

International Sanctions:

Experiences, Best Practices, and
Recommendations for Their Implementation

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October 2023



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Human Rights Program

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Executive Summary

This study aims to contribute to the ongoing discussion on the effectiveness of sanctions as a means of protecting human rights and supporting the transition to democracy in authoritarian countries. It reviews the latest literature on the subject, with a particular focus on the implementation of targeted sanctions since the 1990s. The study provides recommendations for the use of sanctions in general and concludes that sanctions alone cannot achieve the desired results. However, when implemented following best practices, they can be an effective tool in supporting human rights and democratization efforts.

The study also analyzes the current situation in Nicaragua, where targeted sanctions have been imposed to prevent human rights violations. Although the outcomes so far have been limited, the study identifies the progress made to date and suggests ways in which the current approach can be improved based on global best practices.

International sanctions are defined in this study as specific means for states or individuals to change their behavior towards a course of action preferred by the sanctioning party (Kessler, 2022). Sanctions can be applied to **coerce the target**, attempting to change their behaviors or policies, **constrain their capacity to act** – for example, to repress – as well as to **send signals** to the target or other actors liable to follow similar actions. Sanctions can be broadly classified into two types: comprehensive sanctions and targeted sanctions. Comprehensive sanctions were used mainly before the 1990s and were designed to destabilize the local authorities of a country, usually through economic blows that affected the entire population. In contrast, targeted sanctions have become more popular in recent years and are aimed at specific individuals, entities, or sectors to create elite fractures in a regime without affecting the general population.

Sanctions are often used as a means to promote democracy in non-democratic regimes, as seen in the case of Nicaragua in recent years. However, historical evidence shows that sanctions alone rarely result in regime change. When faced with sanctions, many rulers tend to transfer the costs to the most vulnerable population and may even attempt to gain more legitimacy by resisting them. Nonetheless, sanctions can limit an authoritative regime's ability to repress and maintain its patronage networks. They can also help break the internal alliances that support its repressive power.

The review of literature in this document allows outlining some lessons learned about the use of sanctions. First, it identifies that defining clear and feasible objectives is essential. With limited and specific demands, sanctions are more likely to be effective. Second, these instruments must be powerful and credible enough to reach the defined objectives. In this sense, they must be probable, powerful, and always open to alternatives. Third, sanctions must be accompanied by roadmaps for their removal so that concessions in response have consequences on the application of these. Fourth, they should target key agents of regimes to generate elite fractures, especially among those more interested in cooperating with the sanctioning party. Fifth, the humanitarian effect of sanctions should be weighed in planning their strategy.

In the discussion on the current sanctions towards the Ortega regime in Nicaragua, the study highlights their limitations and complexity. It emphasizes the need to refine the objectives of the sanctions, increase their potency, propose models for their removal, refine their specificity, coordinate them internationally, and always consider the potential humanitarian impact on Nicaraguans.

OVERVIEW OF THE INTERNATIONAL EVIDENCE ON THE USE OF SANCTIONS

Introduction

There is much debate in international studies on the **effectiveness and the ethical implications of using sanctions** to reach policy goals, such as achieving transitions to democracy or weakening autocratic regimes. Unfortunately, there is no consensus on these issues in the academic writing (American Bar Association & Group, 2022). Both sides of the argument provide examples of how they have been helpful or counterproductive in achieving policy goals.

However, a more nuanced discussion in recent years has focused on the conditions necessary for sanctions to help achieve policy goals. This section **will review some cross-cutting recommendations from the literature that can be helpful in the debate on the use of sanctions** in the case of Nicaragua and other countries where sanctions are used to bolster democracy and human rights, such as Guatemala and El Salvador. It will discuss definitions related to sanctions, positive and cautionary examples, and general recommendations that have emerged from recent literature.

WHAT ARE SANCTIONS FOR?

Sanctions are defined in this paper as ‘**actions short of war taken by a government to prevent other states and persons from engaging in trade, buying weapons, accessing foreign-held funds, accessing international credits, or traveling to other countries (including diplomatic travel or cultural and sports events)**’ (Kessler, 2022).

The purpose of sanctions has been understood to coerce target states or persons to change their behavior to a course of action preferred by the sanctioning party (Kessler, 2022) or, similarly, to extract political concessions from the target country (Hovi et al., 2005). However, to better understand sanctions, it is essential to note that sanctions serve multiple purposes and sometimes several at once. Sanctions can serve to **coerce** the target to change behavior or policies, to **constrain** its ability to engage in certain activities (by limiting, for instance, its ability to access critical resources for the activities in question), or to send **signals** to the target or other actors that may be tempted to follow similar actions, and to domestic constituencies that its government is reacting to the situation (T. Biersteker et al., 2015; European Union Institute for Security Studies., 2013).



COMPREHENSIVE VS. TARGETED SANCTIONS

To better understand the effectiveness and the techniques and lessons for making this economic pressure achieve objectives while avoiding undesirable effects, it is essential to understand the difference between comprehensive and targeted sanctions addressed in those studies.

Comprehensive sanctions, which were most common before the 1990s, generally refer to trade embargoes that dealt an economic blow to the country as a whole. The most straightforward understanding of the logic behind their use was that “**economic pain creates political gain**,” where “the greater the economic hardship caused by sanctions, the higher the probability of political compliance by government authorities in the targeted regime.” It assumes that the affected population will “redirect the pain of the sanctions onto authoritarian political leaders and force a change in policy” (G. A. Lopez & Cortright, 1997) (Lopez & Cortright, 1997)(Lopez & Cortright, 1997).

This has resulted in a shift so that **targeted sanctions** are used in almost all cases today (European Union Institute for Security Studies., 2013). These sanctions **can target individuals, entities, or sectors and are designed** “to hurt elite supporters of the targeted regime while imposing minimal hardship on the mass public.” The logic is that “by altering the material incentives of powerful supporters... [they] will eventually pressure the targeted government into making concessions” (Drezner, 2011).

ARE SANCTIONS EFFECTIVE?

Establishing the cause-effect relationship between sanctions and changes in a political situation is complex. This is partly because **(i) policy objectives can vary among coercion, constraining, and signaling¹**, and so, sanction effects should be judged based on their initial objectives; **(ii) some of the most effective actions are sometimes threats rather than sanction implementation**, meaning that they are sometimes done out of the public eye, and impossible to establish a cause-effect link **(iii) some sanctions, such as visa restrictions, are often done in private²** and **(iv) comprehensive and targeted sanctions and other strategies can be used in conjunction**, making it difficult to separate the effects of each. As Drezner (2022) points out, evaluating the effectiveness of sanctions “remains a moving target, as both the techniques of economic coercion and the defenses employed to combat it have evolved over the past century.”

Furthermore, sanctions are rarely implemented alone and are generally part of a broader strategy affecting its outcomes. Active negotiations, peace mediation efforts, threats of force, use of force, peacekeeping operations, and covert operations all co-exist with the application of sanctions. All should be considered when defining the effectiveness (T. Biersteker et al., 2015). Nevertheless, **studies on sanction effectiveness generally place their success rate below 40%.**

¹ The “signaling” objective is challenging to measure, although it is rational to assume that actors modify their behavior based on particular actions’ effects on their peers.

² According to the INA (administered by Dept Est) and PP 8697 make it illegal to publish the list of people who have been rejected. In the chaos of INA, it is not legal to publish the list of people who have been rejected. Section 7031(c) of the State Department Appropriations Act, the decision may be public or private. (Fundación Panamericana para el Desarrollo (PADF), n.d.).

When speaking about comprehensive sanctions, an often-cited review of the evidence by a study from 1990, primarily focusing on comprehensive sanctions, determined that sanctions succeed in their policy **objectives 34%** of the time. Another, using the same database, argued that the actual number **was closer to 5%** (Drezner 2011). More recently, the Peterson Institute for International Economics suggests an **effectiveness of 33% for all types of sanctions** (T. Biersteker et al., 2015).

Various cases showed why comprehensive sanctions began to fall out of favor. To start, they often did not consider that political elites generally make adjustments to minimize the impact of these sanctions on themselves and shift the burden to vulnerable groups and regime opponents, limiting their effect (G. A. Lopez & Cortright, 1997). Meanwhile, these sanctions tended to harm entire societies without discriminating among their components (European Union Institute for Security Studies., 2013). In some cases, they failed to reach policy objectives while creating harmful effects for citizens that would not have occurred otherwise. Drezner (2022) refers to these cases, with no policy results but high costs, as “catastrophic events.”

Some recent cases of comprehensive sanctions achieved policy results, such as in South Africa and Iran, which are discussed in greater detail in the later section. A crucial aspect of the success of these sanctions is that alternative support for the target countries (such as from world powers, including China and Russia) was unavailable in both examples since those world powers also supported the sanctions regime. In general, sanctions are much less effective in achieving policy goals when the target country can still count on great powers for support (Kessler, 2022).

Regarding **targeted sanctions**, studies have shown that these **have a similar success rate in achieving policy results as comprehensive sanctions** but have lower human costs. This helps explain why targeted sanctions on

individuals, entities, and economic sectors have become the financial pressure instrument of choice in the past decades (European Union Institute for Security Studies., 2013). The United Nations Targeted Sanctions Consortium, which studied a database of 63 cases of targeted sanctions imposed by the United Nations Security Council between 1991 and 2013, concluded that targeted sanctions **successfully achieved policy objectives in 22% of cases**. While coercion was the most common objective of those sanctions, that objective was reached about 10% of the time - they were more effective when they aimed to constrain or to signal and reached their goals in **27% of cases**. The study also found that effective cases tended to include the application of at least three types of targeted sanctions simultaneously, with the most common combination including asset freezes, travel bans, and arms embargoes (T. J. Biersteker et al., 2018).

A NOTE ON COMPREHENSIVE SANCTIONS:

Some examples of high and low effectiveness

Among the cases cited often as successful cases of comprehensive sanctions were economic sanctions against Iran in 2015. In this case, **“Economic pressure directly contributed to the 2015 Joint Comprehensive Plan of Action (JCPOA) agreement in which Iran agreed to limits on and inspections of its nuclear program in return for the removal of sanctions”** (Drezner, 2022). In this case, the use of individualized and sectoral sanctions, especially on the export of oil, forced the Iranian government to negotiate a deal that would limit its nuclear weapons program. The deal was negotiated with the five permanent members of the United Nations Security Council (including China and Russia), Germany, and the European Union. The deal’s effects were not long-lasting, given that the United States government withdrew in 2018³. However, the first stage of sanctions, championed by a previous American administration, was considered a successful example of the use of sanctions and reaching the administration’s goals (The Economist, 2021b).

Another positive case stemmed from the case of the campaign to end apartheid in South Africa. There, a comprehensive sanction regime (embargo on oil and other goods) was imposed on the country in 1987 with the support of all UN Security Council members in a campaign to end the apartheid system in the country. This cost South Africa USD 2-3 billion annually, deterring investment there (Kessler, 2022). This economic pressure is considered to have been effective, among other decisive factors, including extensive mobilization (Tilly, 2010), in helping achieve an end to apartheid (Kessler, 2022).

³ The Trump Administration withdrew from the deal because it considered it too lenient with Iran by allowing it to continue some enrichment, the 10-year deadline of some parts of the agreement, and the fear that the unfrozen funds could be funneled to Iran’s militant allies in the region (The Economist, 2021b).

Notably, in this case, the possibility of reaching policy success was partly due to the sanctions' effect on regime supporters outside the center of power. In a social setting that included people who wholeheartedly supported the government and those who strongly opposed the regime, sanctions on South Africa were found to be effective because they directly impacted the interests of a third group: miners, industrialists, and entrepreneurs who may have had social reasons to support the regime but were hurt by the international sanctions and other economic aspects of the government. This group was large enough that its "changing preferences shifted the entire political equilibrium" (Kessler, 2022).

An often-cited case of failure is that of Iraq in the 1990s. In this case, a comprehensive trade embargo did not force Saddam Hussein's Iraq to allow inspectors in the country to verify that he did not have weapons of mass destruction, as was demanded in United Nations resolutions on the subject (or bring the country closer to regime change, which was the desire of some actors). However, it created a humanitarian crisis in which the cost of the sanctions was passed on to the most vulnerable population. Additionally, the Hussein regime successfully framed the situation to make the sending countries seem unethical and immoral (Drezner, 2022). This case is generally identified as a turning point that led to a consensus that targeted, rather than comprehensive sanctions, were preferable (Drezner, 2011).

Sanctions against Venezuela in recent years have also generated much debate regarding the effectiveness of comprehensive sanctions. As of July 2023, the primary opposition and key international observers have been barred from participating in the 2024 election (Singer, 2023), making a transition to democracy seem distant. In this context, there is much debate over the effectiveness of the comprehensive sanctions that began under President Trump and continued under President Biden (although with a different strategy).

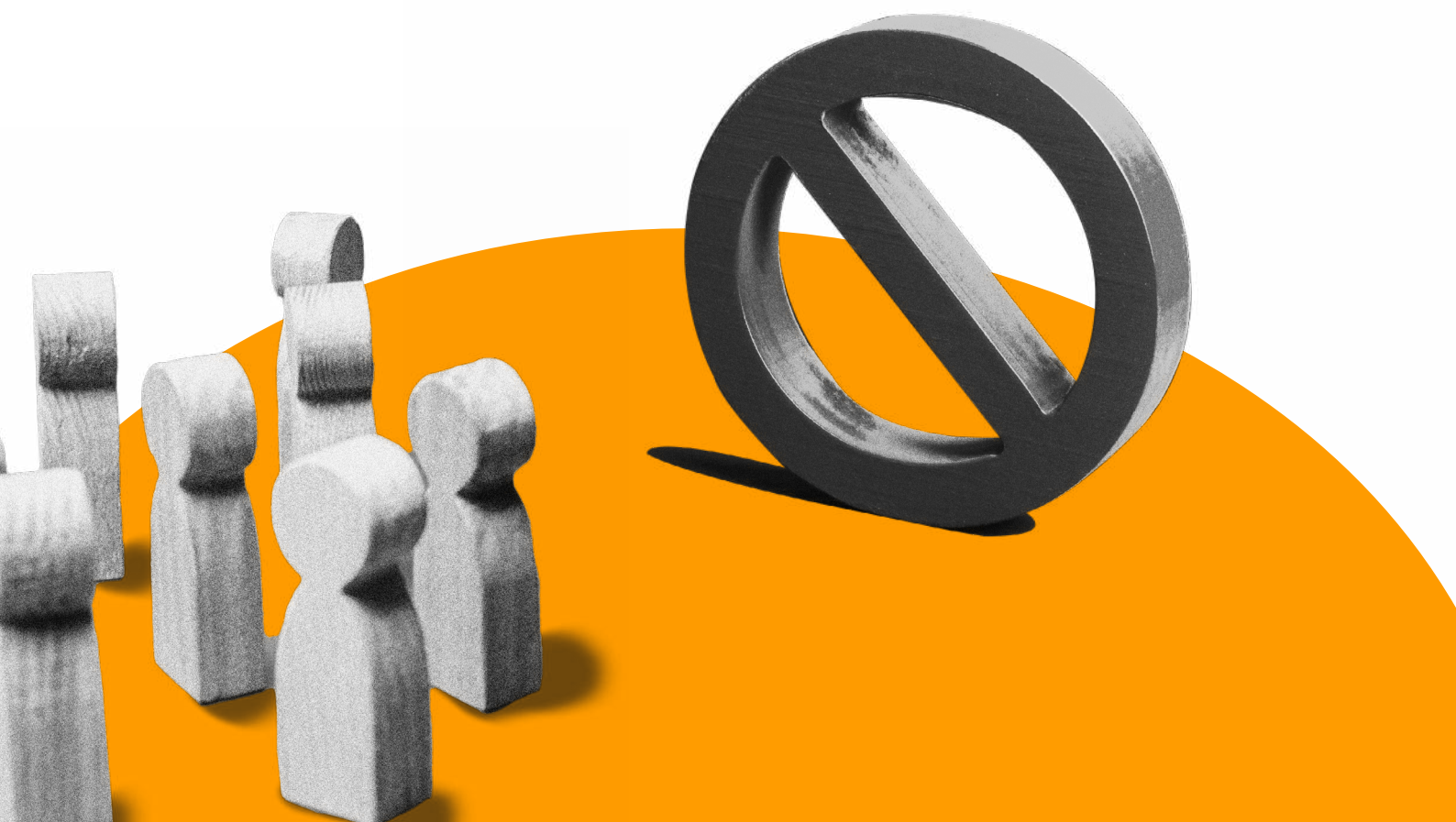
In terms of positive results, international economic actions likely pressured the Maduro regime to participate in negotiations with the opposition occurring in Mexico, according to Carolina Jimenez, President of the Washington Office on Latin America. In exchange, the Biden administration has allowed prisoner exchanges, a slight opening for Chevron to work in the country, lifting some individual sanctions, and the agreement on a humanitarian fund. This focus on “creating incentives” and re-starting negotiations during the Biden Administration, rather than “punishment,” represents a “radical” change in U.S. policy strategy and created openings that did not exist previously, according to Ms. Jimenez (C. Jimenez, personal communication, March 2023). The negotiation framework includes issues such as addressing the humanitarian crisis, conditions for free and fair elections, restoring the rule of law, and reparation for victims (*How the Biden Administration Can Encourage Venezuela Negotiations*, n.d.)⁴.

The strategy applied before Biden’s, that of “maximum pressure,” is more controversial, especially regarding whether the benefits merited its costs. Since 2017, the strategy has been to impede Venezuela from selling its oil in the international market. The objective of this strategy was ostensibly to “force the government’s closest allies to distance themselves, and the government would be subsequently forced out” (C. Jimenez, personal communication, March 2023). Instead, “a preexistent economic crisis in the country, which had been caused by wasteful public spending and a fall in the price of oil, was exacerbated, and the country has a brutal economic collapse from which it has not recovered. Instead of forcing Maduro’s inner circle to distance themselves from him, they became more radical. They rallied around him, and the ‘price of leaving power’ increased, and Maduro appeared to become even more intransigent in his position” (C. Jimenez, personal communication, March 2023).

⁴The 7 points of the negotiation agenda signed in Mexico in 2021 can be seen here: <https://www.regjeringen.no/contentassets/d62443bc624041238af2902d356f949c/memorando-de-entendimiento.pdf>

The sanctions on the economy also became unpopular among the Venezuelan population. Maduro has an **approval rating of 26%**, according to Datanálisis, a market research company (El Estímulo, 2022). However, close to **75% disapprove of the comprehensive sanctions** - as Luis Vicente León, the company's president, mentions: "People are saying, 'I want to fight, but even to fight, I need to eat'" (Brito, 2022).

Past experiences have shown that comprehensive sanctions, which target the economy as a whole, can have positive effects in cases where the targeted country is left without alternatives, which has not been a common occurrence outside of the South Africa and Iran cases. Nevertheless, these examples provide evidence applicable to targeted sanctions, such as the importance of targeting regime enablers outside the core of power who influence the party (such as economic elites) and aiming for short-term achievable goals.



A NOTE ON ‘TRANSITIONS TO DEMOCRACY’

As a direct result of sanctions

When creating a strategy around sanction use, it is worth noting that coercion toward “regime change” is the most challenging and unlikely short-term result of sanctions. For many stakeholders, the objective of international economic pressure on autocrats, especially those responsible for gross human rights abuses, must be to coerce them to leave power and open the door to a justice process. However, having this as a sole objective of sanctions will likely lead to disappointment given that “the empirical track record suggests that the likelihood [of sanctions helping foment regime change] is not high” (Drezner, 2022). From the regime’s perspective, “there is little point in negotiation if the other side’s intent in imposing economic coercion is to end the targeted actor’s grip on political power” (Drezner, 2022). Instead, in the face of pressure, a regime might dig in its heels to save face and even increase its legitimacy for standing up strong in the face of sanctions (Kessler, 2022).

Therefore, even if a broad political change in a country, or a transition to democracy, is the desired goal of stakeholders, that should be seen only as the result of a long-term strategy, where political alternatives and efforts to create change internally are essential, and where sanctions are only one tool in the process. However, if sanctions are to be used, they must be used strategically and incorporate international best practices.

II. LESSONS FOR THE SANCTIONS USE IN THE FUTURE

While success is not assured, experience using economic sanctions as a policy tool has allowed various scholars to focus on the requirements for sanctions to be effective as part of a broader strategy to reach policy objectives. This paper will discuss those characteristics⁵.

1. *Define clear and feasible objectives*



An underappreciated impediment to the successful use of economic statecraft is a failure to articulate clear, consistent... and feasible demands.

(Drezner, 2022).

A consistent recommendation in the literature on sanctions is the need to establish clear objectives early. Whether the purpose of the sanctions is to coerce, constrain, or signal (or a combination of these), defining this early will heavily influence potential results.

Unlike multiple, vaguely defined, or general goals, narrow demands are most effective. For example, convening elections, turning over suspects, or providing access to a disputed territory are objectives achieved in response to sanctions in the Democratic Republic of Congo, Libya, and Russia in the past (T. Biersteker et al., 2015).

⁵These draw heavily from Drezner (2022), Kessler (2022), and Biersteker et al. (2015)

A NOTE ON ‘SIGNALING’

As mentioned in this study, sanctions may sometimes be used to send messages or ‘signal’ displeasure toward certain actors, such as those carrying out the actions or those that might emulate them in the future. They may also sometimes be aimed at the sanction sender’s constituency to signal that something is being done about the situation, but not necessarily with the expectation that the sanction will generate a policy change.

“As both the Iran and Iraq cases demonstrate, maximum pressure campaigns became a policy end rather than a policy means” (Drezner, 2022). Some experts also contend that this is sometimes the case with Cuba, where “sanctions have become an end in themselves, where politicians feel the need to show that they are doing something” (C. Jimenez, personal communication, March 2023). This is important to note since these actions might be counterproductive, as they use energy in activities that might be used on other initiatives.

2. Sanctions must be potent and credible enough to reach the objective

According to Hovi et al. (2005), sanctions most often fail because **(i) they are not deemed credible by the target⁶, (ii) they are not sufficiently potent** (receiving sanctions would cause less harm to the receiver than yielding to their demands) and **(iii) the target thinks that the sanctions might happen whether or not they yield.** If affecting the regime’s internal calculus of costs vs. benefits is expected to yield results, the costs to the regime should outweigh the benefits of seeming tough in the face of sanctions. Drezner (2011) agrees that high costs are a “necessary condition” for successful sanctions.

⁶This refers to cases where the ‘threat’ of sanction is used to pressure the target to reach policy objectives.

Biersteker et al. (2015) also point out that a combination of sanction types is likely more effective than just one kind. Based on data available on UN sanctions, on average, the simultaneous application of at least three (and closer to four) different types of targeted sanctions is necessary for effective coercion, constraint, or signaling (Biersteker et al. 2015).

3. The roadmap to sanction removal is essential

If the purpose of the sanctions is to reach an agreement, then it is essential to note that concessions in response to sanctions will occur only when changing behavior has a real chance of either **(i) preventing sanctions from occurring** or **(ii) removing sanctions that have already been imposed**: “Bargaining will not take place if the target state does not believe that well-defined concessions will lead to the removal of sanctions” (Drezner, 2022).

It is also helpful to note that when the objective is to generate behavioral change, the “threat stage” of sanctions is usually more effective than the actual implementation (T. Biersteker et al., 2015; Hovi et al., 2005).

4. Aim for key regime supporters and their allies, ideally those with the most stake in cooperating

As mentioned previously, sanctions in South Africa were found to be effective not because they targeted the wholehearted defenders of apartheid but because they affected the factions and individuals that most influenced policy and who had flexible preferences. They directly impacted the interests of miners, industrialists, and entrepreneurs who may have had social reasons for supporting apartheid but were hurt by its causing international sanctions and other aspects of the regime’s economic management. This group was large enough that their changing preferences shifted the entire political equilibrium.

In the case of Iran in 2015, groups of moderates, who had substantial power and flexible preferences and were affected by the sanctions, helped ensure the sanction regime was successful (Kessler, 2022).

Biersteker et al. (2015) agree: “focusing on key regime supporters and core family members is more important than focusing directly on the political leadership of the regime.”

Kessler (2022) points out this might be because the political leadership at the core of power “expects conflict anyway” and has incentives not to cave and to act defiantly. Targeting economic elites who support regimes is likely easier to achieve sanctions targeted at individuals or sectoral sanctions targeting areas of the economy dominated by regime enablers.

5. The humanitarian effect of sanctions must be considered in planning economic statecraft

As mentioned previously, in some cases, comprehensive sanctions can cause serious collateral harm to the citizenry unrelated to the regime, which might be the case even if the policy objectives are not met. Autocratic regimes can often easily transfer the economic costs of sanctions to the most vulnerable (Drezner, 2022; Kessler, 2022). As Ms. Jimenez points out, the politicians never bear the humanitarian cost; it is borne by the most vulnerable. For this reason, there has to be a good measurement of the humanitarian effect before carrying out the actions (C. Jimenez, personal communication, March 2023).

Drezner suggests that “just as militaries have incorporated the principle of minimizing collateral damage into their war-fighting doctrines, so finance ministries must incorporate similar considerations into their sanctions doctrines” (Drezner, 2022).

III. APPLYING THESE LESSONS TO CURRENT REAL-WORLD CASES: NICARAGUA

Some lessons from international best practices could apply to the case of efforts to support democratization efforts in Nicaragua and are worth discussing.

Background

The human rights situation in Nicaragua is in dire state, especially since the most recent political crackdown began in April 2018. In what has been called the worst state-led crackdown in Latin America since the 1970s (The Economist, 2021a), during the past five years, the Ortega government has closed all avenues of civic participation in the country in a process that left at least **355 people dead in 2018**, jailed all opposition, and created a **crisis that has led over half a million Nicaraguans to leave the country**.



TARGETED SANCTIONS APPLIED FROM NORTH AMERICA AND EUROPE

The international community has used targeted sanctions and other means to generate pressure to end human rights abuses in Nicaragua and reestablish democracy. The United States, the European Union, Canada, the United Kingdom, and Switzerland have been the primary actors applying this pressure. The United States has implemented the most diverse range of tools (laws, executive actions, and diplomatic pressure)⁷ and has used them the most, the reason for which much of the analysis will be based on its efforts.

The U.S. Treasury Department has issued economic sanctions on 46 persons and 11 government-linked entities since 2017 (OFAC, 2023)⁸. These sanctions block access to all property in the United States or in control of U.S. persons and bar U.S.-based businesses from working with this person or entity (U.S. Department of the Treasury, 2023). Additionally, as of August 2023, over 900 Nicaraguan officials have received visa restrictions, including 100 issued in August 2023 (I. Lopez, 2023; Rios, 2023).

Meanwhile, in June 2022, the Biden Administration announced plans to drop Nicaragua from the list of countries assigned import quotas of low-tariff sugar for 2023 and, in July 2022, it prohibited U.S. persons or entities from investing in or trading in the gold mining industry in the country (Gass, 2023).

⁷ Please see Annex 1 for an overview of the tools and initiatives that the United States has used to apply sanctions in the case of Nicaragua.

⁸ Grupo WISA of Panama is also included in the list, for a total of 12 entities. However, this sanction was carried out for different reasons in 2016. Also, one sanction was placed in 2017 on Roberto Rivas, head of the Supreme Electoral Council, for corruption before the beginning of the political crisis in 2018.

Other countries have also used targeted sanctions on members of the Nicaraguan regime in response to human rights abuses. Since May 2020, the European Union has issued asset freezes and visa restrictions for 21 persons and three state-led entities (the National Police, that national electoral authority, and the national telecommunications institution). Nicaragua, along with Haiti and Venezuela, became just one of three countries in the Western Hemisphere to have received this kind of sanctions from the European Union (European Commission, 2023). The same month, Switzerland also began targeting the same group of persons and institutions as the European Union (100% Noticias, 2023), and the United Kingdom sanctioned 17 persons associated with the government (Treasury, 2023). Finally, since June 2019, Canada has also applied economic sanctions to 35 persons related to the government (Ministry of Justice of Canada, 2023).

A review by **Expediente Abierto** shows that, considering that some of these persons have been sanctioned more than once, a total of **81 individuals and 13 institutions have been targeted with international economic sanctions** by these four countries and the European Union.

THE NATURE AND STRENGTH OF THE ORTEGA REGIME IN NICARAGUA

To understand how targeted sanctions might achieve pressure in Nicaragua, it is essential to understand some critical aspects of the regime's power.

The *Frente Sandinista de Liberación Nacional*, or FSLN, the ruling party headed by Daniel Ortega and his wife, Rosario Murillo, relies on patronage, as well as an internal cohesion partly borne of the history of its participation of violent struggle between 1961 and 1990. Most of its leadership, outside the Ortega family (including eight of his children), trace their roots in the party from that period. As Levitsky & Way (2012) point out, this mix of

patronage and non-material sources of cohesion, such as a shared history of violent struggle, makes parties less prone to defection and more capable of repression in the face of crisis.

According to public policy experts, the Ortega regime has consolidated control of the national territory through its repressive apparatus, with the most critical aspects of the political calculation being the amount of weapons and troops they possess and a selective patronage system fueled by the benefits provided by the gold and lumber businesses, contraband, and looking the other way from those with links to drug trafficking (Vargas, 2022). They also count on the support of China, with whom they established relations in December 2021, as well as strong ties with Russia⁹.

However, despite a disciplined “old guard,” there are reasons to believe that the party is weaker internally than it appears. Vargas (2022) sees overall weaknesses brought on by confrontations between historical Sandinista militants and those allied with Rosario Murillo, who is not part of the historical leadership, indiscriminate repression (including against their own members), international isolation, and the diminished purchasing power of government employees and in society in general. This, he argues, generates fear within the regime that new social protests will arise, weakening the pillars that keep it up and why the regime maintains the current levels of repression. He argues that this opens the possibility of the party’s “implosion,” which the opposition must help facilitate. There are problems related to internal succession issues due to the power being consolidated in the Ortega-Murillo couple and their children (A. Chaguaceda, personal communication, August 2023).

⁹ See the Expediente Abierto Publication on the Rusia and Nicaragua: A peculiar Relationship Threatening Security and Democracy in the Western Hemisphere. <https://www.expedienteabierto.org/rusia-y-nicaragua-una-relacion-peculiar-que-amenaza-la-seguridad-y-la-democracia-en-el-hemisferio-occidental/>

Other factors in the past several years point to weaknesses in its traditional base and that the party might only be propped up by maintaining the repressive apparatus. For example, open rebellion against the party occurred by youth in 2018 in traditionally secure FSLN areas, such as Leon, Estelí, and Masaya, likely facilitated by the high percentage of adults who do not remember the country's (or the party's) period of armed struggle (Martinez, 2022). As Levitsky & Way (2012) point out, "the effects of violent origins on ruling party cohesion and regime durability are not permanent... succeeding generations often lack the legitimacy to impose unity in the party in crisis". If this is true, then the source of the party's power for younger generations is more likely to be their ability to distribute patronage, which might be "an effective source of cohesion during normal times, but is often insufficient to prevent defection during crises" (Levitsky & Way, 2012).

Finally, popular support also appears to decrease over time, with the party's approval rating being reduced to 13% as of July 2023. Knowledge of these weaknesses likely led the party to take the extreme steps of jailing all opposition in the run-up to the 2021 presidential election and continuing the high levels of repression against potential candidates through the 2022 municipal elections, where which they claimed to have won 100% of municipalities nationwide.

RESULTS TO DATE OF INTERNATIONAL ECONOMIC PRESSURE

As discussed in this paper, establishing a clear cause-effect relationship between sanctions and changes in each political situation is complex. However, policy experts detect sufficient effects regarding constraining, signaling, and coercion to date and future opportunities in Nicaragua to justify continuing these efforts.

Ryan Berg, Director for the Americas at the Center for Strategic and International Studies, a think tank, argues that sanctions have constrained the government by reducing the capital that the Ortegas would have used to lubricate its crony networks (“buying people off requires capital”) and affected internal relationships in the regime by forcing people to make difficult decisions about whether to engage further or back away from the regime (R. Berg, personal communication, August 2023).

Meanwhile, Félix Maradiaga, a Nicaraguan politician and public policy expert, contends that international pressure has likely played a role in coercing the government to release political prisoners on various occasions and pressured the government to join negotiations with the opposition in 2018 and 2019. Meanwhile, the signaling effect of the sanctions is likely one of the reasons why more people have resigned from public office has risen in recent years. Most Nicaraguans have family in the United States and do not want to lose travel rights. These regime members also know that Ortega is not eternal and want to avoid being categorized as human rights violators, which could be dangerous for them (F. Maradiaga, personal communication, June 2023).

Nevertheless, human rights abuse in Nicaragua remains critical. As of July 2023, Nicaragua does not appear closer to ending the repression and jailing of critical voices, ending the state of exception in the country, allowing for free and fair elections, or initiating a process that will lead to justice for the victims of the repression. The family-centered autocracy remains entrenched, with no signs of imminent change.

Meanwhile, there are evident ways the international community fails to maximize its influence toward helping protect human rights or facilitate a transition to democracy in Nicaragua.

The following recommendations for the international community to improve its use of sanctions have been organized in line with the academic literature on sanctions detailed earlier in this paper.



Recommendation 1: Define Clear Objectives



Overly broad sanctions don't bring about the changes in behavior that one hopes for.

(E. Olson, personal communication, March 2023).

As mentioned in the review of the academic literature on sanctions, defining the regime's objective early in the campaign will heavily influence potential results, regardless of whether the purpose of the sanctions is to coerce, constrain, or signal (or a combination of these). As the United States has been the most active actor, this section will draw strongly from its actions and policies.



The United States government does not have a Nicaragua Policy.

(R. Berg, personal communication, August 2023).

There is a strong consensus among Latin America policy experts interviewed on the Nicaraguan situation that there needs to be a clear medium or long-term strategy behind the international sanctions against the Ortega regime and that actions often appear to be more reactive than strategic.



When the strategy is missing, sanctions become just a reactive measure... if you want sanctions to be a means, and not an end in itself, you have to have clear, measurable goals.

(C. Jimenez, personal communication, March 2023).

This is attributed partly to there having been so many changes in the situation over the years: “[The primary objective] has been a moving target, moving from fair elections to freeing of political prisoners, or to investigating those people responsible for the human rights abuses” (V. Gass, personal communication, March 2023).

Public statements are clear about the reasoning behind the actions. The U.S. Treasury Department, for example, which is responsible for economic sanctions, alludes to having coercive and constraining objectives through their sanctions: **“Ortega and his cronies continue to use proceeds derived from the production and sale of gold to line their own pockets and to pay off those who keep the regime in power,”** and clarify that their objective is to

“bring about a positive change in behavior,” “not to punish” (U.S. Department of the Treasury, 2023). However, policy experts point to insufficient clarity on the long-term strategy and expectations.

What should be the objective?

Without a united front to present itself as an alternative - we can make it difficult for his regime, but if they can continue on the road to being the North Korea of Central America.



(R. Berg, personal communication, August 2023).

In its review of the academic literature on sanctions, this paper lays out the arguments for why policy experts should not expect economic sanctions to bring about changes in government or a transition to democracy on its own. Previous international experiences point to the need for the goals of sanctions on their own to be limited. Sanctions are an essential global tool to bring about a transition to democracy as part of a much larger strategy that includes, importantly, the actions of Nicaraguans inside and outside the country, including allies that may be currently inside the regime.

Based on an analysis of the available literature on the subject and interviews with experts, this paper recommends the following specific and achievable goals that can be expected from a well-structured economic pressure strategy for Nicaragua:

1. Constrain the government's ability to repress its citizens, to a greater degree than has been done to date.
2. Weaken the internal alliances that prop up the regime to a greater degree than has been done to date.

Constraining the government's ability to repress

The Nicaraguan government depends on a mix of police and military strength, surveillance capacity, and economic coercion to maintain its grip on power. As Dr. Berg points out, “the Ortegas still have all the tools they need to continue repressing in an incredibly brutal and vicious way... and committing what human rights groups consider credible claims of crimes against humanity. Some of those sources have to dry up such that the regime has a harder time in mustering resources for tools of repression” (R. Berg, personal communication, August 2023).

Focus on weakening internal alliances

To achieve a transition from autocracy to democracy, it is crucial to focus on weakening internal alliances¹⁰. As exemplified in the South Africa example in this paper, sanctions can effectively undermine economic and political coalitions on which the current regime depends. Therefore, it is essential to strategically focus on weakening internal alliances to facilitate a smooth transition to democracy. The following section on target selection presents some suggestions for how to carry this out.

¹⁰ As pointed out by O'Donnell (2013), “There is no transition whose beginning is not the consequences, direct or indirect, of important divisions within the authoritarian regime itself”.

Continue to name human rights abusers to help avoid impunity

Some experts also point to the importance of continuing to “name and shame” human rights abusers through sanctions to signal to them and other potential perpetrators to fight impunity and human rights violations (A. Chaguaceda, personal communication, August 2023) while also generating incentives for people to maintain distance from the centers of power.

Recommendation 2: Ensure that target selection facilitates previously established goals

A review by **Expediente Abierto** of the persons and institutions to whom economic sanctions have been applied¹¹ by the four countries and the European Union, detailed previously, shows that individuals targeted are primarily high-level government officials such as institutional directors, mayors, and five members of the Ortega family. They have also targeted thirteen party- or government-associated entities, including public institutions overseeing mining and distribution of oil products, financial institutions, private companies owned by party elites, and public institutions directly leading the repression, such as the police and the public prosecutor’s office (*Ministerio Público*).

A review of international best practices and interviews with policy experts on the subject points to improvements that can be made in choosing sanction targets, such as **(i) targeting additional institutions that are crucial to facilitating the repression** and **(ii) targeting influential actors outside the political core of power**. This is important while continuing to “name and shame” those actors in the core of power and their allies.

¹¹ The full list of people that have received visa restrictions due to the situation in Nicaragua is not public, and have been omitted from this analysis.

Constraining the regime's repressive capacity¹²

A first set of targets directed at limiting the regime's repressive capacity and internal alliances is that of critical institutions and persons that, since 2018, have escaped any sanction. Most importantly, these are:

- **The Nicaraguan Military:** Directly linked to the repression that began in 2018.
- **IPSM (*Instituto de Previsión Social Militar*):** the military pension fund and a source of its economic and much of its political power.
- **Gold sector:** While the gold mining sector has been targeted already, it likely continues to be a source of financing for the regime - adjacent companies should be investigated and added to the list.
- **Economic sectors closely tied to party elites:** While the sugar sector has been affected by international financial pressure, other sectors must be investigated to understand more closely the degree to which limiting their export has an economic effect on the regime. These include beef, coffee, light industry, and textile (Gass, 2023). On this front, Executive Order 14088, issued on October 2022 by the American presidency to allow for sectoral and trade restrictions and the potential for limiting investment in Nicaragua, is considered by experts to be the most powerful tool" (Gass, 2023).

¹² For a more in-depth analysis on the institutions and sectors that must be targeted, please see Expediente Abierto's complementary publication on the subject: (Gass, 2023).

While efforts have been made to limit the amount of economic support the Nicaraguan regime receives through loans and grants from international institutions, experts have recommended reviewing current efforts at the following institutions:

- **Central American Bank for Economic Integration (CABEI):** As the primary international economic lifeline for the Nicaraguan government since 2018, it remains a critical target for international pressure. International members can apply the necessary force to reduce the outsize support the regime receives¹³.
- **International Monetary Fund (IMF):** The institution must express stronger governance concerns about Nicaragua in the context of loans in reviews (topics often omitted in favor of economic assessments that do not include the present political and governance risks).
- **World Bank (WB) and Inter-American Development Bank (IDB):** While they have reduced support to the regime, these institutions can provide greater oversight and monitoring of bank loans to ensure they are not misused in support of the repressive apparatus.

Weakening internal alliances

To weaken internal alliances and interrupt the process of regime consolidation, regime enablers outside the traditional party elites must also be affected by sanctions (which is currently not the case). As this study has pointed out, targeting party elites with sanctions can have a low impact given that they have solid disincentives for capitulating to pressure (the top tier of the FSLN elite would have strong reason to fear facing an international tribunal or exile to a friendly state or if they were to relinquish power). Additionally, sanctions

¹³ For more information on members, please see <https://www.bcie.org/en/member-countries>.

may even be taken as a “badge of honor,” and elites usually have access to mechanisms to skirt sanctions. Therefore, while sanctioning party elites is essential for limiting access to resources for repression, it is unlikely to create behavior or policy changes.

However, **economic elites** who hold significant influence over the party who are not part of the primary circle of power may be more responsive to external incentives and more willing to compromise, as seen in the anti-apartheid movement in South Africa. As is pointed out in Section I of this paper, the success of sanctions in South Africa depended partly on their effect on regime enablers outside the center of power. In that case, miners, industrialists, and entrepreneurs, who were not the regime’s primary defenders but benefited from it and were highly influential on the political elite, were critical to achieving the end of apartheid by pressuring political elites. Choosing the appropriate targets within the economic elite in Nicaragua might be difficult at first (for instance, deciding what is “too much engagement with the regime” but Dr. Berg, for example, suggests that targeting 2 or 3 actors in the private sector would send a strong message among the economic elite to re-consider their existing ties to the government, or figure out new ways of pressuring for a transition.



There is still a window of time that we can use to test those ruling elite and their loyalties.

**(R. Berg, personal communication,
August 2023).**

Targeting “**second-tier**” **regime enablers within the party** may also have positive results. For example, in autocratic regimes, there are often various power centers and many clientelist networks - Ortega’s children [and other party elites] have their clientelist networks on which they depend, and resources are needed to further those networks”. Targeting those “concentric circles of power” is critical - sometimes, these networks even pose a challenge to those on top (R. Berg, personal communication, August 2023). This same logic applies to mayors and other mid-level authorities.

Recommendation 3: Increase the potency and quantity of sanctions used in Nicaragua

To increase the effectiveness of international pressure on the Nicaraguan regime, an important step should be to **increase the number of targeted sanctions used and focus on using economic sanctions rather than visa restrictions.**

The use of visa restrictions



Visa revocations, in my opinion, should not be considered sanctions... A real sanction is not being able to access a bank account.

(R. Berg, personal communication, August 2023).

As Félix Maradiaga has pointed out, visa restrictions on **over 900 persons are essential as a signaling measure**. They can be a real punishment to many Nicaraguans in the regime who do not want to lose their travel rights or be labeled as human rights abusers and serve as a disincentive to others in the government. However, experts interviewed do not consider that the weight placed on visa restrictions to date will deliver behavior changes to bring about considerable change in Nicaragua or constrain the government's repressive capacity.





I don't think that [visa withdrawals] are enough to bring about change. They are more like a signaling effort. I don't think that it's enough.

(E. Olson, personal communication, March 2023).

Furthermore, visa restrictions can also have additional drawbacks: announcement of visa restrictions is often carried out by high-level public officials and attracts media attention, using up political capital that could otherwise be used on more effective measures. It is essential to understand visa restrictions as having primarily a signaling effect. In contrast, economic sanctions on individuals, institutions, and sectors hamper the regime's ability to earn and use resources directly to repress the population – responding to the first objective recommended in this paper.

Frequency and potency of targeted economic sanctions

Despite the gravity of the repression in Nicaragua, which has been called the worst in Latin America since the 1970s (The Economist, 2021a), and the large number of exceptional tools that have been created to help limit human rights abuses in Nicaragua, including new laws and executive orders, the use of economic sanctions has been relatively timid. For example, as of August 2023, the U.S. **Treasury Department** has

sanctioned 57 persons and entities¹⁴, which is no higher than the 58 that have been applied in Guatemala in recent years, only slightly above the 32 that have been used in Honduras, and much lower than the 194 that have been applied in Venezuela (OFAC, 2023). Furthermore, the sanctions have been spread over five years (many of them after electoral fraud occurred), which has not led to the desired effect. As Mr. Chaguaceda points out, applying these sanctions gradually and slowly “gives the regime time to adapt and evade the worst effects.”

To move away from sanctions having a signaling effect to their having the ability to constrain repressive capacity and coerce political cadres to change behavior, it is essential to use the tools created for targeted economic pressure with greater frequency.

Recommendation 4: Define an off-ramping strategy for those affected by sanctions



The stated purpose is behavior change, but the behavior is not laid out. It is very difficult for people to change their behavior if they don't know what they need to do.

(V. Gass, personal communication, March 2023).

¹⁴ One individualized sanction was also applied in 2017 to the head of the Supreme Electoral Council, Roberto Rivas.



For sanctions to be effective, there must be an off-ramp. Otherwise, there is no incentive for them to change.

(E. Olson, personal communication, March 2023).

As is shown in this paper, sanctions must be accompanied by clear signals about what behavior or policy changes are necessary for them to be lifted. This information provides the roadmap for change to occur. However, this roadmap is often missing, making it harder for them to generate behavior change instead of serving as a punishment or signal. As has also been mentioned, the government is unlikely to respond with behavior change at a central level. However, an off-ramp for sanctions could incentivize the economic elite, mid-level party members, or the military to push for internal changes in the country in exchange for sanctions to be lifted. This would likely have an effect if a critical mass in those groups is targeted. For instance, sanctions could be applied with the public commitment to removal if actions lead to free and fair elections or the establishment of a transitional government.

Recommendation 5: Ensure that any approach to economic pressure is done multilaterally



The greater the international community comes together in condemnation; it makes it clear to insiders that there are not many outside options. Russia, China, and Iran might show political solidarity, but there are not large practical aspects to these friendships. Latin America, for instance, must become more unified in opposition to Nicaragua. The more that sanctions can be multilateral.. The more difficult it is for the target to be skirted.

(E. Olson, personal communication, March 2023).

As discussed in this study's first section, international economic pressure is most useful when the targeted party does not have other avenues to skirt the pressure by pursuing other avenues. This means that it is crucial for future pressure to protect human rights in Nicaragua to be coordinated jointly among interested members of the international community, especially the United States, the European Union, Latin American countries, and extra-regional members of crucial sources of the regime's power, such as the CABEL.

ANNEX 1

Tools used by the United States government to apply sanctions and visa restrictions for Nicaragua¹⁵

- **Global Magnitsky Act:** Passed in 2016, this law was issued to block the property of persons involved in severe human rights abuses and corruption worldwide and is used as the legal basis to issue economic sanctions and visa restrictions.
- **Executive Order 13818:** Issued in December 2017 to make the Global Magnitsky Act actionable (*Fundación Panamericana para el Desarrollo (PADF)*, n.d.).
- **The Nicaragua Investment Conditionality Act (NICA Act):** Passed in December 2018, this law sought to oppose loans at international financial institutions for the Government of Nicaragua unless it takes steps to hold free, fair, and transparent elections. It also authorized the administration to issue visa restrictions and freeze any U.S.-held assets of Nicaraguan individuals or institutions responsible for violence against protesters or involved in corruption. This law expires in December 2023 and may be renewed.
- **Executive Order 13851:** Issued in November of 2018 to make the NICA Act actionable, this EO authorizes asset freezes and visa removals for Nicaraguan officials found to be responsible for human rights abuses or efforts to undermine democracy, peace, security, and stability in Nicaragua. This was used to sanction the state-owned Nicaraguan mining company ENIMINAS, among many others.

¹⁵ For a more in-depth discussion of the political and human rights situation and Nicaragua, as well as on the tools used by the United States to place pressure on Nicaragua in response to human rights abuses, please see Expediente Abierto's publication: (Gass, 2023). Much of this section has been borrowed from that publication.

- **Reinforcing Nicaragua’s Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act):** Passed in November of 2021 to reinforce the NICA Act, the RENACER Act emphasized Congressional support for reviewing Nicaragua’s participation in the CAFTA- DR trade agreement; required U.S. leadership in the international financial institutions to advocate for increased oversight of loans and to redirect funding away from Nicaraguan government agencies; charged the Biden administration with implementing targeted visa sanctions of individuals obstructing free and fair elections, undermining democratic processes, or involvement in significant acts of corruption including the Ortega-Murillo family; called for coordination with other countries to imposed targeted sanctions; and required reports on Russian activities in Nicaragua as well as all purchases and agreements by the Nicaraguan government on behalf of its military or intelligence sector; calls for investigating the assets and holdings of the Nicaraguan Armed Forces in the United States and consider appropriate actions to hold such forces accountable for gross violations of human rights; calls on the Biden Administration to review Nicaragua’s participation in the 2004 Dominican Republic-Central America-United States Free Trade Agreement (CAFTA- DR).
- **Visa ban for Nicaraguan government officials:** In November 2021 (shortly after the Nicaraguan government carried out electoral fraud), a general visa ban was applied against all Nicaraguan government officials (White House, 2021), which, according to experts on the subject, has never been done before for any other country.

- **Executive Order 14088:** Issued in October 2022, permits the Administration to sanction individuals, companies, or economic sectors that benefit the Ortega-Murillo regime. It “paves the way for the Treasury Department to impose sectoral sanctions, further trade restrictions, and new investments in certain sectors in the Nicaraguan economy.” It expressly authorizes the Treasury Department, in consultation with the State Department, to choose to prohibit imports from, exports to, or investments in any sector of the Nicaraguan economy. It ensures a block on assets to include persons determined to operate or have operated in Nicaragua’s gold industry or any other sector that the Treasury Department determines. As of August 2023, the Biden administration has not applied any sanctions under this executive order (Gass, 2023).
- **Laws and policies to restrict visas:** In addition to the laws and executive orders mentioned before, visa restrictions can also be carried out based on PP 7704 (which restricts visas for individuals suspected of corruption), PP 8697 (passed in 2011, restricting visa access to persons who have violated human rights), Section 7031 of the Department of State appropriations Law, and the Immigration and Nationality Act (INA). In many of these cases, publishing the list of people denied visas is not legal (*Fundación Panamericana para el Desarrollo (PADF)*, n.d.).
- **Diplomatic pressure:** The U.S. government took diplomatic steps, including public criticism of electoral fraud and repression, private diplomatic engagement with Nicaragua, efforts to encourage third countries and multi-lateral bodies (especially the OAS) to press Nicaragua on democracy and human rights, and support for actions in the Inter-American human rights system and the UN human rights system to pressure Nicaragua (Gass, 2023).

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