

# Human rights cartel dominates fixed Magnitsky inquiry

By Melissa Harrison

The 1 October 2020 hearing of the Parliamentary inquiry into whether Australia should pass a “Magnitsky Act” to sanction alleged human rights abusers in other countries revealed the difficulties Australian businesses have in complying with such sanctions, and their chilling effects on vital trade. The concerns of business are unlikely to make a difference, however, as Australia is expected to line up with its Five Eyes partners, the USA, UK, Canada and New Zealand, in passing Magnitsky Acts that can weaponise human rights against countries identified as adversaries and targets for regime change. To that end, the Joint Standing Committee on Foreign Affairs, Defence and Trade—Human Rights Sub-committee’s “Inquiry into targeted sanctions to address human rights abuses” is clearly fixed, its agenda dominated by a cartel of non-governmental organisations (NGOs) whose outrage against human rights abuses fits conveniently with the latest geopolitical agenda of the Anglo-American powers and their Five Eyes intelligence apparatus.

At the 1 October hearing, the Committee heard testimony from business and industry representatives, the Australian Industry Group (AIG) and the Export Council of Australia (ECA), who illustrated the difficulty small and medium-sized enterprises (SMEs) face in attempting to comply with targeted sanctions regimes, particularly the resource burden required for complex due diligence.

The AIG described the historical lack of clear regulatory guidelines for targeted sanctions. When sanctions were levied against Russian individuals after the downing of flight MH17 over Ukraine, Australian businesses struggled to understand the processes required to be legally compliant. According to the AIG, “The advice of the sanctions team was that [businesses] should do their best. We didn’t find this advice particularly helpful.”

Committee member Maria Vamvakinou MP raised concerns about diaspora communities in Australia, whose SMEs had special trade relationships with their home communities overseas. The ECA concurred, saying: “We do get approached regularly by people who have family in other countries that have conditions that are not acceptable under human rights laws and they are wanting to send goods. I don’t think it’s wrong-intentioned. I think the intention is to help them to try to set up a trade system. ... A lot of these countries that we have targeted sanctions with and have full sanctions with are very much in need of the building up of trade capacity and capability and being able to sell more goods and also to buy goods. ... I’m not sure that we can do much more than we’re doing without hurting a lot of the people in countries that we’re trying to trade with.”

## Heartless human rights cartel

It is perplexing that the ECA, a business representative body, would demonstrate more compassion and concern over potential harmful impacts of targeted sanctions on people overseas, particularly in poor and repressed communities, than the majority of Inquiry witnesses and submitters who style themselves “human rights advocates”.

Curiously, the main proponents of Australia employing targeted sanctions for human rights abuses have dubious histories and associations: convicted criminals who have lied under oath; apologists for war crimes; regime-change agitators; and beneficiaries of donations from war profiteering arms companies. China-hawks are rampant among prime Magnitsky cheerleaders: 38 per cent of submissions to the Inquiry expressed anti-China sentiments, some extremely

hostile—declaring the “rise of Chinese Nazism”, and that “Chinazism” is the “hybrid of Nazism and the dark side of the Chinese Cultural Revolution”.

Thirty-six per cent of submitters to the inquiry identified as “human rights advocates”, yet fewer than half of them acknowledged the implications of a sanctions regime for due legal process, including whether there are adequate procedural safeguards, appeal mechanisms, and human rights compatibility of targeted sanctions. Ten per cent of the human rights advocates made recommendations which *directly contravene* human rights law, including recommending that any Chinese businessman/official merely “suspected” of human rights violations should be sanctioned.

Research by the Targeted Sanctions Consortium, formed to assess the effectiveness of UN sanctions, revealed sanctions resulted in unintended negative humanitarian consequences in 44 per cent of cases. This was reflected in a June 2019 report published by the International Peace Institute, *Safeguarding Humanitarian Action in Sanctions Regimes*: “Those implementing the sanctions often lack sufficient understanding of—or are not willing to acknowledge—how sanctions regimes harm humanitarian action, in particular given the shift to more targeted sanctions. ... [S]anctions regimes can delay or block the import of goods needed to implement humanitarian activities. ... Violating sanctions can lead to fines, as well as civil or criminal prosecution, by states.” De-risking by banks, insurance companies, and online payment or donation services (e.g. PayPal) have “a direct impact on their ability to operate, causing programs to be delayed, scaled back, or even closed. ... [H]umanitarian organisations have been unable to pay their vendors and local implementation partners, creating security risks for staff on the ground.”

Magnitsky Inquiry submitters and witnesses emphasised the necessity of involving NGOs in the sanctions process, with a leading or legislated role in providing evidence to determine sanctions targets. This is problematic, however—corrupt human rights organisations often serve in “psychological warfare” operations, producing misleading or fabricated reports of human rights abuses in order to weaponise human rights and manufacture public consent for regime change and interventionist Anglo-American foreign policy.

“Humanitarian” organisations have historically provided virtuous branding for politically motivated undertakings. Amnesty International has a long and troubling history of collaboration with US and UK intelligence. Inquiry witness Human Rights Watch (HRW) originated as US anti-Soviet front organisation the Helsinki Watch Committee. *The Grayzone* on 8 April 2020 reported HRW’s direct involvement in regime change; revolving door with US government officials; and support of military coups and devastating economic sanctions under the auspices of fighting human rights abuses.

Many of the human rights advocates that have shaped the Australian Magnitsky inquiry showed little concern over the catastrophic effect sanctions have on human rights and poor communities—so long as China is punished. They demanded sanctions on the basis of unchallenged allegations reported by NGOs with undeclared vested interests and funding, which ignore humanitarian issues that do not serve an Anglo-American regime-change agenda.



Dianne Tipping, who testified on behalf of Export Council of Australia, expressed more concern for due process than the supposed human rights advocates. Photo: Screenshot