Law, Coercion, and State Crime

US's Economic Sanctions in Latin America and the Caribbean

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On January 26, 2025, President Donald J. Trump announced via Truth Social retaliatory measures against Colombia following President Gustavo Petro's refusal to allow US deportation flights. These included a 25% emergency tariff on Colombian imports, escalating to 50% within a week; travel bans and visa cancellations for Colombian officials and allies; enhanced US Customs inspections of Colombian nationals and cargo; and financial sanctions under the International Emergency Economic Powers Act (IEEPA) of 1977. President Petro imposed reciprocal tariffs on US imports, rising to 50% in response. By Sunday night, January 26, both sides claimed victory upon agreeing to resume deportation flights.

This dispute underscores the US's increasing reliance on tariffs and unilateral economic sanctions as foreign policy, particularly under the Trump administration. Unilateral sanctions have become central to US economic coercion in Latin America and the Caribbean, a topic I explore in a forthcoming paper in the *British Journal of Criminology*, where I argue that US sanctions in the region constitute a form of state crime. This short piece highlights key findings from my study, contextualizing recent events within broader patterns of US imperial interventions in Latin America and the Caribbean.

The legal and political eonomic structures of US unilateral sanctions

While economic and financial sanctions have been understudied by the criminological scholarship, critical international law scholars have long examined how sanctions reinforce imperialist power relations and global economic hierarchies (Bâli 2024).

Economic sanctions include freezing assets, restricting trade, denying access to financial institutions like the World Bank and IMF, and imposing travel bans. Used primarily by powerful states against weaker, post-colonial nations, sanctions enforce and sustain core-periphery dynamics and hierarchical power structures that shape global resource distribution (Bâli, Tzouvala, and Kimura 2024). By 2024, approximately 30% of countries faced sanctions from the US, EU, or UN, affecting nearly 200 million people (Rodríguez 2023). Hence, while sanctions are often framed as non-violent alternatives to military intervention, their most severe consequences fall on ordinary people, disrupting access to essential goods, exacerbating economic collapse and poverty, and deepening inequality (Whyte 2022).

A key distinction exists between multilateral and unilateral sanctions. The former, imposed primarily by the UN Security Council under Chapter VII of the UN Charter, are legally recognized enforcement mechanisms. By contrast, unilateral sanctions are widely considered unlawful. The US, which accounts for over 80% of unilateral sanctions imposed globally, has increasingly relied on them as a foreign policy tool, with designations surging 933% between 2001 and 2021. These sanctions now impact one-third of the global population across 30 countries (Stein and Cocco 2024), underscoring the weaponization of dollar hegemony to advance US interests (Tzouvala 2024). Given the dominance of the US dollar in global trade, sanctioned nations face severe economic isolation and struggle to engage in commerce without access to the world's primary reserve currency.

US unilateral sanctions operate within a framework of emergency powers and exceptionality, typically enacted through presidential executive orders. US's sanctions are based on a complex web of legal and extralegal measures targeting individuals, organiza-

tions, and economic activities. Some of these legal measures included the Trading With the Enemy Act (TWEA) of 1917, which grants the president authority to impose sanctions on entities deemed adversarial to the US. Expanded in the 1930s to allow peacetime use during declared national emergencies, TWEA remains the legal basis for some sanctions on Cuba. IEEPA further enables the president to declare a national emergency and impose sanctions without congressional approval in response to "unusual and extraordinary" threats to US security, or economic interests. Since its enactment, IEEPA has been invoked 69 times, with 39 ongoing declarations. Initially applied to specific nations, post-1990 applications have expanded to broader concerns such as weapons proliferation and global terrorism. Additional legal instruments, such as the Global Magnitsky Human Rights Accountability Act of 2012, have further expanded the reach of US sanctions. Sanctions' enforcement is managed by the Office of Foreign Assets Control, which administers licenses for exemptions while the State and Commerce Departments oversee related restrictions.

Recent US sanction policies have shifted from broad trade embargoes, such as those imposed on Iraq in the 1990s, to "smart sanctions" aimed at reducing civilian harm. These measures, which primarily target financial transactions through the US banking system, fall into three categories: comprehensive sanctions banning most economic activity within a country, sectoral sanctions targeting specific industries, and list-based sanctions blocking transactions with designated entities. Any transaction with a US nexus – involving US persons, products, or jurisdictions – falls under these restrictions. Additionally, secondary sanctions punish third parties engaging with primary targets.

Exclusion from the US banking system deters international financial institutions from dealing with sanctioned nations, effectively forcing global compliance with US Treasury directives. A chilling effect amplifies these restrictions as financial institutions and corporations over-comply to avoid penalties under US law, disrupting humanitarian aid and legitimate trade. Sanctions isolate affected countries by cutting off access to US software, technology, and communication systems essential to global commerce.

The legality of US unilateral sanctions remains widely contested. Critics argue they violate state sovereignty and international law, contravening agreements such as the 1961 Vienna Convention on Diplomatic Relations, WTO and GATT obligations, and the Hague and Geneva Conventions. Many also breach human rights laws, including the Vienna Declaration and Programme of Action (1993) and multiple UN Human Rights Council resolutions. Moreover, US sanctions may violate the Charter of the Organization of American States, to which the US is a party. Critics have described sanctions as crimes against humanity and acts of force or aggression (Whyte 2023).

Furthermore, unilateral sanctions degrade international legal norms, reinforcing US global hegemony by subordinating international law to domestic policy. Their extraterritorial reach undermines sovereignty, human rights, and legal cooperation, making them a form of imperial state crime.

The devastating impact of US sanctions on Latin America and the Caribbean

From the beginning of its second term in office, the Trump administration signaled its intent to use economic coercion against nations that refused to align with its expansionist America First policies. The US has a long history of imperial intervention in Latin America, justified under the 19th-century Monroe Doctrine and other policies. These interventions have included military invasions, support for authoritarian regimes, and economic coercion through sanctions, and control of financial institutions. Justified under Cold War-era doctrines and contemporary geopolitical considerations, unilateral sanctions have consistently prioritized US economic and strategic interests over the human rights and democratic principles they claim to defend. Examining the cases of Cuba and Venezuela reveals key commonalities that characterize US economic coercion: the extraterritorial nature of sanctions, their function as instruments of regime change, their disproportionate impact on civilian populations,

and their reinforcement of US global economic hegemony.

Sanctions apply extraterritorially

First, US unilateral sanctions are characterised by their extraterritorial application. That is, the US not only restricts its own companies and citizens from engaging with sanctioned states but also pressures third parties into compliance. The embargo on Cuba, which has remained largely intact since 1962, exemplifies this approach. The 1996 Helms-Burton Act expanded the embargo, penalizing foreign companies dealing with Cuba, especially those linked to nationalized properties. This extraterritorial has deterred foreign banks and corporations, isolating Cuba from global financial markets (Gordon 2023). Fearing secondary sanctions, European and Canadian institutions have withdrawn, deepening Cuba's economic hardship.

Similarly, US sanctions on Venezuela have extended beyond national borders. Executive Order 13884 (2019) froze Venezuelan assets in the US, while secondary sanctions targeted companies worldwide that facilitated transactions involving the Venezuelan government. This led to the effective seizure of billions of dollars in Venezuelan funds, further restricting the government's ability to address domestic economic crises (Galant 2024).

Sanctions mask regime change

Second, the US has often justified unilateral sanctions on the grounds of promoting democracy and human rights. However, their practical application reveals a policy of economic destabilization aimed at forcing political transitions or regime change favorable to US interests.

Venezuela provides the clearest example of this dynamic. Sanctions intensified after the US refused to recognize Nicolás Maduro's re-election in 2018, instead backing opposition leader Juan Guaidó, which included the transfer of $347 million to the Venezuelan opposition. The Trump administration's "maximum pressure" campaign sought to destroy Venezuela's oil industry – the backbone of its economy – by imposing sweeping sanctions in 2019. These measures were designed to cut off government revenue, exacerbate economic turmoil, and prompt Maduro's ouster. However, rather than fostering democracy, these sanctions further entrenched the government's authoritarian tendencies while devastating the civilian population.

Cuba has faced similar pressures. The US embargo on Cuba has long been framed as a mechanism to force a transition to a market economy and a US-friendly political system. Despite the embargo's failure to achieve regime change after six decades, the US has maintained it as a tool of economic coercion. These measures, far from promoting political freedom, have consolidated governmental repression while weakening local economies.

Sanctions harm the civilian population

Third, while US policymakers justify sanctions as targeted measures against authoritarian governments, their impact on civilian populations has been catastrophic. US sanctions on Venezuela have caused an estimated $22.5 billion in lost income since 2017. Studies indicate that US sanctions contributed to at least 40,000 excess deaths in a single year due to the collapse of public services and restricted access to medicine and food (Weisbrot and Sachs 2019). The freezing of Venezuelan assets, combined with banking restrictions, has made it nearly impossible for the government to import necessary medical supplies, exacerbating the humanitarian crisis and prompting mass migration.

Similarly, the US embargo to Cuba has deprived the island of over $130 billion in revenue, and has restricted access to critical imports, including medical equipment (Main 2020). The situation worsened during the COVID-19 pandemic when US restrictions hindered the ability of international organizations to send humanitarian aid. The embargo and the Trump administration's designation of Cuba as "State Sponsors of Terrorism" have also cut off Cuba's access to the global financial system, further limiting its ability to recive remittances and mony transfers.

These economic measures disproportionately harm the working class, creating conditions that exac-

erbate poverty. Rather than empowering civil society or fostering democratic governance, unilateral sanctions have often resulted in economic deterioration that strengthens authoritarian rule.

Sanctions reinforce US global economic hegemony

Fourth, US sanctions serve to preserve the US's hegemony over global economic structures. By leveraging control over international financial institutions and the dollar, the US ensures that its regional geopolitical adversaries remain economically constrained. This has been evident in its ability to block Cuba and Venezuela from engaging with international financial systems by threatening punitive measures against banks that process their transactions. Moreover, US sanctions on Venezuela were also about control over global oil markets.

Challenging the legitimacy of unilateral economic sanctions

The Trump administration's use of economic sanctions and tariffs on countries opposing US policies is part of a long history of imperial interventions. Sanctions are central to the colonial arsenal of economic statecraft, disproportionately targeting the Global South. Despite their ineffectiveness and humanitarian harm, they persist due to US hegemony. My study has found that US sanctions have deepened economic hardships, caused humanitarian crises, and undermined national sovereignty in Latin America.

Sanctions should be recognized as a form of state crime due to their socially injurious effects. This categorization underscores their transnational and historical dimensions, necessitating a criminological approach that examines their role in sustaining imperial power and corruption. State crime encompasses acts by state officials or institutions that violate domestic or international law, human rights, or cause systematic harm, including war crimes, genocide, forced displacement, and economic exploitation. Scholars argue that state crime extends beyond legally defined offenses to include actions that inflict severe harm, even if not formally criminalized. My research supports this view, showing that sanctions function as tools of coercion that enable economic dispossession, violate human rights, and reinforce global power asymmetries – aligning them with the broader criminology of empire and state-organized harm.

We need a global reckoning with the legality and morality of economic coercion. Cuba and Venezuela have actively resisted and opposed these sanctions in various forums, including the UN General Assembly, the ICC, and the ICJ. Alongside other Global South countries, they have litigated, resisted, and opposed sanctions, reflecting broader opposition to economic coercion and state crime victimization.

Sanctions kill – and yet persist as instruments of imperial violence. Recognizing them as state crimes is essential to challenging their legitimacy and dismantling the power structures that sustain them.

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