

PolicyWatch #1368

Human Rights and the Basis for EU Sanctions against Iran

By Emanuele Ottolenghi

April 30, 2008

When the UN Security Council approved the third round of sanctions against Iran by adopting Resolution 1803 in March 2008, U.S. policymakers anticipated that the European Union would follow past practice and enact additional punitive measures. Almost two months later, however, Europeans are still at loggerheads on how best to implement the resolution, with several countries -- mostly the ones with strong commercial interests in Iran -- still adamant that the EU should not go beyond the text of the resolution. The EU could resolve this internal dispute by refocusing its sanctions debate on Iran's human rights record, an issue on which it is often easier to build consensus in Europe.

Power and Precedent

After suspending talks with Iran because of its human rights violations, the EU has continued to criticize the Islamic Republic by focusing on particularly egregious cases, exemplified by the EU Presidency's February condemnation of the stoning carried out on two Iranian sisters. So far, however, strong language has not been matched by strong action.

The EU has the power to impose sanctions based solely on human rights concerns. For example, the EU can restrict trade with countries when the goods in question "could be used for the purpose of capital punishment&[or] used for the purpose of torture and other cruel, inhuman or degrading punishment." Since some goods may be used both for repressive or legitimate purposes, the EU specifically instructs its member states that it may be necessary to restrict some items that could be utilized for the former. To determine what items fall into this category, member states should look into whether the exported goods have been utilized for inhumane purposes in the past.

In fact, there is precedent for imposing sanctions based on human rights. In 2006, for example, the EU brought sanctions against Burma for its human rights record. The broad measures adopted by the EU included an arms embargo, a travel ban, and a freezing of assets targeting certain members of the Burmese government, as well as an export ban on equipment that might be used for internal repression. Loaning money to Burmese state-owned enterprises was also prohibited.

In enacting the sanctions, the EU made clear that Burma's human rights record was the primary motivation behind these punitive measures: "the restrictive measures in this Regulation are instrumental in promoting respect for fundamental human rights and thus serve the purpose of protecting public morals." The EU was attempting to ensure that Burmese individuals and entities involved in repression would not profit from business with the EU, even if the specific items of trade would have no immediate use in human rights abuses in Burma. The EU also wanted to make certain that its citizens did not trade with Burma and enable it to continue policies that were in "breach of international law and are incompatible with the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law."

Restricting the Export of Repressive Material

Broadly speaking, the EU can press Iran on its human rights record in three ways: by implementing EU legislation restricting the export of equipment that can be used for repression, torture, inhuman treatment, and the death penalty; by restricting trade that benefits companies owned by the government or linked to the Islamic Revolutionary Guard Corps (IRGC); and by adopting a series of largely symbolic measures designed to embarrass the regime and highlight its gross human rights abuses.

There is abundant evidence that instruments of repression are being purchased in European and Western markets and then used for repression and public executions. Convicts are routinely hung from cranes made by such Western companies as Kato, Tadano, and Unic, and gallows are often built with metal rods produced in Europe.

Restricting Trade with Government Owned Companies

Even while factoring in Europe's strategic concerns, the EU could impose additional burdens on trade with government-owned companies in Iran. For example, it could impose additional licensing obstacles (such as end-user certification) and blacklist company officials with ties to the regime. Although European companies and governments might object to a blanket application of economic sanctions -- mainly due to the importance of Iran's energy sector to long-term European objectives -- these measures could be contemplated for other industrial sectors such as petrochemical and metallurgy, which are dominated by government-owned and IRGC-linked companies.

Symbolic Measures

Beyond trade restrictions, Europe can choose symbolic measures that signal to Tehran that its behavior is not without consequences. European dignitaries rarely travel to Iran anymore, but when they do, they could make it a habit to visit prominent Iranian dissidents. When they meet their Iranian counterparts, EU officials should raise human rights as the first item for bilateral discussion. Such mentions should be concrete, specific, and practical rather than generic condemnations. Europe must provide a detailed list of names and abuses and ask for specific action, such as the reopening of Iranian newspapers and the release of political prisoners. They should persist by announcing and implementing punitive measures for lack of compliance.

Similarly, Europe could downgrade diplomatic contacts by recalling all EU ambassadors in Tehran and leaving the *chargé d'affaires* to represent the member states. There would be little immediate trade fallout, but significant diplomatic impact. EU parliamentarians could stop their frequent visits to the Iranian parliament, and invitations to Iranian officials should likewise be made conditional on human rights improvements. Denmark recently decided to cancel one such trip because of renewed Iranian incitement from the controversial Danish cartoons. All other EU national parliaments should follow this example. Dialogue between Iran and the EU should continue, but not with a "business as usual" attitude. When Iranian dignitaries come to visit Europe -- which is still a frequent occurrence -- there is little reason for Europe to grant visas to accompanying business delegations.

Meanwhile, European cities could welcome such visits with high-profile symbolic gestures, such as renaming the addresses of the Islamic Republic's embassies after prominent Iranian dissidents, just as President Ronald Reagan renamed the USSR embassy's street address after the late Soviet dissident, Andrei Sakharov. Similarly, the plight of famous dissidents could be highlighted with newspaper campaigns, giving a human face to the suffering Iran imposes on its own citizens.

When criticized for its human rights record, Tehran has shown weakness and embarrassment. For this reason, European officials should contemplate a number of symbolic measures to signal its displeasure with Tehran, and show Iran's restive population that its government's domestic policies are no less of a concern than its nuclear ambitions.

Conclusion

Consensus on sweeping EU economic sanctions against Iran is still far off. In the meantime, Europe can still contemplate a number of symbolic and moral measures that will resonate with both the regime and the people of Iran.

Emanuele Ottolenghi is director of the Transatlantic Institute in Brussels.

Copyright 2008 The Washington Institute for Near East Policy