

# U.S. ECONOMIC INTERVENTION ABROAD: LIFT SANCTIONS TO RELIEVE MIGRATORY PRESSURE

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## INTRODUCTION

The Biden administration has announced a commitment to addressing the ‘root causes’ of migration.<sup>1</sup> However, with respect to the recent and long-anticipated Temporary Protected Status (TPS) designation of Venezuela,<sup>2</sup> the administration remains silent as to a root cause of migration well within its power to remedy: U.S. sanctions policy. There is no mention of the United States’ harsh unilateral sanctions regime imposed against Venezuela within the March 2021 TPS designation.<sup>3</sup> The economic sanctions by the United States have devastated the country’s ability to generate state revenue to fund social programs and to import essential goods such as food, medicine, diesel fuel, and spare parts for public infrastructure systems.<sup>4</sup>

U.S. sanctions are a primary contributor to the years-long economic crisis that has spurred millions to migrate from Venezuela.<sup>5</sup> In light of the COVID-19 pandemic, there have been calls from members of Congress for the Biden administration to review humanitarian impacts of its current sanctions policies.<sup>6</sup> The Biden administration paid minimal lip-service to a humanitarian

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1. See *Fact Sheet: Strategy to Address the Root Causes of Migration in Central America*, WHITE HOUSE (July 29, 2021), <https://perma.cc/64TY-MRQV>.

2. Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure, 86 Fed. Reg. 44, 13574 (March 9, 2021).

3. *Id.*

4. See e.g., Alena Douhan (Special Rapporteur), *Report of the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights*, ¶¶ 27–28, 92, U.N. Doc. A/HRC/48/59/Add.2 (Oct. 4, 2021); MARK WEISBROT & JEFFREY SACHS, CENTER FOR ECONOMIC AND POLICY RESEARCH, ECONOMIC SANCTIONS AS COLLECTIVE PUNISHMENT: THE CASE OF VENEZUELA 3 (Apr. 2019).

5. See Joe Sammut & Gregory Wilpert, *The Violence and Economic Destruction Caused by U.S. Economic Sanctions in Venezuela*, in VIVIREMOS: VENEZUELA VS. HYBRID WAR 118, 129 (2021); WEISBROT & SACHS, *supra* note 4, at 1, 6; Douhan, *supra* note 4, at ¶¶ 55, 97; Geraldina Colotti, *UN Independent Expert Alfred de Zayas: ‘This is How the Human Rights Industry Works,’ VENEZUELA ANALYSIS* (Jan. 26, 2021), <https://perma.cc/3U9A-7ZFR>.

6. Press Release, Office of Ilhan Omar, Warren, Omar and Garcia Lead Letter Calling for Sanctions Relief (Feb. 11, 2021), <https://perma.cc/T58Q-GN98>; Joshua Goodman, *Democrats Pressure Biden to Review U.S. Sanctions on Venezuela*, PBS (Mar. 23, 2021), <https://perma.cc/G474-ZVHM>; Aída Chávez,

review,<sup>7</sup> but ultimately did not heed this call. The Treasury Department review of sanctions policy released in October 2021 does not engage in an analysis of humanitarian impacts.<sup>8</sup> The meager nine-page report doubles down on continuing harmful sanctions policies by urging ‘modernization.’<sup>9</sup> In light of the Biden administration’s continuation of the current unilateral sanctions regime, popular mobilization against this economic warfare<sup>10</sup> is needed. That mobilization should pressure the United States to reform how these international-law-violating<sup>11</sup> unilateral sanctions are implemented as well as delegitimize the animating imperialist logic<sup>12</sup> that the United States has the right to interfere in the economic self-determination of sovereign nations.

## I. HUMANITARIAN IMPACTS OF U.S. SANCTIONS AGAINST VENEZUELA

The most comprehensive U.S. sanctions against Venezuela were those imposed on the financial sector in 2017 and oil sector in 2019 by Executive Orders.<sup>13</sup> These sanctions devastated production in the state-run oil industry and severed the country’s “trade and financial links” to the global economy,

*The Biden Administration’s Sanctions Review is a Joke*, NATION (Oct. 22, 2021), <https://perma.cc/3LA5-SVVY>.

7. See Juan Pablo Spinetto, *U.S., EU Willing to Review Venezuela Sanctions on Conditions*, BLOOMBERG (June 25, 2021) <https://perma.cc/VPN9-ZUV7>; Chávez, *supra* note 6; Ricardo Vaz, *US Sanctions Against Venezuela Cause Shortages in Diesel*, EDITORIAL STANDARDS, FAIR (June 4, 2021), <https://perma.cc/KSV4-DUQ4>.

8. U.S. DEP’T OF TREASURY, THE TREASURY 2021 SANCTIONS REVIEW 5 (2021) (leaving a thorough humanitarian review for another day, the report notes “[g]oing forward, Treasury will continue to review its existing authorities to consider the unintended consequences of current sanctions regimes on humanitarian activity necessary to support basic human needs . . .”); see also SANCTIONS KILL COALITION & POPULAR RESISTANCE, *The United States Is Doubling Down on Deadly Sanctions* (Oct. 21, 2021), <https://perma.cc/488X-J55V> (“ . . . the resulting review from the US Treasury Department makes no mention of COVID-19 or its catastrophic toll on human lives over the past 18 months.”).

9. U.S. DEP’T OF TREASURY, *supra* note 8, at 2 (describing ‘modernizing’ efforts to make it more difficult for countries to evade unilateral coercive measures by conducting international trade outside of the U.S.-based financial system).

10. For characterization of unilateral sanctions against Venezuela as “economic warfare,” see, e.g., THE RED NATION, THE RED DEAL: INDIGENOUS ACTION TO SAVE OUR EARTH 18 (2021); Alfred de Zayas (Independent Expert), *Report of the Independent Expert on the Promotion of a Democratic and Equitable International Order on His Mission to the Bolivarian Republic of Venezuela and Ecuador*, ¶¶ 27–28, U.N. Doc. A/HRC/39/47/Add.1 (Aug. 3, 2018); Cira Pascual Marquina, *Unconventional Warfare against Venezuela: A Conversation with Pasqualina Curcio (Part I)*, VENEZUELA ANALYSIS (Jan. 14, 2022), <https://perma.cc/8JFG-ASX2>.

11. See e.g., Human Rights Council Res. 46/L.4, U.N. Doc. A/HRC/46/L.4 (Mar. 12, 2021); Letter from National Lawyers Guild (NLG), Lawyers Rights Watch Canada (LRWC), the American Association of Jurists (AAJ) and the International Association of Democratic Lawyers (IADL), to President Trump, Secretary Mnuchin and Secretary Pompeo (Apr. 3, 2020), <https://perma.cc/ND32-PFFP> [hereinafter NLG Letter].

12. See Prabhat Patnaik, *The Modus Operandi of Contemporary Imperialism*, in VIVIREMOS: VENEZUELA VS. HYBRID WAR 28, 35–38 (2021); Vijay Prashad, *Sanctions under the Shadow of Anti-Colonialism*, in VIVIREMOS: VENEZUELA VS. HYBRID WAR 43, 67–68 (2021) (describing “hybrid war”); THE RED NATION, *supra* note 10, at 15, 17; Glen Ford, *The Racist, Imperialist War on Venezuela*, BLACK AGENDA REPORT (Nov. 24, 2021), <https://perma.cc/KRP8-KJB7>.

13. See Exec. Order No. 13808, 82 Fed. Reg. 41155 (Aug. 24, 2017); Exec. Order No. 13857, 84 Fed. Reg. 509 (Jan. 25, 2019). The sanctions imposed by Executive Order in 2017 blocked Venezuela’s access to financial institutions and left the country unable to restructure its debt or cover maintenance for its public oil sector, while those imposed by Executive Order in 2019 cut the state oil sector off from the

crippling the state's ability to generate the export revenue previously relied on to pay for imports.<sup>14</sup> As state oil revenues plummeted, so did the ability to import essential goods such as food and medicine.<sup>15</sup> While there are supposed exemptions for medical supplies, the sanctions against Venezuela are so broad that medical suppliers and transport companies steer clear of doing business there.<sup>16</sup> Essential public services provided by the state, such as healthcare, education, transportation, electricity, and internet have been hit hard by sanctions that prevent the import of necessary parts, as well as the overall decline in state oil revenue used to fund social programs.<sup>17</sup>

U.N. Special Rapporteur Alena Douhan concluded in her 2021 report to the Human Rights Council that the unilateral coercive measures against Venezuela “exacerbated the pre-existing economic and social crisis and had a devastating effect on the entire population” and recommended they be lifted.<sup>18</sup> The report singles out U.S. sanctions for making it

... impossible to buy essential technological equipment and supplies for the repair and maintenance of public electricity, gas, water, transport, telephone and communication systems, and for schools, hospitals and other public institutions, undermining the enjoyment and exercise of the most fundamental rights to life, food, water, health, housing and education.<sup>19</sup>

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U.S. market, which had previously bought about 36 percent of exports. WEISBROT & SACHS, *supra* note 4, at 1–2.

14. FRANCISCO RODRÍGUEZ, *THE FOURTH FREEDOM FORUM, SANCTIONS, ECONOMIC STATECRAFT, AND VENEZUELA'S CRISIS* 32–34 (Jan. 2022).

15. Joint Statement, Washington Office on Latin America, Human Rights Organizations: New U.S. Sanctions Risk Aggravating Human Suffering in Venezuela With No Solution in Sight (Aug. 6, 2019), <https://perma.cc/W3U6-EUAD> (“Venezuela’s oil exports represent the main source of hard currency used to pay for imports, and limiting this revenue puts the importation of food and medicine at risk.”); WEISBROT & SACHS, *supra* note 4, at 3 (“Venezuela’s access to correspondent banks for international transactions was mostly wiped out. This included access to necessary credits for imports of medicine, food, and other essential goods.”).

16. Blaise Malley, *The Enduring Cruelty of America's Sanctions Regime*, NEW REPUBLIC (Nov. 17, 2021), <https://perma.cc/WG6Q-33RH>; Jim Lobe, *Faith Leaders Call on Biden to End Broad Sanctions*, RESPONSIBLE STATECRAFT (Dec. 10, 2021), <https://perma.cc/Z62P-Z6JT>; Ana Maldonado, Paola Estrada, Zoe PC & Vijay Prashad, *CoronaShock and the Hybrid War Against Venezuela*, in *VIVIREMOS: VENEZUELA VS. HYBRID WAR* 70, 77 (2021); *see also* ANDREW BOYLE, BRENNAN CTR. FOR JUST., *CHECKING THE PRESIDENT'S SANCTIONS POWERS* 16 (June 10, 2021) (discussing general overcompliance with U.S. sanctions).

17. *See* Douhan, *supra* note 4, at ¶¶ 27, 61–77; *see also* THE RED NATION, *supra* note 10, at 15; Douhan, *supra* note 4, at ¶ 23 (“In the early 2000s, the Government initiated a broad range of social projects in the spheres of housing, education, literacy, food, electricity and water supply, health care, family planning, computer literacy and communal development, many of which were implemented at no or almost no cost to the people. The projects were funded by State revenue, essentially derived from oil exports . . . [M]ost products, from machinery and spare parts to food and medicine, were imported primarily from the United States and Europe.”).

18. Douhan, *supra* note 4, at 1.

19. *Id.* at ¶ 28.

A damning report from the Center for Economic and Policy Research estimated that U.S. sanctions potentially caused 40,000 excess deaths in Venezuela from 2017 to 2018.<sup>20</sup>

The deteriorating conditions caused by U.S. sanctions are a driver of mass displacement from the country.<sup>21</sup> The current crisis of emigration from Venezuela—an estimated five million Venezuelans lived outside the country in 2019, up from 700,000 in 2015—traces back to the crash of global oil prices in 2014 and resulting economic fallout in the oil-dependent nation.<sup>22</sup> The majority of migrants live in neighboring Latin American countries: primarily Colombia, Peru, and Chile.<sup>23</sup> However, there has been a dramatic increase in Venezuelan migration to the U.S. border in 2021, with U.S. Customs and Border Protection (CBP) data up from 461 “border encounters” in January 2021 to 24,961 in December 2021.<sup>24</sup> Although increased migration began with the 2014 economic downturn, the number of Venezuelan migrants living in Colombia skyrocketed by 108 percent between 2017 (when financial sector sanctions were imposed by the United States) and 2018.<sup>25</sup> The imposition of U.S. sanctions made it impossible for the country to recover from the fall of oil prices in 2014 and stabilize its economy.<sup>26</sup> The Congressional Research Service (CRS) report published in April 2021 (shortly after Venezuela was designated for TPS) admitted that U.S. sanctions contributed to the economic downturn and worsened the humanitarian situation in the country.<sup>27</sup>

## II. THE DUBIOUS STATUTORY JUSTIFICATION FOR U.S. SANCTIONS

The President derives statutory authority to impose unilateral sanctions via executive order from the International Emergency Economic Powers Act

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20. WEISBROT & SACHS, *supra* note 4, at 1 (detailing ripple effects of sanctions, including a decrease in the population’s caloric intake, an increase in disease, and an increase in mortality).

21. See Douhan, *supra* note 4, at ¶ 55 (“emigration accelerated with the tightening of sanctions”).

22. Sammut & Wilpert, *supra* note 5, at 129; see also Rosiris Berroteran, *Venezuela’s Migration: Why They Left (Part I)*, VENEZUELA ANALYSIS (June 1, 2021), <https://perma.cc/34DY-2BKN> (discussing migratory trends and causes); Douhan, *supra* note 4, at ¶ 23 (addressing the 2014 fall in oil prices).

23. *Fact Sheet: Venezuela Situation*, UNHCR REFUGEE AGENCY (Jan. 2021), <https://perma.cc/GJ7S-EEFC>.

24. U.S. CUSTOMS & BORDER PROT., *Nationwide Encounters*, <https://perma.cc/HG4J-967G> (last modified Jan. 24, 2021); Manuel Rueda & Elliot Spagat, *US Expels Venezuelan Migrants to Colombia under COVID Powers*, ASSOCIATED PRESS (Jan. 31, 2022), <https://perma.cc/X6PX-9AWM>.

25. Joel Alexander Lopez, *Venezuelan Refugee Crisis: A Consequence of U.S. Economic Sanctions*, LATIN AM., CARIBBEAN & U.S. LATINO STUD. (2019), <https://perma.cc/4459-LYTX>.

26. WEISBROT & SACHS, *supra* note 4, at 1, 3, 6, 21; see also Rodriguez, *supra* note 14, at 32; Sammut & Wilpert, *supra* note 5, at 123.

27. CLAIRE RIBANDO SEELKE, CONG. RSCH. SERV., R44841, VENEZUELA: BACKGROUND AND U.S. RELATIONS 10, 20, 33 (Apr. 28, 2021). The CRS report noted the precipitous drop in state oil production following the 2019 executive order, as well as the fuel shortages caused by ending U.S. oil-for-diesel swaps in 2020. *Id.* at 11, 23, 24. The report concludes that unilateral measures by the United States “arguably worsened the humanitarian crisis in the country.” *Id.* at 33. This CRS report has garnered some attention for recognizing the United States’ role in the crisis. See Roger Harris, *Government Report Documents US Responsibility for Venezuela’s Humanitarian Dilemma*, POPULAR RESISTANCE (May 2, 2021), <https://perma.cc/5QKJ-EGM7>.

(IEEPA).<sup>28</sup> The IEEPA grants sweeping authority to prohibit a wide range of financial transactions,<sup>29</sup> made punishable by up to \$50,000 fine or ten years imprisonment.<sup>30</sup> Before imposing sanctions, the President must declare a “national emergency” with respect to an “unusual and extraordinary threat” to the “national security, foreign policy, or economy of the United States.”<sup>31</sup> In 2015, President Obama declared the requisite national emergency and imposed initial sanctions on several Venezuelan government officials, despite no looming threat to the U.S. populace.<sup>32</sup>

Notably, the IEEPA does not define “national emergency.”<sup>33</sup> As of July 2020, of the total fifty-nine “national emergencies” invoked under the IEEPA as a basis for unilateral sanctions, *thirty-three* were still in place.<sup>34</sup> There is virtually no congressional oversight or public input when it comes to presidential action pursuant to IEEPA.<sup>35</sup> The legislative veto that was included when the IEEPA passed in 1977 was lost as a result of *INS v. Chadha*, and the required annual renewal of sanctions measures is a pro-forma affair.<sup>36</sup> The IEEPA statutory scheme is “devoid of any procedural protections for those targeted,” especially for the civilian populations indiscriminately harmed by U.S. sanctions.<sup>37</sup> Sanctions are sometimes presented as a “humane” alternative to military intervention, yet they can “impose widespread financial distress on a population, all with the aim of telling foreign states that if they refuse U.S. directives they will be left unable to provide the basics for their citizens.”<sup>38</sup>

While legally premised on “national emergency,” sanctions are a ubiquitous foreign policy “tool of first resort” used to advance U.S. interests and

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28. Public Law 95-223, 50 U.S.C. § 1701 et seq.

29. 50 U.S.C. § 1702 (including transactions in foreign exchanges, transfers of credit, currency and securities exchanges, and any transaction involving a foreign country or foreign national).

30. 50 U.S.C. § 1705 (violation is punishable by a civil penalty up to \$10,000, and a “willful” violation is punishable by up to \$50,000 fine and ten years in prison).

31. 50 U.S.C. § 1701.

32. Exec. Order No. 13692, 80 Fed. Reg. 12747 (Mar. 8, 2015) (citing domestic issues within Venezuela, such as public corruption and arrest of protestors, as justification for finding an “unusual and extraordinary threat to the national security and foreign policy” of the United States); *See also* NLG Letter, *supra* note 11 (“The President’s authority to impose sanctions under the IEEPA requires a good faith declaration that the targeted country presents an ‘unusual and extraordinary’ threat to the US. Neither Venezuela nor Iran presents such a threat to the US.”).

33. CHRISTOPHER S. CASEY, CONG. RSCH. SERV., R45618, THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT: ORIGINS, EVOLUTION, AND USE 44 (July 14, 2020).

34. *Id.*

35. *See* Boyle, *supra* note 16, at 3 (adding that any litigation gives “extreme deference” to executive’s designation). Ironically, the IEEPA was passed in the wake of the Church Committee, in an effort to bring more transparency to the Cold War era sanctions scheme that had developed under the Trading with the Enemy Act. *See* Boyle, *supra* note 16, at 6–8; Peter E. Harrell, *How to Reform IEEPA*, LAWFARE (Aug. 28, 2019), <https://perma.cc/4TA6-PZJ5>.

36. Harrell, *supra* note 37; Boyle, *supra* note 16, at 6.

37. Aslı U. Bâli & Aziz Rana, *Sanctions are Inhumane—Now, and Always*, BOSTON REV. (Mar. 25, 2020), <https://perma.cc/MJT6-72VZ>; *see also* Boyle, *supra* note 16, at 3.

38. Bâli and Rana, *supra* note 37.

oppose disfavored governments.<sup>39</sup> Proponents of U.S. sanctions against Venezuela justify them as necessary to pressure the country's government into changing policy or leadership,<sup>40</sup> revealing their offensive nature as intervention into another country's domestic affairs and relying on the assumption that the United States is the international arbiter of political legitimacy. The power of unilateral sanctions as a foreign policy tool rests in the international dominance of the U.S. financial system.<sup>41</sup> Sanctions are imposed to coerce targeted countries into concessions that favor U.S. political and economic goals.<sup>42</sup> This coercion can take the form of comprehensive "maximum pressure" campaigns, such as that against Venezuela, to damage the entirety of the targeted nation's economy and facilitate regime change.<sup>43</sup> This economic devastation disproportionately harms ordinary civilians in the targeted country.<sup>44</sup>

In Venezuela's case, U.S. officials are not shy about stating publicly the goals of sanctions: the destruction of the country's economy,<sup>45</sup> the toppling of a sovereign government,<sup>46</sup> and the opening up of the state-run oil industry

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39. U.S. DEP'T OF TREASURY, *supra* note 8, at 1; Beatrix Geaghan-Breiner, *Sanctions Are Part of Our Forever Wars*, RESPONSIBLE STATECRAFT (May 5, 2021), <https://perma.cc/N2SZ-BF7B>; Bâli and Rana, *supra* note 37 ("Sanctions under conditions of post-Cold War unipolarity have simply re-carved the world into rivalrous spheres of enriched friends and impoverished enemies. Populations in states opposed to—or even simply unaligned with—U.S. security objectives can now find themselves facing extreme economic strain.").

40. See, e.g., Moises Rendon, *Are Sanctions Working In Venezuela?*, CTR. FOR STRATEGIC & INT'L STUD. (Sept. 3, 2019), <https://perma.cc/2HYX-EJTT>.

41. U.S. DEP'T OF TREASURY, *supra* note 8, at 1; *Intervention of Ambassador Samuel Moncada Before the Security Council of the United Nations: April 4 2019*, in VIVIREMOS: VENEZUELA VS. HYBRID WAR 110, 112 (2021); Sammut & Wilpert, *supra* note 5, at 140.

42. See AMERICA'S USE OF COERCIVE ECONOMIC STATECRAFT: A REPORT FROM SELECT MEMBERS OF THE CNAS TASK FORCE ON THE FUTURE OF U.S. COERCIVE ECONOMIC STATECRAFT, CTR. FOR A NEW AM. SECURITY 5 (2020).

43. DAVID UREN, ECONOMIC COERCION: BOYCOTTS AND SANCTIONS—PREFERRED WEAPONS OF WAR, AUSTRALIAN STRATEGIC POL'Y INST. 1 (2020) ("US sanctions are usually about seeking major change in a targeted nation's strategic or military approaches. For that reason, US sanctions seek to damage the entire economies of some of the nations that Washington targets, making it as difficult as possible for them to trade with anyone."); Lobe, *supra* note 16 ("comprehensive sanctions have been aimed at forcing governments to surrender to Washington's will or face a popular or elite uprising resulting in 'regime change.'"); de Zayas, *supra* note 10, at ¶ 29 ("Over the past sixty years, non-conventional economic wars have been waged against Cuba, Chile, Nicaragua, the Syrian Arab Republic, and the Bolivarian Republic of Venezuela in order to make their economies fail, facilitate regime change and impose a neo-liberal socioeconomic model.").

44. Bâli & Rana, *supra* note 38; Geaghan-Breiner, *supra* note 39 ("Sanctions are an indiscriminate weapon—they make no distinction between civilian and military targets and hurt the most vulnerable of a society . . ."); Ford, *supra* note 12 ("The weaponization of U.S.-controlled global financial structures has blurred the lines between military and financial attack, as millions are sickened, killed or driven into desperate poverty or exile by U.S. economic sanctions.").

45. See Moncada, *supra* note 40, at 112 ("On March 22, 2019, John Bolton noted, 'It's sort of like in Star Wars when Darth Vader constricts somebody's throat, that's what we are doing to the regime economically.'"); David Adams & Janet Rodriguez, *US Tightens the Screws on Venezuela's Maduro with Banking Sanctions*, UNIVISION (Mar. 22, 2019), <https://perma.cc/US4M-46RC>.

46. Sammut & Wilpert, *supra* note 5, at 118, 136 (Remarks on public statements by Mike Pompeo and Marco Rubio: "The implication is that the government will be toppled because it cannot end the suffering caused by the sanctions."); José Luis Granados Ceja, *Venezuela Details Suffering Caused by US Sanctions in Report to ICC*, VENEZUELA ANALYSIS (Aug. 25, 2021), <https://perma.cc/5VLN-2H86> ("They have a political objective: to oust a government that is not aligned with their interests, that is not subservient to its mandates, its orders."); RIBANDO SEELKE, *supra* note 27, at 38 ("The failure to dislodge

to U.S.-based corporations.<sup>47</sup> While sanctions against Venezuela have a statutory basis, however shoddy, they violate treaties that are incorporated into U.S. law under Article 6 of the Constitution.<sup>48</sup> A U.N. Special Rapporteur emphasized in September 2021 that “the repeated declaration of states of emergency by the United States to justify the introduction of unilateral sanctions does not legalize their use” under international law.<sup>49</sup>

### III. U.S. UNILATERAL SANCTIONS VIOLATE INTERNATIONAL LAW AND THE PRINCIPLES OF HUMAN RIGHTS

In April 2019, the United Nations Human Rights Council drafted a resolution urging all states to end “unilateral coercive measures” not in accord with international law, “in particular those of a coercive nature with extraterritorial effects.”<sup>50</sup> Reaffirming the principle of sovereign equality of states, the resolution emphasized that under international law no state can coerce another state by economic measures.<sup>51</sup> The resolution expressed “grave concern at the negative impact of unilateral coercive measures on human rights, the right to development, international relations, trade, investment and cooperation” and underlined that “in each situation worldwide, unilateral coercive measures have a negative impact on human rights,” including the right to life.<sup>52</sup> This resolution was one in a long line of official condemnations of unilateral coercive measures by official U.N. bodies.<sup>53</sup>

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Maduro from power demonstrated the limits of U.S. and other international efforts to prompt political change in Venezuela.”). The concurrent U.S. policy of recognizing Juan Guaidó as “interim president” has also failed, with dwindling international and domestic support for the U.S.-backed politician. However, under this policy Guaidó was able to take personal control of Venezuelan state assets in the United States and Colombia. See José Luis Granados Ceja, *Venezuela: Guaidó Increasingly Isolated as UN Recognizes Maduro Gov't in 'Resounding' Vote*, VENEZUELA ANALYSIS (Dec. 8, 2021), <https://perma.cc/STJV-YMAH>.

47. See WEISBROT & SACHS, *supra* note 4, at 18 (“In January, Bolton stated ‘We’re in conversation with major American companies now . . . It will make a big difference to the United States economically if we could have American oil companies really invest in and produce the oil capabilities in Venezuela’”).

48. NLG Letter, *supra* note 11.

49. Alena Douhan (Special Rapporteur), *Report of the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights, Unilateral Coercive Measures: Notion, Types, and Qualification*, ¶ 77, U.N. Doc. A/HRC/48/59 (July 8, 2021).

50. Human Rights Council Res. 40/3, U.N. Doc. A/HRC/RES/40/3, at 3 (Apr. 5, 2019). The Human Rights Council adopted a nearly identical resolution in March 2021. See Human Rights Council Res. 46/1, U.N. Doc. A/HRC/46/L.4 (Mar. 12, 2021); Human Rights Council Renews Mandate of Special Rapporteur on the Environment, Adopts Resolutions on Sri Lanka, Nicaragua, Occupied Palestinian Territory, and on Unilateral Coercive Measures, UNITED NATIONS HUMAN RIGHTS COUNCIL (Mar. 23, 2021), <https://perma.cc/DC2K-ZZUT>.

51. H.R.C. Res. 40/3, *supra* note 49, at 2.

52. *Id.* at 2–3.

53. *Id.* at 1, 5 (referencing Human Rights Council resolutions 34/13 of March 24, 2017, 36/10 of Sept. 28, 2017 and 37/21 of Mar. 23, 2018; General Assembly resolutions 72/168 of Dec. 19, 2017 and 73/167 of Dec. 17, 2018; Assembly Resolution 70/1 of Sept. 25, 2015; Human Rights Council resolution 27/21 of 26 Sept. 26, 2014; World Conference on Human Rights, held in Vienna from June 14 to 25, 1993).

Special Rapporteur Douhan expressed similar concerns specifically regarding the situation in Venezuela, reporting that unilateral sanctions undermined vital human rights, including the right to food, water, health, and education.<sup>54</sup> She also singled out the U.S. “maximum pressure” sanctions campaign aimed at changing the government of Venezuela as a violation of the principle of sovereign equality of states.<sup>55</sup> Another U.N. official commenting on the 2019 U.S. sanctions was “especially concerned to hear reports that these sanctions are aimed at changing the government of Venezuela,” which violates international law.<sup>56</sup> Economists Mark Weisbrot and Jeffrey Sachs suggest that the harm U.S. sanctions cause Venezuela’s civilian population is so severe it would fit under “collective punishment” in violation of the Geneva and Hague conventions.<sup>57</sup> Attorneys have urged the Biden administration to end sanctions against Venezuela, noting that the measures violate the Universal Declaration of Human Rights by interfering with the right to life and the rights to “food, clothing, housing, medical care, and necessary social services.”<sup>58</sup> An independent expert reported to the Human Rights Council in 2018 that U.S. sanctions can amount to crimes against humanity under the Rome Statute<sup>59</sup> of the International Criminal Court and compared economic sanctions to medieval sieges forcing a sovereign country to surrender.<sup>60</sup>

#### CONCLUSION

The Biden administration has the executive authority to end unilateral coercive measures the United States has put in place against Venezuela. If the administration has serious concern for Venezuelan migrants, it should do so. Given the well-documented devastating effects U.S. sanctions have on the people of Venezuela, ending sanctions will reduce the pressures to migrate. To mitigate the humanitarian impacts U.S. sanctions have against a targeted country, efforts to reform the IEEPA are a step in the right direction.<sup>61</sup>

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54. See Douhan, *supra* note 48, at ¶ 28.

55. *Id.* at ¶ 82.

56. *Venezuela Sanctions Harm Human Rights of Innocent People, UN Expert Warns*, UNITED NATIONS OFF. OF HIGH COMM’R ON HUMAN RTS. (Jan. 31, 2019), <https://perma.cc/QPV5-8UWQ>.

57. WEISBROT & SACHS, *supra* note 4, at 1,8; see also Maldonado, Estrada, PC & Prashad, *supra* note 16, at 77.

58. NLG Letter, *supra* note 11 (“Consequently, because it is the revenues from the resources of Iran and Venezuela that fund the social services, food and medicine and medical devices needed by their people, the US UCMs [unilateral coercive measures] also violate States’ obligation under the Universal Declaration of Human Rights to respect and protect the rights of every person to: ‘life’ (Art. 3) and a standard of living adequate for the health and well-being of individuals and their families, ‘including food, clothing, housing and medical care and necessary social services . . .’ (Art. 25)”).

59. The United States is not a party to the Rome Statute. See *The State Parties to the Rome Statute*, INTERNATIONAL CRIMINAL COURT, <https://perma.cc/K782-KT7N>.

60. de Zayas, *supra* note 10, at ¶¶ 36, 37.

61. It is worth noting that sanctions can also be imposed by an act of Congress, making reform of the IEEPA insufficient to fully prevent the humanitarian disasters caused by U.S. sanctions. See e.g., Public Law 117-54, RENACER Act.



However, the more fundamental task at hand is building a mass movement to reject outright the imperialist logic<sup>62</sup> that normalizes the United States using its dominance of global financial markets to unilaterally exert control over international affairs and undermine the sovereignty of other nations.

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62. See THE RED NATION, *supra* note 10, at 15–18.