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## Unilateral Economic Sanctions and their Impacts on Human Rights: Case Study of US Sanctions on Iran

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### Abstract:

Unilateral sanctions have long been a debated topic in international law. The proponents of unilateral sanctions argue that such mechanisms are the part of restrictive measures that are necessary to prevent the belligerents and pariah states from creating instability in the international order. However, the other section believes that unilateral sanctions are, in fact, contradictory to international law and human rights as they fundamentally target the common citizens.

This article is, therefore, an attempt to discuss the aspects of unilateral sanctions and international law. The article would utilize the qualitative research methodology by taking the case study of Iran. Iran has been under sanctions since its revolution. While the UN sanctions were removed after JCPOA, the US sanctions still persist. Hence, it is imperative to understand the dynamics and purpose of US sanctions on Iran. The article would, therefore, examine the success and failure of US sanctions on Iran and its consequences on the Iranian population.

Lastly, the article would also discuss the implications of US sanctions on the US policy itself that whether the sanctions

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assisted the US in consolidating its position in the Middle East or they backfired.

**Keywords:** Unilateral Sanctions, Human Rights, Iran, Nuclear Program, International Law.

## **Introduction**

International sanctions are imposed to modify the behavior of any rogue state. They are primarily imposed for three reasons; to coerce the state to comply by international norms and abandon its revisionist policies, to squeeze the economic scope of the state so that the general masses would bring the regime change by themselves and to implement any geopolitical or geostrategic agenda.

Sanctions or the threat of sanctions are deemed successful if they could put a restrain in state's behavior. Therefore, sanctions are supposed as the peaceful alternative to conflicts that contain a vibrant deterrent feature. In order to weaken the rogue state both externally and internally, the multilateral frameworks like League of Nations and the UN devised mechanisms of imposing sanctions that could ensure adherence to universal norms and respect for human rights.

Nevertheless, although in theory, the purpose of international sanctions is to yield positive behaviors yet in practice, the outcome is different. For instance, the two definitive undercurrents of imposing sanctions are peaceful resolution of disputes and authority of global multilateral frameworks like the UN. However, on the contrary, owing to the great powers competition, both of these apparatuses failed short of achieving their objectives.

First, instead of generating positive outcome, sanctions have been widely orchestrated by great powers to accomplish their own geopolitical and geostrategic interests against their adversaries. Second, instead of imposing international

sanctions through the UN platform, the great powers have adopted the strategy of imposing unilateral sanctions and hence, surpassed the UN mandate in this regard. The prime case study of employing sanctions as a political tool is that of the US in case of Iran.

After withdrawing from Joint Comprehensive Plan of Action (JCPOA), the US under President Trump adopted the “Maximum Pressure Strategy” and imposed a wide array of sanctions on Iran. Such a strategy also resulted in the implementation of “secondary sanctions” which prohibited the third-party states and entities to engage in economic activities with Iran. Due to such model on imposing sanctions, not only the state-to-state affairs are affected but also owing to the restrictions, their impacts on common citizens are immense.

Foremost was the case of COVID-19 vaccines which Iran could not import due to prevailing sanctions despite being the hardest-hit country in the Middle East. In order to correlate the sanctions with the human rights issues, the article would investigate the causes and results of US sanctions on Iran and would assess whether the purpose of sanctioning Iran has been achieved or has fallen short of success.

## **Conceptual Framework**

The theories on human rights are various in numbers as different scholars tend to argue what features the extent of those rights. Nevertheless, human rights are generally accepted as those rights which an individual enjoys or should enjoy simply because he or she is a human. Since historical times, human rights are regarded essential in various forms. Proclamation of human rights by Cyrus the Great, the ancient king of Persian Empire, that declared freedom for all slaves and maintained religious and ethnic equality is considered to be the first ever recorded treaty on individual rights.<sup>1</sup>

Similarly, Medina Charter is also considered to be the universal

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declaration of human rights in which both Muslims and Jews were labelled as equal citizens and were granted equal autonomy in their religious, economic and social affairs.<sup>2</sup> Nonetheless, the modern human rights concept evolved in the aftermath of three main events; Magna Carta (1215), American War of Independence (1776) and French Revolution (1789). These three events are marked as the beginnings of modern democratic principles in which power was shifted towards the common masses along with justice and equality. From there onwards, human rights were evolved into various categories including natural rights, social rights, legal rights, political rights and economic rights.

John Locke argued that the nature itself has blessed the individuals with the right to life, freedom and property, and it is consistent throughout the history. Rousseau went a step ahead and introduced the concept of social contract which designated the state as the guardian to protect the inherent human rights.<sup>3</sup> J.S Mill contributed to the issue of human rights through the concept of 'utilitarianism' which is the greatest measure of happiness for the greatest number of people. Therefore, human rights should be built upon the happiness and utility to the individual in the society.<sup>4</sup>

However, the major leap in the human rights context occurred after the general abolishment of monarchical system in the second half of 19<sup>th</sup> century and eventually the process of global decolonization after the WWII. Especially the UN Resolution 1514 declared the universality of political rights on equal basis irrespective of race, gender, religion or color. Furthermore, the UNGA passed the resolution 2200A (XXI) on International Covenant on Economic, Social and Cultural Rights to ensure the economic freedom of the states. Article 1 highlights that each nation is 'freely dispose of their national wealth and resources' while Article 2 mentions that the Covenant would be exercised

with any discrimination including ‘political opinion’.<sup>5</sup>

This article would, therefore, discuss the Iranian economic freedom and highlights the restrictions imposed by the US through aforementioned international law aspects that include impact on the state, ordinary citizens and other states who are engaged in trading activities with Iran.

### **US Sanctions on Iran: Pre and Post JCPOA**

The history of US sanctions on Iran dates back to the early months of Iranian Revolution in 1979. The first round of sanctions took place during ‘Hostage Crisis’ in response to which Carter Administration froze all Iranian assets inside the US. As the crisis went into longevity, the ban on all Iranian imports and exports was also implemented with the exception of food and medicine.<sup>6</sup> The Algiers Accord in 1981 resolved the crisis and led to the unfreezing of some of the Iranian assets. The second major round of sanctions were imposed after the 1983 Bombings on US Marines in Lebanon.

As the bombing occurred during the Lebanese Civil War which led to the formation of Iranian-sponsored Hezbollah, the US accused Iran of funding the ‘terrorism activities’ against the US forces. This led to the US sanctioning any arms imports to Iran, withholding the US assistance to any state or entity that assist Iran and opposing all the multilateral engagements with Iran.

The sanctions were re-imposed on a wider spectrum in 1996 and again in 2001 for ‘non-cooperation against terrorism’. The only exemption under these sanctions were the granting of US humanitarian aid to Iran.<sup>7</sup> Furthermore, in 1995, the US also banned investment and trade with Iran while also prohibiting US companies to engage in economic activities with Iran either directly or indirectly.

Apart from the aforementioned sanctions, a comprehensive sanction regime was imposed on Iran during Obama’s presidency. In view of Iran’s non-compliance to nuclear

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safeguards and UN nuclear-related sanctions on Iran, President Obama signed Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 (CISADA).

The act reaffirmed all the previous sanctions on Iranian banking, energy, trade, government, defense and other sectors. Furthermore, the act not only barred US financial institutions from involving in any trade and investment activity with Iran but also prevented international financial institutions linked with the US system to do investment and trade with Iran.<sup>8</sup> CISADA was the most severe round of sanctions against Iran in which nearly 90 Iranian companies were sanctioned that resulted in shrinking the GDP growth and oil exports of Iran.

The GDP growth fell from 5.8 percent in 2010 to 2.6 percent in 2011 while oil exports fell from 2.5 million barrels per day to 1 million barrel per day between 2011 to 2014.<sup>9</sup> Nonetheless, the sanctions relief was granted after the finalization of JCPOA which led to the unfreezing of \$100 billion worth of Iranian assets and removal of the US and EU trade sanctions on Iran.<sup>10</sup>

However, after the election of Donald Trump as the US President in 2016, the US re-imposed sanctions on Iran owing to two pertinent reasons. First, Trump was always critical of the JCPOA and promised to withdraw from it during his election campaign. Second, the Iranian advancements in its missile program, Syrian War and the wider Middle Eastern region through its proxies, led to the discontent for not only the US but also its regional allies like Israel and Saudi Arabia.<sup>11</sup>

The sanctions restricted the delivery of US dollars to Iranian financial sector as well as the liquidity of Iranian Rial into the financial market.

Furthermore, they also hampered the banking transactions, growth of automotive industry, foreign direct investments as well as sales and purchase of Iranian oil and gas. This led to

the curtailing of European companies doing business with Iran.<sup>12</sup> The re-imposition of sanctions was the part of Trump's 'Maximum Pressure Campaign' (MPC) against Iran that contained three features. First, since Iran's major revenues came from the oil exports, therefore, one of the prominent objectives of this campaign was to bring Iranian oil exports to zero. However, given the international demand, particularly the dependence of China and India on oil, and inability of OPEC+ countries to substitute for Iranian oil, this objective was not achieved successfully. Second, through the Abraham Accords, the US adopted the policy of 'strategic encircling' against Iran.

Despite materializing the Gulf-Israel rapprochement, the encirclement of Iran couldn't bear any substantial results as Iran has major trade relations with GCC states including Qatar, Oman and the UAE while Saudi Arabia's vulnerability inside Yemen coupled with its emphasis on economic development led to its successful rapprochement with Iran in March 2023. Third, the US listed/designated Iran's IRGC as a terrorist organization in order to curb down Iran's proxy networks. In view of this policy, the US also assassinated IRGC Qud's Force Commander, General Qassem Soleimani, who played an instrumental role in establishing the proxy networks.

Yet, the death of Soleimani couldn't break the linkages between IRGC and its proxy networks as Iran continued to enjoy influence over Iraq's Popular Mobilization Forces (PMF), Lebanon's Hezbollah, Yemeni Houthis and Palestinian Hamas and Palestinian Islamic Jihad (PIJ), amongst others. Hence, despite the post-JCPOA withdrawal sanctions against Iran and the full implementation of Trump's MPC policy, the Iranian regime continued to foster its anti-US and anti-status quo strategies robustly while consolidating its influence across the Middle East. It became more apparent in two separate

incidents where Iran responded to the attacks of Israel in 2024. First, Iran sent over 200 drones and missiles towards Israel in April 2024 as a response to Israeli attack on Iranian embassy in Damascus. Second, in October 2024, Iran targeted multiple Israeli military sites with hypersonic missiles.<sup>13</sup> This episodes reflect Iran's military advancements which suggest that Iran defied the sanctions' impact and continued to strengthen its state apparatus.

### **Impact of US Sanctions on Iranian People**

The primary purpose of imposing sanctions is to reign the revisionist behavior of the rogue state to safeguard the global values and order. As per the UN and Financial Action Task Force (FATF), sanctions should only be imposed on the basis of terrorism or any other criminal activity instead of utilizing it as a tool to punish the political enemies.<sup>14</sup>

Nonetheless, in recent years, not only sanctions' imposition failed to achieve this objective but the entire purpose of them has changed as well. The US and international sanctions on Russia, North Korea and Iran didn't force these states to abide by international practices as North Korean nuclear arsenal has continued to grow, the Russian advances within the Eastern Europe (i.e. Ukraine War) and Syria have intensified while Iranian influence across the region is now much more apparent. Therefore, to quell these behaviors, the lateral purpose is to bring the domestic change. However, such an ambition features the suffering of the common masses.

In case of Iran, the US has imposed nearly 1500 sanctions, mostly by President Trump, which greatly exceeds in comparison to the UN sanctions on Iran which are only 80.<sup>15</sup> In fact, out of all the US sanctions globally, only 8.62 percent actually overlap with the UN-imposed sanctions.<sup>16</sup> Such a scenario further casts doubts over the purpose of imposing sanctions. As far as their impacts on Iranian population are concerned, due to the over-compliance

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of sanctions, many third parties are reluctant and cautious in dealing with Iran due to the fear of US sanctions upon them. Because of such approach, despite having exemption in humanitarian aid, Iran has been facing difficulties in accessing the humanitarian corridor.

The access to food and medicines is the major hurdle as international firms and NGOs are unable to have transactions due to the US imposition of sanctions on Iranian banking system. Due to this, Iranian government and companies are unable to import necessary supplies of pharmaceuticals that has squeezed the Iranian healthcare system. Foremost is the case of COVID-19 vaccine delivery. Under the UN program of COVAX, Iran's access to vaccines was hindered due to two prevailing reasons.

First, as the banking system of Iran was under sanctions, no international supplier could sign the delivery agreement while the second was the limitation in procuring foreign logistics and operators that were essential for keeping the vaccines.<sup>17</sup>

Moreover, the climate issue in Iran is aggravating due the US sanctions. In the city of Tehran, due the air pollution, the respiratory diseases are rampant. These diseases led to approximately 4000 premature deaths in Tehran alone. Due to the US sanctions, the economic situation inside of Tehran is fragile. Due to which people are forced to use automobiles that burn the fossils less effectively, disseminating more greenhouse gases into the air.

The sanctions also hinder Iran to import green technology from the other countries. The sanctions dating back to 1979 and those after JCPOA have caused international manufacturers and investors in vehicles and solar plants to flee from the country making Iran rely on the local technology which lacks green technology. Due to which the government faces problems in mitigating the climate issue and the health

problems of its people. These sanctions also impede the Iranian scientists to engage into research projects internationally.<sup>18</sup>

## **The Sanctions' Result**

Though the US administration never explicitly propagated the element of imposing sanctions on Iran as a move to spark protests to oust the Iranian regime yet the understated motive seems apparent which was reflected by the statement of US Secretary of State, Rex Tillerson, in a congressional hearing in 2017. Tillerson admitted that the US policy is to work with those elements inside Iran that could bring a peaceful regime transition.<sup>19</sup>

Particularly, in terms of economy, the US policy of sanctioning Iran to bring the Iranian economy to the brink of collapse is in line with the Tillerson's admission before the US Congress. The case of Mahsa Amini is an evident. Though certain segments of the society actually protested over the death of 22-year old girl under mysterious circumstances while being in the custody of Morality Police yet for many others, it was an opportunity to spell out their frustration over the state and the government on the dire economic situation. These protests also provide the space for the opposition groups both inside and outside of Iran to demand and propagate change in the Iranian political system.

Therefore, slogans like *'Women, Life, Freedom'*, *'Freedom, Freedom, Freedom'*, *'Our Disgrace is Our Incompetent Leader/IRGC'*, *'Disgrace, Disgrace, Disgrace'* and *'We Don't Want Islamic Republic'* were widely propagated to pressurize the Iranian regime for its eventual ousting.<sup>20</sup> Nonetheless, these protests couldn't achieve their desired outcomes of weakening or replacing the current state apparatus of Iran. Moreover, the protests are not a new thing for Iran. They are highly common spectacle for the regime since 1979.

The significant mention can be given to the protests of 1996, 2009, 2017 and 2022, where the international community sided

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with the protestors in the hope of bringing political change inside Iran but failed to achieve it. It is because that the government has developed the coping mechanisms to these protests through which they recognize the popular legitimate demands of the people and developed tools to deal with such actions.

The strategy of the US to turn the people against the regime through sanctions proved counterproductive for the US. In a joint study conducted by Center for International and Security Studies, Maryland University and IranPoll in 2019, 75 percent of the Iranians have disapproved renegotiating the Nuclear Deal with the US while 86 percent of Iranians have a negative attitude towards the US.<sup>21</sup>

Another polling firm, named 'Zogby', concluded its survey that showed the declining views of the US values amongst the Iranians with nearly 66 percent of the Iranian public viewed the US as 'a dangerous country that seeks confrontation and control'.<sup>22</sup>

In another survey conducted in 2021, 76 percent of the Iranians showed their satisfaction with the Raisi Administration and in the similar survey, 64 percent of Iranians opted for self-sufficiency over the trade.<sup>23</sup> From these surveys, certain deductions can be made. First, the US image in the eyes of the Iranians grew more negative as majority of the Iranian blame the US for their economic troubles.

Second, the confidence on the US have declined as well since majority of the Iranians now favour the more aggressive and hard stance towards the US by encouraging the nuclear program and disapproving any new deal with the US. Third, the pro-regime and pro-state faction in Iran has been able to gain the trust of the common masses.

It is evident from the election of an ultra-conservative candidate, Ebrahim Raisi, as the president of Iran and his subsequent approval ratings as reflected from the survey that

further consolidated the theocratic republican state system of Iran. This shows that the policy of bringing domestic change inside Iran through sanctions couldn't succeed, instead, the continuous hostile measures taken by the US towards Iran have actually distorted the US image amongst the Iranians.

Apart from the tacit ambition of bringing the regime change in Iran, the more documented and explicit reason of why the US have sanctioned Iran was to prevent its revisionist behavior in the region and across the globe that is detrimental to the US interests and its allies in the Middle East. However, regionally as well, this policy has fallen short from achieving its objectives. After the US withdrawal from the JCPOA, Iran pursued its regional policies in a more robust manner.

At the global forefront, Iran collaborated with China and brought in a hefty amount of investment worth \$400 billion in its petrochemical, telecommunication, infrastructural and transportation sectors. This was followed by Iran's permanent membership to Shanghai Cooperation Organization (SCO) in July 2023 that indicated Iran's acceptability amongst the emerging powers that aim to challenge the US-led global order.

Moreover, Iran also exported its drones, primarily *Shahed-131* and *Shahed-136* to Russia in the Ukraine War that brought Russo-Iranian collaboration to new heights.<sup>24</sup> Regionally, in 2022, Iranian backed president came to office as a result of elections in Iraq. Iraq's government under the leadership of President Muhammad Shia al-Sudani expressed its motive to establish better ties with Iran.

The Iraqi president came to office through the support of *The Coordination Framework* which was backed by Iranian groups inside Iraq. Iranian officials, on the other hand, did not conceal their role in the formation of the new government in Iraq. Iranian ambassador paid a visit to the President Sudani and expressed Iran's support to the newly formed government. Also, the

Commander-in-Chief on the Iran's Revolutionary Guards Corps (IRGC) expressed his praise over the Iran's role in the formation of the Iraqi government and spoke about the US' inability to play significant role in the Iraqi elections. The election of an Iranian backed President inside Iraq projected the Iranian prowess in the Middle East.<sup>25</sup> Iran was also able to legitimize its position in the Middle East through a reconciliatory process with the Arab states, most notably Saudi Arabia.

The peace deal with Saudi Arabia in March 2023, mediated by China, followed by resumption of diplomatic ties with Sudan, strengthened the position of Iranian state in the region. It was complemented by the return of Syria in the Arab League and KSA willingness to have peace negotiations with Houthis, both of whom are Iranian allies. Hence, not only the sanctions resulted in an undesired outcome both domestically and regionally for the US, they have, on the other hand, provided impetus for the Iranian state to ensue anti-US sentiments in the public and to seek rapprochement with the erstwhile adversaries for the economic betterment.

### **Unilateral Economic Sanctions under International law**

The unilateral economic sanctions by definition are restrictive economic measures that an individual state uses against the other state or its government officials, nationals and legal entities in the pursuit of achieving some foreign policy agenda or a national interest. The unilateral economic sanctions can be employed for a variety of reasons and have an array of offshoots that fall under different jurisdictions of the international law. First is the *retorsion*, which is defined as acts that are unfair only in political and moral sense but not in a legal manner.<sup>26</sup>

In other words, they can be stated as lawful but immoral and unfriendly acts of an offensive state against the affronted one. The second are the *reprisals* which are defined as actions undertaken by a subject of the international law against the

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other subject to coerce the offender and force it to comply to the obligations towards the subject which has been wronged.<sup>27</sup> They are also known as the acts of self-help by the injured state. The third amongst the unilateral economic sanctions are known as the countermeasures.

They are defined as unilateral measures taken by the injured state against the wrongful act of the other state that affect the right of the target state.<sup>28</sup> They are claimed by the injured state to demand amends for the damage done by the offensive state. Fourth category is the third-party counter measures. They are defined as the counter measures adopted by a non-injured state in solidarity with the injured state against the wrongful actions of another state. The fifth and the last category is the sanctions. It is not a legal term but the term has certain notoriety attached to it.

The term was first used by International Law Commission in its draft articles.<sup>29</sup> International legal scholars do not have the consensus over the fact that whether or not the term 'sanction' can be used to denote the unilateral restrictions imposed by the individual states. The legality of the unilateral sanctions is debatable and is a bone of contention in the political and ideological realms. The debatable part is that how much the use of force and intervention should be allowed to a state under the international law and the UN charter.

Both China and Russia are against the imposition of the unilateral economic sanctions and consider them as an overuse of force and coercion. Some scholarly circles claim that unilateral economic sanctions fall under the prohibition of use force in the UN charter's Article 2(4) and only the UN is allowed to impose sanctions. International Court of Justice also recognized the article as the basis of the UN Charter.<sup>30</sup>

Same is the debate about the US sanctions on Iran. The US does not consider unilateral economic sanctions on Iran as illegal. The

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continuous policy of sanctioning Iran has not pressurized the state, as previously mentioned, rather it has created dire circumstances for the ordinary people. On one hand, sanctions on Iran are termed by the US as countermeasures for Iran's belligerent behavior. On the contrary, the oil embargo in 1973 by the Arab states to prevent the West from supporting Israel's belligerence in the region, is termed as "oil weapon" by various western scholars.<sup>31</sup> Furthermore, the sanctions imposed by the US are selective and are targeted at some countries such as Iran, North Korea and Russia.

According to the US, these states posed a threat to the rule based international order and committed human rights violation. However, the same principle is not applied for the Israeli atrocities in Gaza and the Indian military deployment and human rights violations in Kashmir Valley. This discrepancy invalidates the notion of creating rule based international order by pressurizing the belligerent states. Instead, it reflects the US policy of using sanctions as a tool against its enemy states.

For example, the US legislation passed a law in 2017, named Countering America's Adversaries Through Sanction Act (CAATSA) which prohibits any country to economically engage with Russia, Iran and North Korea or it will be put under sanctions. The law became more crucial after the Ukraine War as Russia became the most sanctioned country which tempted Europe to halt their energy supplies coming from Russia. Yet India purchased two million barrels oil a day from Russia despite being a strategic partner and a crucial state for the US in its 'China Containment' policy.<sup>32</sup> On the opposite side, the US exempted India from the CAATSA.

As per the international law, Article 32 of UNGA prohibits states to employ coercive measures in economic affairs against other states. Furthermore, the former UN Special Rapporteur, Idriss Jazairy, advocated that only multilateral sanctions

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approved by the UNSC should be imposed.<sup>33</sup> The case for the prohibition of unilateral primary and secondary sanctions becomes stronger due to the obvious biases that are present as mentioned by highlighting the contradictory policies of the US towards its strategic allies (Israel and India) and adversaries like Iran. These sanctions on Iran have not only hurt the Iranian economy and the people but prove to be detrimental for the developing nations as well which are heavily depended on energy resources like Pakistan.

The shrinking number of 'allowed' oil producing and exporting countries has resulted in the continuous oil price hikes which have increased the import bill of energy-dependent states and negatively impacted their economies. This resulted in the inflation, unemployment, political instability and dire economic conditions in such states through which the ordinary citizen is impacted. Hence, such unilateral sanctions are basically a tool for the sustenance of US might and hegemony that has brewed anti-US sentiments as well as troublesome economic circumstances for the energy-dependent states.

## **Conclusion**

The debate on the utility of unilateral economic sanctions is a continuous phenomenon and has various aspects. First, most of the time, the major global state actors exercise the power of sanctions due to their substantial influence over the global economy. Generally, the developing nations are opposed to unilateral economic sanctions which they find detrimental to their national economic interests.

Second, in the case of US versus Iran, the former has persistently adopted the policy of sanctioning for various purposes ranging from a regime change to punishment. This has, however, didn't bear any fruits. While the futility of US sanctions in case of changing the Iranian state's behavior has been extensively discussed, it must also be pondered upon

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that such measures are actually self-inflicting for the US itself. Considering that the ordinary citizens are the ones who are the direct victims of such sanctions, it is natural that such actions would invariably damage the US position and would lead towards the intensification of anti-US sentiments.

Third, the selective approach towards sanctions also questions the legitimacy of the US as being the leader of 'free world' and the flagbearer of freedom.

Fourth, such unilateral approach towards Iran also highlights the discrepancy in the US-led capitalist economic order which propagates the free market economy and for which the US was involved in a decades-long Cold War with the erstwhile Soviet Union.

Fifth, the persistence with which the US adopts the policy of unilateral sanctioning also brings forth the weakness of international law. Therefore, in conclusion, a strong legislature and institutional mechanism is required to ensure the misuse of sanctions and strengthen the UN sanctioning regime as the only viable and legal framework of imposing sanctions.

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