



Evaluating the Effectiveness of Visa Sanctions as a Tool in Defending Human Rights and Democracy

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EXECUTIVE SUMMARY

This report aims to analyze the effectiveness of visa sanctions, including restrictions and denials, to determine whether these tools mitigated the negative behavior of individuals or governments who were undermining democratic practices and human rights abroad. Visa sanctions and their effects were analyzed in cases where the United States used several legal authorities, including Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act 2020 and/or the Global Magnitsky Act (Executive Order 13818). This report critically examines seven country case studies: Burma (Myanmar), The Chechen Republic (Chechnya), The Democratic Republic of The Congo (DRC), Guyana, Nigeria, Saudi Arabia, and Yemen.

The research team established three degrees of effectiveness by identifying the hierarchy of the desired effect of six independent variables. The researchers assess that visa sanctions are most effective when they can promote their intended purpose, which is to encourage positive behavior change of either the sanctioned individual(s), the sanctioned government, and/or the reduction of human rights violations, weakening of democracy, and corruption. Visa sanctions are still effective to a degree, but with less impact, where there is negative media coverage regarding the sanctioned individual(s)/the government and/or if a significant response is generated from the international community. This study categorizes degrees of effectiveness in three levels: Level I (Most Effective), Level II (Mixed Results), and Level III (Least Effective).

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The study concludes that from the set of countries chosen, visa sanctions are often not effective as a diplomatic tool to instigate a behavioral change by the targeted actors and to improve the state of respect for human rights or democratic practices criticized with the imposition of sanctions. Visa sanctions are most effective where certain conditions, described below, pertain.

Of the seven cases studied, one was found Most Effective (Level I), two achieved Mixed Results (Level II), while four cases did not achieve the intended purpose with the imposition of visa sanctions (Level III).

Our conclusions illustrate that Guyana's close social and diplomatic ties to the U.S. and sanction coordination with international actors contributed to the case being the Most Effective, leading it to have Level I effectiveness. Additionally, Nigeria and the DRC achieved Mixed Results as categorized by Level II Effectiveness due to demonstrated U.S. leverage on select actors in behavioral change and coordination with the international community. Burma (Myanmar), Chechnya, and Yemen's lack of a strong governmental relationship and ties to the U.S. limited the impacts of sanctions on targeted individuals. For cases like Saudi Arabia, high ranking officials were protected by senior members of Saudi regime, leading to a lack of transparency.

The research team concluded that visa sanctions were most effective as a tool of accountability and as a softer tool of diplomacy when the following factors are taken into account and align to magnify the sanctions' impact:

- 1) When and to what degree high-level officials and elites from the host country care about the public perception of the U.S. and access to the U.S.**
- 2) If the names of sanctioned individuals are named publicly or non-publicly (and if there is evident flexibility to ease or reverse visa sanctions).**
- 3) The role of the domestic public's perception of their own government. and**

4) The application of similar sanctions from others in the international community.

Based on the intended use of visa restrictions, the researchers have described situations under which visa sanctions are most effective, while acknowledging the complex circumstances in which they are used. For example, this report was unable to examine the effectiveness of visa sanctions where the United States applied different types of sanctions, or where there was no indication given of which individuals or specific groups were targeted by visa sanctions. This memorandum also acknowledges that, in many circumstances, visa sanctions will be used to send a signal of disapproval for certain behaviors, but with little likelihood that the sanctions will have other substantial effects.

INTRODUCTION

The United States of America (U.S.) has many diplomatic tools at its disposal to promote accountability by exerting pressure on other countries to respect human rights and democratic practices. Choosing the correct set of tools to achieve the greatest positive impact at the least cost to broader U.S. interests is essential for the effectiveness and credibility of US foreign policy. This study examines one tool: the ability to sanction a targeted individual's visa status and ability to travel to the U.S.

This report explores the degree to which, and under what conditions, U.S. visa sanctions can have a desired positive impact on the advancement of human rights and/or the respect for democratic practices within the country where the sanctioned individuals are residing. A team of students from American University's School of International Service (SIS) conducted this research at the request of the U.S. Department of State's Bureau of Conflict and Stabilization Operations as part of the State Department's Diplomacy Lab program.

This study introduces the U.S. legal authorities under which visa sanctions are applied and analyzes seven case studies where visa sanctions were utilized. This study researches the sanctions' effects to determine whether visa sanctions mitigated the undesirable behavior regarding undemocratic practices and/or the violation of human rights. The study seeks to identify circumstances in which visa sanctions can be effective in restoring and protecting fundamental human rights and democratic practices.

The research team reviewed 36 country case studies from around the globe before settling on seven target cases: Myanmar (Burma), The Chechen Republic (Chechnya), The Democratic Republic of the Congo (DRC), Guyana, Nigeria, Saudi Arabia, and Yemen. These cases are analyzed using the Large-N Case Study Comparison Methodological approach,ⁱ which was selected because of the research method's effectiveness in assessing patterns among the case studies, helping to determine the correlation between effective or ineffective cases.

Evaluating Effectiveness of Sanctions

This paper defines the range of effectiveness by critically analyzing six independent variables within each case study:

- ☐ Evaluating if corruption, human rights violations, and democracy abuses were reduced in the country.
- ☐ Analyzing the targeted individuals' actions to determine if behavior was positively changed following the sanction and further examining the situation to see if there was any notable improvement in government or country-wide practices and actions after sanctions were imposed.

- ☐ Assessing if the sanctions resulted in negative media coverage of the individuals sanctioned (domestically and internationally).ⁱⁱ
- ☐ Assessing if the sanctions resulted in negative media coverage of the government in which the sanctioned individuals work (domestically and internationally).
- ☐ Determining if the sanctions generated a response from the international community and if this response had an impact.
- ☐ Considering if there was an evident difference if the visa sanctions were imposed by the U.S. alone, versus if other countries and/or organizations joined in similar actions.

In each of these cases, the dependent variable assesses the impact of U.S. visa sanctions on the undesirable behavior affecting democratic practices and human rights in the target country. The research team drew upon indices produced by the U.S. Department of State, Freedom House, The Economist Intelligence Unit, and Transparency International to assess the reduction in these violations and possible changes in government behavior.

The individuals' behavioral changes are measured by analyzing whether charges were filed against the sanctioned individual(s), if they were relieved from their duties, whether the individuals' assets were blocked by the host government, the U.S., or its allies. The report also considers any evidence available regarding the perception of the individual(s) after the visa sanction(s) were imposed.

The media coverage of the individual and the country is analyzed by looking at domestic and international media coverage of the situation. Additionally, the international community response is analyzed by identifying if any foreign nations joined the U.S. in sanctioning the country or these individuals.

The dependent variable will be analyzed on a case-by-case basis and identifies the specific degree of effectiveness achieved: highly effective, mixed results, largely ineffective. The three levels take into consideration the hierarchy of each variable, which informs effectiveness.

The researchers assess that visa sanctions are most effective when they are able to promote their intended purpose, which is to encourage positive behavior change of either the sanctioned individual(s), the government in which the individuals serve, and/or reduce noted violations of human rights, practices undermining democracy, and related corruption, as measured by the aforementioned indices.

This report considers that visa sanctions have a degree of effectiveness if their imposition generates negative media coverage regarding the sanctioned individual(s)/the concerned government and/or if a parallel or subsequent response is generated from members of the international community.

Level I Effectiveness: Most Effective

- ☐ A measurable reduction in objectionable practices regarding human rights, democracy, and corruption.
- ☐ Positive behavioral change by the sanctioned individual(s) and/or the sanctioned government.
- ☐ Negative media coverage about the sanctioned individual(s) and government helping to bring about positive change.

- ☐ Generated or was accompanied by a response from the international community, including but not limited to imposing sanctions in tandem with the U.S. contributing to positive change.

Level II Effectiveness: Mixed Results

- ☐ A minimal reduction in the targeted human rights, democracy, and/or corruption
- ☐ Very little or no positive change from the sanctioned individual(s) and government behavior.
- ☐ Negative media coverage about the sanctioned individual(s) and government, leading to minimal positive change.
- ☐ Generated or accompanied by a response from the international community, in minor support for the objectives behind the U.S. sanctions, resulting in minimal change in the situation.

Level III Effectiveness: Least Effective

- ☐ No evident reduction in problematic behavior identified regarding human rights, democracy, and corruption offenses.
- ☐ No evident positive change from the sanctioned individual(s) and government.
- ☐ Media coverage or negative media coverage about the sanctioned individual(s) and government, leading to no evident positive change.
- ☐ Response from the international community, whether strongly supportive or less so, resulting in very little or no evident change in behaviors, actions, or image of the individuals and government concerned.

LEGAL AUTHORITIES:

This paper analyzes a wide variety of legal authorities to enact visa sanctions and public denials that the U.S.G has at its disposal to combat human rights violations, democracy abuses, and corruption. Our case studies consider country-specific presidential proclamations and executive orders, Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act 2020, which have been implemented on foreign officials in multiple countries. The two most widely used authorities within this paper are Section 7031(c) and the Global Magnitsky Human Rights Accountability Act.

SECTION 7031(c): Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act 2020 is a common measure used to publicly or privately designate individuals believed to have engaged in “significant corruption” and “serious human rights violations.”ⁱⁱⁱ The existence of Section 7031(c)’s legal authority can be traced to Fiscal Year (FY) 2008, but its use on human rights violators was not implemented until FY 2014. A newly added provision in FY2020 later clarified that the provision included any individual who was indirectly involved in corruption or human rights violations, expanding the scope of violators.^{iv} Under Section 7031(c), an individual whom the Secretary of State has credible information that has violated human rights, or been involved in the undermining of democracy, is designated with a visa sanction that may also extend to all immediate family members of the sanctioned individual. If the Secretary of State concludes that sanctioning under Section 7031(c) may serve a “compelling national interest” or that circumstances that caused an ineligible individual to become eligible changed drastically, the application of credible information may be waived.^v Multiple individuals can be sanctioned for the same violation, which has been observed

for designees in Saudi Arabia and Myanmar, with a total of 34 public designations from these two countries as of May 2020.^{vi,vii}

THE GLOBAL MAGNITSKY ACT: The Global Magnitsky Human Rights Accountability Act (Executive Order 13818) authorizes the President to implement visa and economic sanctions on individuals “responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse.”^{viii} Publicly designated individuals are identified by the U.S. Department of Treasury and subsequently placed in the Office of Foreign Assets Control’s Specially Designated Nationals List (OFAC’s SDN List). While Global Magnitsky and Section 7031(c) are more notable visa sanction measures, presidential proclamations and specific executive orders can also be used to target individuals. In addition, many individuals who engage in corruption, human rights violations, and the undermining of democracy can receive sanctions under both the Global Magnitsky Act and Section 7031(c). There are important distinctions between Section 7031(c) and Global Magnitsky. Firstly, the criteria for receiving sanctions are higher for those sanctioned under Section 7031(c). Global Magnitsky requires evidence that an individual engaged in a “serious human rights abuse” or “corruption.” In contrast, Section 7031(c) requires evidence of “a *gross* violation of human rights” or “*significant* corruption.”^{ix,x} Unlike Section 7031(c), Global Magnitsky sanctions do not extend to immediate family members, but the U.S. Department of the Treasury does have the option to include them. In addition, Global Magnitsky sanctions are not permanent, but all figures designated under Global Magnitsky are public and can be identified in OFAC’s SDN list.^{xi} Global Magnitsky also subjects individuals to financial sanctions by freezing their U.S. assets and blocking financial transactions within the U.S., both of which are not included under Section 7031(c).^{xii}

CASE STUDIES:

MYANMAR (BURMA)

Myanmar, also known as Burma, has long been negatively affected by officials within the country undermining democracy and stoking ethnic and religious tensions, resulting in gross human rights violations. The Burmese government’s recent and continuous abuses toward the Rohingya, an ethnic minority within the country, garnered a global response to demand accountability for those in power. Since 2017, the Junta has aggressively targeted hundreds of thousands of Rohingya within the Rakhine State, forcing many to flee for safety to Bangladesh.^{xiii} As a result, the U.S. has attempted to further prevent acts against humanity by designating various Burmese military and government officials under visa sanctions. This analysis illustrates that although visa sanctions did not ultimately stop officials from pursuing egregious human rights violations, it did signal a message to the international community that the U.S. would not idly stand by.

The U.S. government has imposed visa sanctions on several Burmese government officials in hopes to influence positive behavioral changes that will result in the restoration and preserving of human rights within the country. Since the major 2017 attacks on the Rohingya in the Rakhine State, the Obama and Trump administrations have each imposed public visa restrictions under Section 7031(c) and The Global Magnitsky Act.^{xiv} Under the Global Magnitsky Act, five military officials and two military units were placed onto the Specially Designated Nationals and Blocked Persons (SDN) List.^{xv} In addition to the Department of Treasury, former Secretary of State Mike Pompeo publicly designated Commander-in-Chief Min

Aung Hlaing, Deputy Commander-in-Chief Soe Win, Brigadier-General Than Oo, Brigadier-General Aung Aung under Section 7031(c) on July 16, 2019, for the abusive acts and human rights violations against the Rohingya people.^{xvi}

EFFECTIVENESS: Visa sanctions in Myanmar achieved, at best, mixed results, which are exemplified through recent reports of the treatment of the Rohingya and the current whereabouts of the sanctioned officials. Reports on the status of the Rohingya within Burma indicate that the imposed visa sanctions did not improve the behavior of the individuals sanctioned, nor the Burmese government in its entirety. For example, The Human Rights Watch (HRW) yearly reports from 2017 until 2021 illustrate that the Burmese government continues to systematically violate human rights.^{xvii,xviii,xix,xx,xxi} Most recently, the 2021 World Report from Human Rights Watch demonstrates that the displacement of the Rohingya under the Burmese government has worsened during the COVID-19 pandemic, in which “Myanmar has used Covid-19 response measures as a pretext to harass and extort Rohingya in the detention camps in central Rakhine State.”^{xxii} Furthermore, a UN Fact-Finding Mission from 2019 elucidates the reality of the situation: “The harsh persecution of the Rohingya community in Myanmar continues unabated in defiance of the international community. The treatment of some 600,000 Rohingya remaining in Rakhine State is largely unchanged.”^{xxiii} The aforementioned reports illuminate that, since visa sanctions were imposed, there have been no positive improvements in human rights violations.^{xxiv}

In addition to the human rights violations remaining stagnant, the current actions of the officials sanctioned indicate that U.S. visa sanctions had no effect on their individual behaviors. According to a recent report by BBC, the recent military coup within Burma is being directed by General Min Aung Hlaing and Commander-in-Chief Soe Win, both of whom were sanctioned by the Trump administration in 2019.^{xxv} Moreover, the 2021 Human Rights Watch report indicates that only three low-ranking soldiers were convicted for involvement in the violence towards the Rohingya, illustrating the lack of accountability that has been taken by the Burmese government to promote justice.^{xxvi} The report argues, “The court-martial conviction of three military personnel for crimes against Rohingya reflects ongoing government efforts to evade meaningful accountability, scapegoating a few low-level soldiers rather than seriously investigating the military leadership who directed and oversaw the atrocity crimes.”^{xxvii}

It is important to note that visa sanctions did negatively affect the public image of the Burmese government and its leaders, domestically and internationally. Referring to the U.S. sanctions restricting Burmese officials' access to the U.S., the Burmese military spokesperson, Brig. General Zaw Min Tun himself argued: “It doesn’t matter that they banned travel to the United States for the generals... but it does insult the Myanmar military’s dignity.”^{xxviii} This insult to Burmese military officials’ pride signals some perceived impact on their respective reputations domestically. However, despite the domestic and international criticism against the Burmese government, the sanctioned officials appear unbothered by an inability to visit the United States.

Additionally, the news coverage following these visa designations illustrates that the international community widely disagreed with the Burmese government's actions against the Rohingya. Not only did the U.S. sanction Burmese officials, but so did the EU and Canada.^{xxix} The same 2019 UN Fact-Finding Mission “called on the international community to sever all ties with the Tatmadaw, as the military is known locally, urging financial sanctions, an arms embargo and a consumer boycott.”^{xxx} The massive international public campaign criticizing the Burmese government indicates that the U.S.’s actions contributed to generating a strong response

from the international community. However, it would be challenging to argue that this global response was influenced significantly by the application of visa sanctions onto Burmese officials. While visa sanctions applied to Burmese officials were successful in contributing to the tarnishing of the government's image domestically and abroad, as well as signaling to the international community that the U.S. would not support such violations, sanctions did not promote positive change, indicating that sanctions were unsuccessful in achieving their intended effect within Myanmar.

Several conditions that appear to have made the visa restrictions less effective:

- ❑ The sanctioned Burmese elites have limited ties to the U.S.; thus, they are not significantly affected by their inability to travel to the U.S.
- ❑ Because there are not deep or intense ties between the U.S. and Myanmar, it is difficult to illuminate to Burmese officials the value of having a U.S. visa.

For this research paper, Burma is rated at Level III Effectiveness or Least Effective.

CHECHNYA

The Chechen Republic, or Chechnya, a small autonomous region of Russia situated in the North Caucasus, has become the center of a global conversation on human rights and democracy for many years. Since the imperial age, the region, which has a primarily Muslim population^{xxxi} and distinct national character, has consistently sought its independence from the Russian state. The fall of the Soviet Union in 1991 was followed by the Chechen Wars - a lawless time in which Chechen and Russian forces battled for dominance of the territory, both using a range of terror tactics to achieve their goals.^{xxxii} After tightening their grip on the region through security and political reforms, Vladimir Putin's administration appointed Ramzan Kadyrov in 2007 as Head of the Chechen Republic. Since then, Kadyrov and his government have been the focus of international outcry over corruption and gross human rights violations, including the use of torture and the systematic massacres of homosexuals. A tyrant loyal to Moscow, Kadyrov rules with brute force, kidnapping, torturing, raping, and murdering citizens and dissenters on charges of terrorism. In 2005, the Human Rights Watch officially classified these tactics as crimes against humanity.^{xxxiii}

In 2017, under the Global Magnitsky Act, the United States sanctioned five high-level Chechen government officials, including Ramzan Kadyrov.^{xxxiv} The sanctions were extended to Kadyrov's wife and children and government elites including: Elena Anatolievna Trikulya, Gennady Vyacheslavovich Karlov, and Abuzayed Vismuradov. Kadyrov had been previously targeted by European Union (EU) sanctions in 2014, leaving his assets in the EU frozen and Kadyrov unable to travel to the region.

Since 2013, Putin's National Anti-Corruption Plan has forbidden the Russian political elite from holding foreign citizenship, foreign business interests, foreign bank accounts, and property. Thus, it is clear that the Kremlin's inner circle has been under immense pressure from Putin's regime in the last decade to "nationalize," and de-shore Russia's economy.^{xxxv} They rarely travel, invest, or involve themselves significantly in the American and European spheres, as Putin's efforts to focus on national interest are realized. As a result, it can be argued that visa sanctions actually play into Putin's policy, reinforcing a distance from the West and allowing Putin to consolidate power among the ruling class.^{xxxvi}

EFFECTIVENESS: Visa sanctions in Chechnya were not evidently effective in changing the behavior of the individuals sanctioned or government. The country continues its violent purge of homosexuals and dissenters in the region. The 2018 and 2019 Human Rights

Report on Russia mentions the renewal of violent anti-LGBTI campaigns and the consistent lack of control within Chechen leadership.^{xxxvii} Kadyrov maintains his Putin-backed stronghold despite Western efforts to interrupt this relationship through such sanctions.

Furthermore, Kadyrov seemed untroubled by visa sanctions, mocking the move in an Instagram post stating, “I can be proud that I’m out of favour with the special services of the USA.”^{xxxviii} The clear apathy for the West, combined with their lack of existing social, political, and economic ties in the U.S. muted the impact of the visa sanctions.

However, as a tool to instigate global accountability of the Chechen atrocities, visa sanctions helped spur worldwide coverage of Chechnya’s abuse of human rights. In 2017, the BBC highlighted the “gay genocide” taking place in Chechnya in several global news articles.^{xxxix} Popular French news outlets like Le Monde similarly condemned Chechnya’s blatant human rights violations.^{xl}

Within this case, it is evident that visa sanctions’ effectiveness relies on the relationship and image the U.S. holds by the government officials being sanctioned. The Chechen case shows that visa sanctions have little effect when high-level officials sanctioned do not have a strong demonstrated relationship or ties with the U.S. While the targeted visa sanctions used in Chechnya served as a signal to the global community that such actions are reprehensible by helping to increase coverage and international condemnation, they failed to have any tangible behavioral impact on Kadyrov and his ruling class’s behavior.

Several conditions that appear to have made the visa restrictions more effective:

- ☐ To achieve meaningful change in behavior, any punishment, within the international system or not, relies on a basic level of respect for the authority inflicting it, of which Russian politicians have demonstrably avoided under Putin’s regime.
- ☐ Kadyrov and other Chechen elites are not only uninterested in involving themselves with the West, they were already barred from doing so by Putin, whom they rely upon as a figure of authority, power, and resources.
- ☐ For those social elites interested in maintaining relationships with the U.S., sanctions provide an excellent pawn for Putin to leverage for their loyalty.
- ☐ Despite widespread American and European coverage of the sanctions, Russian media dismissed the punishments as tools of an anti-Russian West making up lies to position themselves as the heroes, thus propping up Russian propaganda and further distancing Russia on the global arena from the U.S.^{xli}

For this research paper, Chechnya is rated as Level III Effectiveness or Least Effective.

THE DEMOCRATIC REPUBLIC OF THE CONGO

Since its independence, governmental corruption, weak democratic institutions, and political instability have plagued the Democratic Republic of Congo (DRC). Widespread irregularities and corruption surrounding the 2016 general election culminated in statewide protests and violence, including the use of lethal force and suppressive tactics on peaceful protesters advocating for fair elections.^{xlii} The DRC’s former President Joseph Kabila and his political party, the People’s Party for Reconstruction and Democracy (PPRD) were accused of undermining the democratic process. According to election standards, opposition leader, Felix Tshisekedi was the winner of the 2018 election. The complete shutdown of internet services after the 2018 Election fomented significant doubts about the legitimacy of the election.^{xliii} Election reports showed Kabila’s coalition won numerous municipal and legislative elections, ensuring

Kabila's legacy and influence would continue after the transition of presidential power to Kabila's apparent successor, Tshisekedi.

In 2019, the United States government took several steps signaling its concerns about the electoral process. In February 2019, the U.S. Department of State issued visa sanctions under Section 7031(c) on three officials affiliated with the Independent National Electoral Commission (CENI) and two government officials for corruption pertaining to the interference in the DRC's electoral process.^{xliv,xlv,xlvi} These sanctions explicitly reflected the Department's decision to work with the DRC's new government. It is important to note that they preceded the DRC's constitutional court confirmation of Tshisekedi's election win. The U.S. worked to foment Congolese support for Tshisekedi by predating their decision on the growing distrust of CENI (electoral commission) by announcing the sanctions publicly. Throughout the election cycle, CENI's domestic credibility fell following a series of unpopular decisions, which resulted in the numerous physical beatings of CENI employees on election day.^{xlvi}

By waiting until after the election to impose U.S. sanctions, Kabila could not utilize the U.S. sanctions decision to further delay the election by claiming U.S. electoral interference. This suggests that the reasons for the U.S. imposition of visa sanctions were two-fold: 1) to demonstrate international support against election corruption and undermining of democracy, and 2) to strengthen Tshisekedi as a potentially democratic successor by undermining stalwarts of Kabila's outgoing regime.

Since Tshisekedi assumed the presidency, he and allies within the National Assembly successfully advocated for the removal of National Assembly speaker Jeanine Mabunda and Prime Minister Sylvestre Ilunga Ilunkamba, both of whom were Kabila loyalists.^{xlvi, xlvii} Tshisekedi has openly presented a plan to create a new government coalition that isolates Kabila and his allies.¹ No new reports of political prisoners were reported since Tshisekedi took office, and in 2020, Tshisekedi created the Agency for the Prevention and Fight against Corruption (APLC) to fight corruption and money laundering.^{li, lii}

Prior to the election, the U.S. also issued a number of private visa sanctions on senior Congolese officials, which seemed to have been a source of pressure for Kabila's coalition. EU visa and financial sanctions provide further significant challenges to Kabila's leadership, given the importance of the DRC's economic and political ties to Europe.

On June 21, 2018, several senior DRC officials were privately sanctioned under 7031(c) for "significant corruption and human rights violation," and to support a peaceful and democratic election.^{liii} According to a retired U.S. Department of State official, one Kabila loyalist who dropped from the presidential race was warned about the consequences of his sanction becoming public knowledge, which included jeopardizing the status of his daughter studying in the United States. Following the private sanctions, the EU renewed visa and financial sanctions on Emmanuel Shadary, Kabila's former interior minister and independent candidate during the 2018 election, alongside thirteen senior officials in December 2018 for reported election delays and violent crackdowns on protests.^{liv} Both government officials and CENI members within Kabila's coalition recognized that these public sanctions coupled with decreasing popularity for Kabila were detrimental to Shadary's campaign since his campaign was supposed to be an extension of Kabila's rule.

Once the results of the elections became transparent and revealed the scale of Shadary's electoral loss, Kabila and his advisers realized that their plan to appoint Shadary president failed.^{lv} High-level government and election officials commented that "not even the most sophisticated of rigging was going to turn the results in his [Shadary's] favor."^{lvi} This pressure

did not persuade Shadary to abandon his presidential campaign, however, he did not openly reject losing the presidential election. Following his loss, voters reacted favorably to the election results.^{lvii} Shadary currently serves no government position.

EFFECTIVENESS: Visa sanctions enacted on DRC government officials appear to have achieved at least a degree of their intended goal of countering poor democratic practices and electoral corruption as the sanctions seemed to help empower president-elect Tshisekedi over outgoing president Kabila's coalition. But the team was not able to fully confirm this conclusion. Pressure from both the EU and the U.S. to encourage a democratic transfer of power appears to have achieved some success. At a minimum, they seem to have helped force Kabila to publicly announce his departure and allow a smooth transition of power. The public sanctions reduced the popularity of corrupt agents/officials affiliated with Kabila, but it is important to note that international financial sanctions probably also served as influential factors that enabled Felix Tshisekedi to assume the presidency.

The 7031(c) visa sanctions in the DRC seemed to have some effect on the legitimization of election results. Since the election results were legitimized by the Constitutional Court prior to the designations, the visa sanctions appeared to have encouraged the sanctioned individuals to advocate support for Tshisekedi after he assumed the presidency. This would have enabled Tshisekedi and his coalition to further solidify his political agenda with government support and less fear of pushback from Kabila's coalition since there was still uncertainty surrounding the election results.

The current presidential administration could have motivated a noticeable change in public behavior among those sanctioned under 7031(c), but the legitimacy of this behavioral change remains questionable, given the limitations of government criticism. In July 2020, Benoit Bindu, the head of the DRC's constitutional court, received a visa sanction. In February 2019, he responded to a news tweet criticizing Tshisekedi by replying, "Fake news, read the laws of the land carefully."^{lviii} Such outward support towards the new President, Tshisekedi, by some of the sanctioned officials, however, might also reveal the limitations of freedom of speech when referencing the sitting government.

While freedom of speech is protected by law in the DRC, the law also prohibits public slander and criticism of the head of state and the government, which included the arrest and 18-month prison sentence of Henri Maggie, the vice-president of the youth league from the PPRD.^{lix} Since this arrest occurred after Tshisekedi became the president, the sanctioned individuals might have felt compelled to support Tshisekedi over the potential threat of arrest rather than reflect a genuine change in behavior.

While social media support towards the current president implies that international pressure from visa sanctions achieved some success, increased U.S. bilateral aid and dwindling support towards the PPRD to the DRC might have served as more influential factors for an outward change of behavior. This included increases in humanitarian aid and peacekeeping contributions each fiscal year between 2016 and 2020.^{lxi} The U.S. also used other sanctions tools: All three CENI officials were also sanctioned by the U.S. Department of the Treasury for "credible allegations of corruption," further obscuring the impact of visa sanctions.^{lxii}

Several conditions appear to have made the visa restrictions more effective:

- ❑ Firstly, the unpopularity of electoral corruption in the DRC allowed for U.S. visa sanctions on CENI officials to gain domestic popularity in the DRC and showcase U.S. support.

- ❑ The use of international sanctions, specifically from the EU, likely increased the effectiveness of visa sanctions by layering economic pressure with political pressure.

For the purposes of this research paper and given the evidence available, the team concludes that the use of visa sanctions in the case of the Democratic Republic of the Congo is Level II Effectiveness or Mixed Effectiveness.

GUYANA

U.S.-Guyanese relations began developing in more positive directions during the 1990s when the newly independent state shifted away from a socialist policy agenda and a one-party system.^{lxiii} The U.S. has since worked with successive Guyanese governments, parties, and civil society actors to strengthen relations which included efforts to deepen respect for democratic practices and human rights. Guyanese-Americans are well-connected to the local Guyanese population and have made significant contributions to Guyana's well-being. More than 250,000 Guyanese migrants reside in the United States, resulting in the U.S. having the "highest number of Guyanese outside of Guyana."^{lxiv} According to the Inter-American Development Bank's Multilateral Investment Fund report in 2014, the total personal remittances received from the United States to Guyana was estimated to be "US\$438 million, (G\$ 90.7 billion)."^{lxv} These are indications of the range of important links between Guyana and the United States that gives moves and actions by the U.S. a great deal of perceived "clout" in Guyana.

The most recent presidential election in Guyana challenged democratic advancements and caused international concern for the fate of democracy. The ethnic rivalries and divisions that had previously "plagued Guyana's politics for decades" became more pronounced following the 2020 presidential election. Due to the anti-democratic practices that occurred in 2020, the U.S. government placed non-public visa sanctions on several individuals with the intention to support democratic practices in the country and to mitigate Guyanese domestic political tensions.

Domestic and international observers began to question the motives of incumbent President David Granger's resistance in accepting the election results. He was largely supported by the Afro-Guyanese population.^{lxvi} Granger had led the coalition consisting of A Partnership for National Unity (APNU) and the Alliance for Change (AFC) for over 23 years. He and his allies took steps to delay Irfaan Ali, the winner of the election, from taking office.^{lxvii} Irfaan Ali's opposition party, the People's Progressive Party/Civic (PPP/C), was based in the Indo-Guyanese population. Ali would be Guyana's first Muslim President if confirmed. When political actors in support of Granger began to delay the electoral process, the step generated significant international backlash.^{lxviii}

One of the very controversial acts taken by Granger was declaring himself "as the winner of the March 2 general election."^{lxix} On March 5, the U.S., the U.K, the EU, and Canada issued a joint statement forewarning President Granger about his "unconstitutional" influence on the electoral process and to await the official verification of the election results.^{lxx} The official Guyana Elections Commission, which was "observed by the Caribbean Community, or CARICOM," declared after a 33-day recount that Ali had won the vote.^{lxxi} The Granger administration signaled its refusal to accept these results when Keith Lowenfield, the Chief Executive of the Electoral Commission in Guyana, disqualified 120,000 votes in June. That accounted for about twenty percent of the votes.^{lxxii}

This decision generated a strong reaction in the U.S. Several U.S. senators voiced their concerns about the “questionable maneuvers” taken by the Granger government.^{lxxiii} A former U.S. diplomat submitted a petition to the DoS, which requested for visa sanctions to be placed on Guyanese officials for obstructing democracy.^{lxxiv} On the petition list were former President David Granger, Guyana’s chief elections officer Keith Lowenfield, Prime Minister Moses Nagamooto, Attorney-general Joseph Harmon, and other government officials.^{lxxv}

On July 15, 2020, the United States government announced visa restrictions on the individuals “responsible for or complicit in undermining democracy in Guyana.”^{lxxvi} The U.S. announcement did not engage in “naming and shaming” by identifying the individuals and immediate family members. Only the context for which visas were being denied to the unnamed individuals was provided. Several prominent Guyanese and U.S. news outlets, however, also placed photographs of President Granger and members of his administration with the news reporting on the U.S. visa restrictions announcement, implying that they were among those denied visas.^{lxxvii}

EFFECTIVENESS: Before the U.S. officially intervened, there had been little progress in resolving the political standstill and allowing the new president to take office. Less than two weeks after the U.S. visa restrictions were imposed, and other nations weighed in with similar sanctions, the election results were accepted, and the new president assumed office. In a statement after Ali was declared winner, Granger stated that the “lawful consequences” should be respected and added, “we implore all Guyanese to remain calm and peaceful.”^{lxxviii} The U.S. preserved the anonymity of the individuals sanctioned, and there have not been reports of any related democracy abuses. This strongly signals that there was a notable improvement in the government’s practices regarding the election results after the sanctions were imposed.

However, it is important to note that the U.S. did not act alone. The UK, EU, and Canada followed the United States a few days later by applying similar visa restrictions on Guyanese individuals “in order to work with ... partners ... to demand a swift and transparent conclusion” of the election process.”^{lxxix,lxxx,lxxxi} Following the U.S. strategy regarding public naming of those sanctioned, the UK, EU, and Canada did not identify the names of the Guyanese politicians. These clear signals of international agreement to move against Guyanese individuals undermining a democratic transfer of power strengthened the intent of the U.S. visa sanctions. In addition, international observers from the Organization of American States, United Nations, and the Caribbean Community (CARICOM) all issued separate statements urging the Granger administration to comply with the results of the electoral process.^{lxxxii}

Several conditions that appear to have made the visa restrictions more effective:

- ❑ First, though the sanctions were clearly aimed to change the behavior of the targeted individuals, they were imposed in a way to leave a path open to remove these visa sanctions if the individuals reversed their behavior and allowed a democratic transfer of power. Thus, the U.S. took advantage of the flexibility in the authority of the Secretary of State to condition the use of visa sanctions.
- ❑ Second, the organization of similar visa sanctions by other international actors and the condemnation by still others contributed to the pressure felt by key Guyanese actors and thus the success of the U.S. visa sanctions’ effectiveness.
- ❑ Third, the negative attitudes expressed by the Guyanese-American population in the U.S. and by the local Guyanese population appeared to have increased following the announcement of U.S. sanctions. This impact was likely fed by international media coverage. Reporting by news services, such as the BBC and

CNN, associated Granger's administration with corrupt and anti-democratic behavior, such as hindering the electoral process and blocking Ali's victory.

- ❑ Fourth, although international actors weighed in on the issue, the significant historical and economic connections of the Guyanese population to the U.S. appeared to help put additional pressure on the Guyanese government to formulate a resolution faster. Any weakening or severing of ties with the U.S. would have had devastating social and economic consequences for the Guyanese population.^{lxxxiii} Thus, reinforcing the conclusion that the close human and economic ties between the two countries were crucial factors for visa sanctions to be effective.

Thus, for the purposes of this research paper, the use of visa sanctions in the case of Guyana is rated as a Level I Effectiveness or Most Effective.

NIGERIA

Nigeria has experienced massive structural changes since the 1999 transition to “civilian democratic rule.”^{lxxxiv} In the last two decades, U.S. and Nigerian relations have significantly improved but Nigeria has struggled to maintain democratization initiatives and mitigate corruption. At the presidential level, the incumbent President Muhammadu Buhari was declared the winner over opposition candidate Atiku Abubakar.^{lxxxv,lxxxvi} Elections were also held for the national legislature and governors – it was an election for many positions.^{lxxxvii} The U.S. government's concerns about reemerging instability and anti-democratic practices prompted the U.S.G. to impose visa sanctions on several Nigerian individuals as a punitive measure to help restore respect for human rights and democratic elections.^{lxxxviii} For the purposes of this project, the research team only examined two case studies.

In the Kogi State, located in the central part of Nigeria, corruption has dominated many elections. The 2019 governorship election was heavily contested by the opposition leaders, the PDP, and the Social Democratic Party (SDP).^{lxxxix} Yayah Bello, who is part of the All Progressive Congress (APC), ran for a second term in 2019 as Governor and was accused of “not [being] validly elected by a majority of lawful votes cast at the election.”^{xc} Bello was confirmed as Governor by the Nigerian court systems despite the electoral fraud allegation by his opposition.^{xci}

In September 2020, the U.S. imposed additional visa restrictions on Nigerian officials who engaged in fraud but withheld the names of the individuals. The Bello administration immediately responded with a letter to protest the implications of the visa restrictions, strongly suggesting that Bello was among those sanctioned.^{xcii} The letter recognized a few “regrettable incidents” related to the electoral allegations but stated that the majority of the election was free and fair.^{xciii} The statement suggests that the several “inflammatory publications” from U.S. and Nigerian news outlets tarnished the reputation of the alleged individuals.^{xciv} The inability to travel to the United States would also have major consequences for Yayah Bello, who has familial ties to a U.S. medical treatment center. In an interview, his wife, Barrister Amina Oyize Bello, also once intended to relocate to the U.S.^{xcv} Although the statement does not admit Bello to be a recipient of the visa restriction, the plea for “greater empathy” from the U.S. to reverse the visa sanctions demonstrates that he was greatly concerned by them.^{xcvi}

The visa sanctions were effective on Yayah Bello as a result of the increase in domestic and international negative coverage that undermined his reputation. His long-established tie to the U.S. forced Bello to reconsider how his actions were perceived in the governor election and

to provide a comprehensive explanation of his involvement. His urgent request for a visa sanction reversal suggested that the underlying association with the U.S. existed was much valued.

Although Yayah Bello has made great strides in providing more security for civilians against “violent criminals, especially high-grade kidnappers,” his administration's commitment to democracy needs to be further strengthened and more transparent.^{xcvii} If he is to run for the presidency in 2023, as his party suggests, his efforts will need a comprehensive evaluation that demonstrates individual behavior change for the visa restrictions to be lifted. By imposing visa sanctions as a “signaling tool” on a high-ranking official like Bello, Nigerian officials of all levels were made aware of the impact of even being slightly involved in electoral fraud.

Atiku-Abubakar served as the previous Vice President of Nigeria from 1999-2007 and represented the People’s Democratic Party (PDP) as a presidential candidate during the 2019 election. In 2007, Abubakar was indicted following a bribery scandal involving former U.S. Representative William Jefferson.^{xcviii} While the visa status of Abubakar was unclear, it was widely speculated that Abubakar received a visa sanction for his corruption. The mystery of Abubakar’s sanction was finally revealed in February 2019 when U.S. government officials announced that Abubakar’s visa sanction would be temporarily lifted during his presidential campaign.^{xcix}

Abubakar reacted negatively to inquiries about his status. When interviewed, he claimed his visa “was still being processed,” while asserting that it was his opponent, President Muhhamadu Buhari, who had received the travel ban.^c His failure to acknowledge his own status during the interview suggests that Abubakar might have felt ashamed of his visa sanction. In general, Abubakar attempted to distance himself from the scandal and subsequent visa sanction as indicated by his contradictory public comments.

According to a retired U.S. Department of State official, Abubakar had struggled to gain momentum in subsequent presidential elections since 2007. The travel ban damaged his pride or his reputation, though he refused to publicly acknowledge his visa status with the U.S. until 2018. While Abubakar was not indicted for his corruption, the sanction forced him to avoid conducting business in the U.S., including the sale of his home in Potomac, MD.^{ci} It also appeared to change his perspective on corruption. In an interview in 2019, he issued a plan to tackle corruption by integrating more preventative efforts with “some levels of punishments” on any corrupt official.^{cii} Abubakar’s acknowledgment of the prevalence of corruption not only demonstrates his interest in mitigating the corruption but its negative affiliation. He likely recognized the strength of negative domestic and international coverage pertaining to corruption and subsequently endorsed an anti-corruption platform. By endorsing this platform, he attempted to distance himself while appealing to Nigerian voters.

EFFECTIVENESS: The research team determined that the visa sanctions were effective on Yayah Bello and Atiku Abubakar despite being two of the many Nigerian individuals who received restrictions. There is less reliable public information on the other sanctioned individuals, but the most recent DoS report emphasized how many “government employees” continued to engage in corrupt practices. This is likely attributed to the Nigerian constitution which “provides immunity from civil and criminal prosecution” for Nigerian politicians who are in office.”^{ciii} Since the visa sanctions were imposed fairly recently, there has been minimal change in governmental behavior and reduction in the targeted human rights, democracy, and/or corruption.

However, the visa restrictions appeared to be effective on Bello and Abubakar because of several conditions:

- ❑ First, many local Nigerian groups claimed that the “U.S. action would restore fairness, credibility, and transparency to Nigeria’s electoral process.”^{civ} The domestic support for the visa sanctions pressured the individuals to evaluate their behavior and to respond accordingly.^{cv}
- ❑ Second, the international community rallied against the democratic abuses evident in the 2019 elections, putting a spotlight on the individuals with visa sanctions to be held more accountable. The EU and the United Kingdom followed the U.S. by also placing visa restrictions on electoral offenders, strengthening the overall effectiveness.
- ❑ Third, the clear public signals by the U.S. and other nations contributed to an overwhelming reluctance to partake in corrupt acts after the elections in 2019. According to a retired U.S. Department of State official, the fear of a rejected visa will cause Nigerian politicians to think twice in future elections.

For this research paper the team could only evaluate two cases. Nevertheless, the team concluded that the sanctions had an evident impact in those cases and thus rated Nigeria as a Level II Effectiveness or Mixed Effectiveness.

SAUDI ARABIA

Saudi Arabia is an absolute monarchy that promotes all authoritarian values, with almost all political rights and civil liberties being restricted by the government.^{cvi} The government is often involved in discriminatory practices against women and religious minorities to maintain the current balance of power, as well as extensive surveillance.^{cvi} In terms of visa denials, the greatest number of public designations under Section 7031(c) and Global Magnitsky both involve Saudi Arabian nationals, indicating this diplomatic tool has been employed by the U.S. government to signal its unhappiness with certain practices and actions being taken by the Saudi government.

The murder of Jamal Khashoggi resulted in several Saudi individuals being sanctioned. The first human rights-related designations were made on April 8, 2019, pursuant to the Global Magnitsky Act. Among the publicly designated 16 individuals, many were mid-ranking Saudi army officials, including Saud al-Qahtani, a top aide for Saudi Crown Prince.^{cvi} Other sanctioned individuals were members of the Saudi Royal Guard Regiment (Royal Guard): Mohammed Saad H. Alzahrani, Khalid Aedh G. Alotaibi, Abdulaziz Mohammed M. Alhawsawi, and Fahad Shabib A. Albalawi.^{cix} The aforementioned four members would provide security to the Saudi royal family and are reported to have traveled to the U.S. on multiple occasions. Members of the Royal Guard report directly to the King and have a separate means of communications from the regular army, proving Khashoggi’s murder was approved by someone within Royal Family.^{cx} More than seven months later, in December 2019, the Former Saudi Consul General in Istanbul, Turkey, Mohammed al Otaibi (A Saudi Arabian national), was also designated for being a co-conspirator in the murder.^{cx}

EFFECTIVENESS: Visa sanctions in Saudi Arabia fall into the least effective category. Although the intent of the sanctions was to signal the Saudi Arabian government to cease reprehensible activities exemplified by the murder of Mr. Kashoggi through public naming and shaming tools, there have been no evident reductions in corruption and human rights violations nor changes in the way the government addresses these issues. On Freedom House’s Corruption

scale published in 2021,^{cxii} Saudi Arabia scored 1, demonstrating the lack of strong and adequate safeguards against corruption, with no change from previous years.^{cxiii} The DoS Yearly Country Reports on Human Rights Practices from 2019 and 2020 corroborate these findings, stating “significant human rights issues: unlawful killings; forced disappearances; censorship; restrictions on freedoms of peaceful assembly, association, and movement; citizens’ lack of ability and legal means to choose their government through free and fair elections” amongst a few of the issues prevalent in the country.^{cxiv}

Most importantly and specifically, visa sanctions were applied to promote “accountability for the murder of Jamal Khashoggi.”^{cxv} Within Saudi Arabia, sanctioned members like Saud al-Qahtani were reportedly fired from their positions and banned from leaving the country, pending an investigation and trial.^{cxvi} al-Qahtani went missing during the investigation and soon after was dropped from all court appeals and paperwork, strongly suggesting his protection from more powerful members within the country. According to 2021 Freedom in the World Report published by Freedom House, the “functioning of [the Saudi] government is largely opaque” indicating the lack of transparency surrounding the Saudi government and their supposed reports.^{cxvii} While there was apparently some cost to individuals identified in the killing and the sanctions, the consequences of the visa sanctions on individual behavior and their actions are indeterminate due to strict authoritarian laws which contribute to a lack of transparency. The negative international media coverage of the sanctioned individuals and the Saudi regime itself did result in a widespread response from parts of the international community. In July 2020, the UK imposed both visa and financial sanctions on 20 Saudi’s accused in the Khashoggi assassination, “draw[ing] its first batch of names from individuals already blacklisted by the United States.”^{cxviii, cxix} To date, the EU has not implemented similar sanctions. The 2020 DoS Country Reports on Human Rights Practices also revealed that of the five government agents who were previously given the death sentence for Khashoggi’s killing, all had their sentences commuted to a maximum of 20 years in prison but according to the UN special rapporteur on extrajudicial summary stated this was, “one more act in this parody of justice. But these verdicts carry no legal or moral legitimacy. They came at the end of a process which was neither fair, nor just, or transparent.”^{cxx} While these five men are sentenced to 20 years of imprisonment indicating some accountability, the UN special rapporteur stated that, “the high-level officials who organized and embraced the execution of Jamal Khashoggi have walked free from the start, barely touched by the investigation and trial. As for the individual responsibility of the Crown Prince Mohammed Bin Salman (and probably future leader of Saudi Arabia), he remains well protected against meaningful scrutiny in his country.”^{xxxi} Although the government imposed some repercussions for some individuals involved, the international observers agree that the ‘high level individuals’ will continue to remain free.^{xxxi}

Several conditions appear to have made visa sanctions less effective in Saudi Arabia:

- ❑ Firstly, while Saudi Arabian nationals have ties to the United States and decent relations with the U.S. government, visa sanctions were ineffective due to high-ranking officials being protected by the Saudi regime. This can also explain why the layering of similar sanctions from international actors like the United Kingdom had no positive effect on promoting accountability and/or improving the state of general human rights in the country
- ❑ Secondly, the lack of transparency from the Saudi Arabian government regarding supposed reports on the reduction of human rights and corruption abuses or the current whereabouts of several high-ranking officials who were publically

designated by the U.S. makes it extremely difficult to determine the efficacy of these tools.

As of 2021, The U.S. Department of State introduced more punitive measures with the “Khashoggi Ban,” which has imposed visa restrictions on 76 Saudi nationals believed to have played a role in threatening and possibly killing dissidents and journalists. This action comes after a report published by the U.S. Office Of the Director of National Intelligence found that it has strong evidence that the Crown Prince directed these actions.[#] Unlike section Section 7031(c) and the Global Magnitsky Act, the Khashoggi Ban aims to place visa sanctions under section 212(a)(3)(C) of the Immigration and Nationality Act.[#] Due to this, individuals placed under the Khashoggi Ban will remain confidential. According to the State Department, individuals placed under this ban will be eligible for review to be designated under Section 7031(c)’s anti-kleptocracy and human rights clause, further denying visas to immediate family members and inner circle members.

Unlike previous visa sanctions, newer measures (such as the Khashoggi Ban and potentially the MBS Must Be Sanctioned Act) set the stage for the possibility of further punitive actions against Saudi Arabia (and other governments), creating the possibility for layered sanctions from the U.S. and others.

Nevertheless, the analysis of the visa sanctions imposed to date, as defined by this study’s effectiveness criteria, lead the team to conclude that U.S. visa sanctions in Saudi Arabia only achieved Level III Effectiveness and fall into the Least Effective category.

YEMEN

Yemen’s ongoing six-year conflict within its borders has forced the country into the world’s worst humanitarian crisis. Foreign nations, corruption, internal militant civil war, and transnational terrorist groups have deteriorated human rights and eroded the central governance in Yemen, allowing for the dissolution of Yemen’s territorial integrity, which has become of interest for many Middle Eastern regional and global powers. In 2014, the northern Yemeni-based Houthis (Ansar Allah) movement took over the capital, Sana’a. In March 2015, Yemeni President Abdu Rabbu Mansour Hadi fled to Saudi Arabia and appealed for international intervention. Saudi Arabia assembled a coalition of several Arab partners and launched a military offensive aimed at restoring Hadi’s rule and dislodging Houthi fighters from the capital and other major cities.^{cxxiii} Since then, the conflict in Yemen has killed more than 130,000 people; and as of 2015, has caused an immense humanitarian crisis, significantly damaging the country’s infrastructure.^{cxxiv} Yemeni institutions during the conflict have exacerbated human rights violations, living conditions, and democratic processes, leaving Yemen in a rapidly deteriorating and destabilized state, leaving 80% of Yemenis in need of some form of food assistance.^{cxxv}

In 2012 and 2014, President Obama signed Executive Order (E.O.) 13611, and under Section 219 of the Immigration and Nationality Act to grant the U.S. the ability to block the property of persons and travel threatening the peace, security, or stability of Yemen.^{cxxvi} This E.O. led to targeted visa and travel sanctions on former Yemeni President Ali Abdullah Saleh and his family members as primary supporters of violence perpetrated by the Houthis.^{cxxvii} This E.O. held punitive measures, contributing to a decline in Saleh’s governmental influence and his family being ousted from power.^{cxxviii}

In 2017, President Donald Trump also sanctioned Houthi members and issued multiple Presidential Proclamations and E.O.’s that targeted Yemenis committing democracy and human rights violations by restricting travel. These different E.O.’s and Presidential Proclamation

(9645) are referred to as the “Travel Ban” that restricted any Yemeni immigrant or alien from entering the U.S. The Travel Ban initially was invoked on January 27, 2017, under E.O. 13769 and was then re-invoked as E.O. 13780 on March 6, 2017.^{cxix} On September 24, 2017, Presidential Proclamation 9645 states: “The entry into the United States of nationals of Yemen as immigrants, and as nonimmigrants on business (B–1), tourist (B–2), and business/tourist (B–1/B–2) visas, is hereby suspended.”^{cx}

The U.S. Treasury Department has also targeted Yemenis who are committing serious human abuses under E.O. 13818 (concurrent with E.O. 13611) and Global Magnitsky, where six Yemenis were targeted.^{cxixi} The Houthis have control of many security and intelligence agencies, and these agencies are committing horrible atrocities against the Yemeni people. Sultan Zabin, Director of Sana’s Criminal Investigative Department, has allowed his officers to run prostitution rings, rape, torture, detain, disappear, and illegally arrest any Yemeni who opposed the Houthis.^{cxixii} A Houthi member and former Deputy Minister of the Interior, Abdul Hakim al-Khaiwani, was responsible for overseeing all of the atrocities being committed by Zabin.^{cxixiii} al-Khaiwani now serves as the Director of the Security and Intelligence Service and has full control over Yemeni Intelligence and Security.^{cxixiv} Both individuals have been designated under Global Magnitsky but still remain in their positions. The designations have not lessened their abuses.^{cxixv}

Abdul Rahab Jarfan is a former head of the National Security Bureau and engaged in torture and abusive detentions against Yemeni citizens.^{cxixvi} Jarfan was relieved of his duties and replaced by Motlaq Amer al-Marrani, who also committed these same abuses and played a significant role in the abuse, torture, and arrest of international humanitarian workers.^{cxixvii} Both men are designated under Global Magnitsky for being officials that perpetrated and oversaw violence, but neither of these men has faced any charges.^{cxixviii} Qader al-Shami is a Houthi member who is a former director of The Political Security Organization and is responsible for the death of over 30 Yemenis.^{cxixix} These deaths were the end result of illegal detentions and torture of prisoners, including children, keeping detainees in undisclosed locations, subjecting them to torture, and not allowing them to communicate with their families, depriving them of their fundamental liberties.^{cxl}

On January 19, 2021, the U.S. Department of State denoted Ansar Allah (Houthis) as an official Foreign Terrorist Organization (FTO).^{cxli} On March 2, 2021, the U.S. Department of State publicly designated two Ansar Allah leaders, Mansur Al Sa’adi and Ahmad Ali Ahsan al-Hamzi, for leading an attack that assaulted Riyadh and Jazan of Saudi Arabia, which resulted in multiple UAV and missile strikes in civilian areas.^{cxlii} The leaders were designated by the DoS pursuant to E.O. 13611.^{cxliii}

EFFECTIVENESS: Visa sanctions were least effective in Yemen, and it is one of the worst countries in the world for human rights, democracy, and corruption.^{cxliv} The Department of State Country Report on Yemen shows the country has constantly been heading in the wrong direction for much of the last decade and now faces a humanitarian crisis that has already claimed 130,000 lives.^{cxlv} This deterioration has forced the Yemeni government to lose control of 80% of Yemeni territory to the Houthis.^{cxlvi} The Freedom House Human Rights Index lists Yemen as one of the ten worst countries for human rights, political rights, and civil liberties.^{cxlvii} Yemen is also ranked at 157 out of 167 countries for democracy according to the Economist Intelligence Unit Democracy Report.^{cxlviii} According to Transparency International, Yemen is currently ranked 176 out of 179 countries as one of the most corrupt countries in the world.^{cxlix} The U.N. Security Council, on February 25, 2021, renewed all prior sanctions against Yemen

because of the continual human rights violations.^{cl} The international coverage of these sanctions in no way forced any change, and the coverage was not as widespread as it should have been.

While the international community did impose visa sanctions on the country and on high-ranking government officials, there has been no reduction in human rights, democracy, corruption offenses.^{cli} There have also been no positive changes in behavior from any individuals or the Yemeni government, and it appears that every individual publicly named has faced no ramifications or charges. Though media coverage of the situation raised awareness globally, the only person removed from power was former Yemeni President Ali Abdullah Saleh. Although a negative decline in Saleh's governmental influence was seen, he still is very powerful within Yemen.

Visa sanctions may have removed Saleh from power, but 130,000 deaths have ensued during Yemen's civil war and these numbers are only getting worse. Sanctioned officials refuse to change their behavior, and the Houthi members appear to not care if sanctioned. Most Yemenis do not have assets in the U.S. and most likely will never travel to the U.S., so visa sanctions will likely not impact any Yemeni sanctioned. In many ways, it seems that a designation or sanction from the U.S. or any other country gives many of these individuals a badge of honor amongst the Houthi members. If Yemenis had more assets in the U.S., were more willing to travel to the U.S., held the U.S. in higher regard, and felt threatened by a visa sanction, then a visa sanction may be more effective.

Several conditions that appear to have made the visa restrictions less effective:

- ❑ Firstly, the majority of Yemenis will never travel to the U.S., have the funds to do so, or even want to. An overwhelming majority of Yemenis do not hold any assets in the U.S., and likely never will.
- ❑ Secondly, most Yemenis that are designated and/or sanctioned will wear the sanction as a badge of honor to show their importance amongst Yemenis. This is especially apparent with Houthi members. Visa sanctions appear more like a slap on the wrist to Yemenis, and at this time will not lead to their intended purposes.
- ❑ Lastly, Yemenis are more worried about where their next meal comes from and staying alive, rather than abiding by the rules of a sanction and stopping their egregious acts. Yemenis also do not view the U.S. in high regard at this point in time.

Thus, for the purposes of this research paper, the use of visa sanctions in the case of Yemen is rated as a Level III Effectiveness or Least Effective.

CONCLUSIONS AND POLICY RECOMMENDATIONS

1) Strong Relationship & Ties to the United States

This study finds that visa sanctions will more likely lead to a positive behavioral change if the targeted high-level government official and/or government's relationship to the U.S. is already strong and if the country in question has a close set of ties with the U.S. For the purpose of this study, the research team considered a number of factors in trying to assess the strength of the relationship to the U.S., including ownership of American property and assets, educational opportunities (especially concerning children and family members), tourism patterns, familial relationships who primarily reside in the U.S. and the strength of business ties.

In both Guyana and Nigeria, government officials who were sanctioned likely had significant ties and reasons to travel to the U.S. Guyana has strong economic and social

relations with the U.S., as exemplified in the large Guyanese diaspora in the U.S. A visa sanction powerfully interrupts such ties. In Nigeria, several politicians, such as Atiku Abubakar and Yayah Bello, had prominent underlying associations with the U.S. that were much valued.

While these existing relationships and U.S. ties successfully instigated a behavioral change in Guyana and Nigeria, the weaker relationships between the U.S. and Chechnya and Burma diminished the leverage of visa sanctions. The Chechen elite possessed no strong attachment to the U.S. and had been previously barred from holding foreign assets by Putin's consolidation of power. Under the Obama administration, Burma maintained in relatively good standing with the U.S., however, as human rights violations increased, this relationship became strained. **In Chechnya, Myanmar, and Yemen, the existing lifestyles of targeted high-level officials and elites did not make travel to the U.S. a necessity or a highly desired activity.** Therefore, there was little possibility for visa sanctions to achieve Level I or II effectiveness.

Our research leads to a conclusion that visa sanctions intended to achieve the greatest positive impact at the least cost to U.S. interests are most successful when there is a strong, existing relationship between the elites being sanctioned and the United States. The U.S. may still choose to impose visa sanctions for "signaling" purposes but should be cognizant that the likelihood of having concrete impact will be very low.

2) Public Naming vs. Non-Public Designation

This study signals the power of non-public visa designations, as opposed to public "naming and shaming" tools under Section 7031(c) and the Global Magnitsky Act. **The team's understanding after talking to a range of experts and officials and studying various country cases in that using "name and shame" tools, such as public sanction designations in order to stimulate behavioral change rarely works in situations where the high-level government officials' perception of the U.S. is already negative. Such action may contribute to negative perceptions of the regime, but it seems to have little effect on behavior or undesirable practices.**

In both Chechnya and Yemen, a public designation by the United States government is worn as a badge of honor instead of serving its intended negative signal of accountability. Because Yemenis do not hold the U.S. in high regards, visa sanctions were used to solidify their importance and even bolster support from the Houthis. Several high-ranking officials were promoted in rank following their sanctions. Similarly, when Chechen leader Kadyrov received visa sanctions, he boasted his sanctions on social media, using them to boost his political positioning as an important global figure.

The effect of non-public designations was most clear in the case of Guyana, when visa sanctions were effective and successful since non-public designations placed pressure on officials to alter their actions and behavior, in hopes of the small possibility that the Secretary of State would reverse such sanctions. Private sanctions likely allowed the government to cooperate with the U.S. in a more dynamic way, by giving targeted individuals a positive incentive to alter their behavior and restore democracy. There is some hope that the recent Khashoggi ban, a private visa sanction on 76 Saudi officials for their supposed involvement in murdering dissidents and the introduction of the "MBS Must Be Sanctioned" bill will hold these individuals accountable in a more effective way, though the lack of governmental transparency in Saudi Arabia makes the impact extremely difficult to clearly identify. Similarly, it appears that the powerful position of the individual believed to have ordered the attack will continue to inhibit effectiveness of any visa sanctions.

Our research recommends that visa sanction designations should remain non-public if the targeted individual's relationship with the U.S. suggests a strong possibility that they might change their behavior and work to reverse undemocratic practices or actions that undermine human rights. In situations where the targeted individual's existing relationship with the U.S. makes it clear that there is little hope of positive behavioral changes, public designations may only serve to promote some measure of accountability on a global scale.

3) Domestic Public Perception of Home Government

The team's research also indicates that the effectiveness of visa sanctions as a tool of accountability is strongly influenced by the domestic public's perception of their own government. Our research into local media reporting in the case studies indicates several complex layers between a nation's government and its citizens, which prove to be critical to the domestic reaction to U.S. sanctions. In some instances, **a public largely unsupportive of their government can be buoyed by American targeted sanctions on their government to hold government officials accountable, thereby instigating a positive behavioral change.** This was the case in Nigeria with both Atiku Abubakar and Yayah Bello when U.S. sanctions provided potent fodder to damage their domestic reputations and dissuade their corrupt political practices - resulting in the anticipated reaction.

In a different way, **when the opposition to a domestic government is severely restricted, U.S. sanctions can still be useful as a signal of disapproval while failing to achieve a behavioral change.** In Chechnya and Burma, human rights abuses that the respective governments committed against their own citizens destroyed the government's public image, while also squashing any potential domestic reaction. American visa sanctions, among other diplomatic tools of accountability, are a meaningful gesture to support already widely held feelings of distrust and frustration. American visa sanctions can apply critical confirmation of domestic feelings. Therefore, **it is our recommendation that visa sanctions be used with a strong understanding of the domestic public image of a government in order to have the greatest opportunity for a positive impact among the domestic audience in the country.**

4) Importance of International Partners

Analysis of these seven cases displays the importance of working with international partners in building global accountability for human rights abuse and the undermining of democracy. Foreign partnership when placing visa sanctions on responsible individuals builds a stronger signal of disapproval and pressure for accountability.

This was the case in Guyana, Nigeria, and the DRC. In all three cases, the U.S. was joined by other international actors.

Despite not being an effective case, U.S. visa sanctions in Chechnya and Saudi Arabia spurred international coverage of the human rights abuse. In Burma's case as well, American disciplinary measures, including the use of visa sanctions on high-level officials, contributed to damage international opinion of and policies towards Burma. In Yemen, the U.N. Security Council followed the U.S. in imposing sanctions, as well as individual countries, both permanent and temporary members of the U.N., exemplifying the strong influence the U.S. carries in its international policies.

The collaboration and agreement of countries, especially those with critical regional influence, serve to send a stronger, more solidified global message to a country, emphasizing the criminality of their actions and demanding a more powerful behavioral

response. Even a large international coalition applying sanctions does not assure success, but it enhances the pressure and builds international public understanding of the bad practices underway. The research team, therefore, recommends that U.S. visa sanctions are, whenever possible, combined with global and regional sanctions to reach the highest levels of effectiveness.

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Notes

ⁱ Large-N Case Study Comparison Methodological approach gives researchers the ability to analyze three or more cases and draw comparisons based on those cases' conclusions. Large-N Case Study Comparison Methodological approach will be used to analyze what similarities there are between cases, and then determine policy recommendations for the DOS to measure as to why a case was effective.

ⁱⁱ Domestic for this case study refers to the sanctioned individual(s) home country or where the sanctioned individual(s) citizenship is recognized. It also pertains to the domestic impact of the sanction(s) on the sanctioned country(ies).

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