

# THE HUFFINGTON POST

## The Wrong Way to Do Human Rights

By: Simon Lester – January 11<sup>th</sup>, 2013

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The U.S. government enacted a statute in December, in the context of normalizing trade relations with Russia that imposed penalties -- restrictions on financial activities and travel in the U.S. -- on individual Russians involved in the death of Sergei Magnitsky, a Russian anti-corruption lawyer. Most likely, supporters of the law saw little downside. In their minds, the impact would be specific sanctions on the responsible individuals, and a more general message to the world that the United States takes human rights seriously. No hemming and hawing by some international organization. Just take action right away. Simple and clean, with no mess.

But now there is a mess. In response to the Magnitsky law, Russia has passed a law of its own, penalizing Americans who have been involved in the alleged torture of Russian children adopted by Americans. And the law goes further: It stops all future adoptions of Russian orphans by Americans. Things are not so simple anymore.

What Russia's response shows is that unilateral penalties like these do not work very well. A multilateral approach, as outlined below, is a better way to deal with these situations. It might not solve everything, but perhaps it can help avoid future meltdowns like the current one.

The Russian reaction to the U.S. action is not surprising. Well, it should not have been surprising, anyway. Apparently, some people expected Russia to offer the diplomatic equivalent of a thank you card, as reflected in an [editorial in a major newspaper](#): "... the point of the Magnitsky bill is to name and shame those who violate human rights in Russia. This is a goal that Russia should welcome, a step toward rule of law and a healthy society."

Did anyone really believe Russia would welcome this? Human rights are good, and the rule of law is good, and healthy societies are good. But promoting these goals through unilateral sanctions imposed by one government on the citizens of another for acts carried out abroad is going to backfire much of the time, often with collateral damage (here, the Russian orphans).

In all likelihood, the supporters of the Magnitsky law were acting in good faith. Many Americans have a vision of the U.S. as a good neighbor promoting world peace and general goodness. But this vision suffers from two fatal flaws. First, the U.S. is no saint. Both the left and the right have a number of criticisms of the U.S. government as a violator of rights, so no need to get specific here. Regardless of which side of the political spectrum you are on, you probably agree that we are not without sin. Given our own issues with rights, therefore, criticism of others will always come off as a bit hypocritical.

Second, even if the U.S. were a saint, other governments still would not want us criticizing them. Governments are run by human beings, and human beings do not like being bossed around or having their flaws pointed out. If this happens, they are likely to react badly (in ways that might even be against their own interests).

When there are practices of foreign governments that concern us, we - and here it is Congress that is mostly to blame -- should not act unilaterally to deal with them. Talk to others in the international community, and work with them to coordinate any action. For example, reach out to the European Parliament or national governments in Europe and Canada, which have considered actions similar to those taken by the United States, as well as others around the world.

This approach has two benefits. First, it lends credibility to the action. It is less likely to be seen as U.S. bullying (which is hardly unprecedented) if there is a large coalition involved, and will carry more weight if multiple countries lend their voice. And second, it makes an irresponsible reaction difficult. It will be more challenging if the government in question has to identify human rights that have been violated by the whole coalition, rather than simply look for the rich target that is the United States.

Human rights are complicated, and international relations are complicated. There are no easy answers to how governments can get along in this regard. But the dangers of unilateral penalties for human rights violations seem to have been exposed. If we want to actually accomplish anything on these issues, let's try a new approach, one in which we are a little more humble about our role as the protector of human rights around the world.

It may actually be that the best way to encourage Russia to respect human rights and the rule of law is through trade liberalization itself, which was the source of the Magnitsky law, by helping to create a commercial class that is more exposed to foreign ideas, and ultimately empowered to make changes to the domestic political structure.