of foreign policy studies at the libertarian-leaning Cato Institute, cited its selectivity, suggesting it targets traditional American "enemies" but passes over abusers in nominal ally countries like the Kingdom of Saudi Arabia. Fried acknowledged that there is a legitimate debate to be had on how high sanctions should shoot, or how to balance strategic concerns with human rights in countries the US has traditionally worked closely with. But, he added, this is "a

discussion I suspect would have taken place if this had come out under a Hillary Clinton administration," as well.

The consensus among experts I've spoken to is that Trump and some of his advisers may well have preferred to sidestep these sanctions and roll back others, especially those targeting Russia and Russian individuals. But cooler heads seem to have steered the White House away from its most explosive rhetoric and toward a relatively conventional human rights and sanctions policy. Glaser expected the administration to continue rolling out GMA sanctions on an annual, or semi-annual basis, and to target the same types of people any other administration would have.

This approach seems to be fairly consistent when it comes to how the new government is deploying its sanctions arsenal generally, even when it comes to Russia. In fact, the Trump administration **added five names** to the 2012 Magnitsky Act's list in recent weeks, including key Putin allies, **drawing bipartisan applause**. "I think on Russia, they've ultimately been forced into doing the right thing," said Fried, alluding to a mixture of popular outcry over the traditionally radioactive country and congressional pressure amid the Mueller probe.

Still, it's worth noting that the administration as recently as a few weeks ago appeared to be **dragging its feet on that new round of anti-Russia sanctions** Congress foisted on Trump, and **could find ways of slow-walking them** even if they do comply with the law. And the America First types in the administration could push back on and limit future lists of sanctions targets under the GMA or other laws.

But the same domestic political dynamic that has so far encouraged a conventional sanctions policy should still be at work in the years to come. That serves as a source of optimism to longtime observers of US human rights and anti-corruption policy. As the former Obama administration sanctions expert Fried put it, "Isn't it a relief to have this kind of a normal discussion in reference to this administration, considering some of the things they've actually said about human rights?"