

# The United States Sanctions against the Islamic Republic of Iran; from Unilateralism to Violations of International Human Rights

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(Received: June 30, 2020 - Accepted: September 9, 2020)

## Abstract

Today, the global system is formed based on multilateralism, which is based on international relations and the origin of international organizations and institutions. But this matter is endangered by the unilateralism pursued by the United States of America. Coercive unilateral measures such as sanctions, threats, military intervention, and even measures such as withdrawal from international treaties are exerted at high levels. Therefore, such actions by a country, which considers itself protector of the human rights and interests of the international police, are contrary to the international law and the United Nations Charter and must be opposed by the international community. This study has adopted a descriptive-analytical approach and is based on internationally accepted documents and procedures. Data collection is done using library and internet tools and relying on objective data. In this study, we seek to answer the critical question of whether the United States' unilateral and hostile sanctions against the Islamic Republic of Iran are legitimate in terms of international law and human rights. Our initial answer (hypothesis) to this question is that the hostile actions of the United States of America against the Iranian people are blatant violations of international human rights law following the resolutions of the UN and the Human Rights Council. The fundamental rights of the Iranian people, such health, life, and the right to development, in all its legitimate respects, have been directly influenced by the hostile and unilateral actions of the United States, and have a worrying impact on the human rights and life of the Iranians. The United States' actions also impede the establishment of lasting and comprehensive peace and security in the international arena. The purpose of this study, therefore, is to examine and evaluate the contradictions between the sanctions as one of the most essential enforced and hostile actions of the United States' government against the economic resources of the Iranian state and nation from the perspective of the international law and human rights.

**Keywords:** Unilateralism, United States of America, Sanctions, Human Rights, Iran.

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### Introduction

In the international documents, sanctions are defined as the coercive measures taken by a country or a group of states against a government that has violated international law or violated accepted moral standards as a civilian solution. But in contemporary international relations, sanctions are seen as tools for resolving disputes and achieving specific political goals, often reflecting the dissatisfaction of influential Security Council members with the international and domestic behavior of other members. Sanctions are now in the hands of the great powers as a political tool, affecting the country and its citizens in different ways and disturbing the dignity of society with every respect. These sanctions violate the individual and social rights of ordinary citizens of the community, and impede the lives of individuals in the city and violate human rights (Goudarzi, 2017: 128).

Unilateral sanctions mean the restraints and restrictions that a government imposes on other states or governments. In this process, governments restrict or cut ties with other governments apart from Security Council resolutions, such as "Iran's Oil Embargo by the United Kingdom During the Dr. Mossadeg's Term of Office, Which Is One of the Most Significant Economic Sanctions in the World" (Al Kajbaf and Ansarian, 2014: 12).

Since the 9/11 incident, most Western industrialized states led by the United States have increasingly targeted unilateral economic sanctions against specific governments, international terrorist groups, and illicit drug traffickers. On the other hand, economic sanctions have also been imposed on foreign companies, third-party institutions, and businesses that directly or indirectly support or trade with the target country. The obvious point about these sanctions is that they are enforced under national laws and thus create criminal or civil liability for the states and third parties that establish commercial relations with the target country.

Economic sanctions have raised human rights concerns, as the detrimental and destructive effects of these sanctions on the living conditions of citizens increase the likelihood of a violation of fundamental human rights, such as the right to adequate food, access to essential medicines, due to health and wellness, etc. Therefore, the main focus of the economic sanctions is on their effectiveness and impact and their compliance with international human rights norms (Javid, 2014: 107).

The Islamic Republic of Iran has been subject to the United States and allied sanctions since its inception. Still, since 2005, it has entered a new era on the pretext of enriching uranium. The primary purpose of the sanctions, according to them, is to bring about a radical change in Iran's

approaches and policies. Iran is currently facing the most unprecedented sanctions in the history of the world economy, so that the term economic warfare can be used (Manzour et al, 2013: 21).

So the main question in this article is, "Is the United States unilateral and hostile sanctions against the Islamic Republic of Iran legitimate in terms of international law and human rights?" We hypothesize that the unilateral United States sanctions against the Iranian citizens, following the resolutions of the United Nations and the Human Rights Council, are gross violations of human rights and contrary to international norms. As a result of these sanctions, the fundamental rights of the Iranian people, such as the right to health, the right to life, and the freedom to develop, have been directly affected in all its legitimate respects, while preventing the establishment of lasting peace and security in the international arena. It has had negative and worrying consequences for the rights and lives of the Iranian people.

The present study, therefore, is a descriptive-analytical one to examine contradictions in the sanctions as one of the most essential and hostile measures taken by the United States government against the economic resources of the Iranian state and nation from the perspective of international law and human rights.

## **1. Conceptology**

### **1.1. Sanction**

Sanctions are punitive measures against a country to change its behavior (Ghomami, 2013: 92). Sanctions are one of the international coercive means of governments to change the behavior of other governments. These tools are based on the rejection of the principle of equality of states and are construed as a hostile tool that one or more countries pose against another country and demand that it makes dramatic and fundamental changes to its norms, structures, and behaviors (ibid, 89).

Sanctions can be applied unilaterally, multilaterally, or per the international resolutions. International sanctions require the issuance of a UN resolution, but in multilateral sanctions, several countries usually compromise on imposing sanctions on another. In one-sided sanctions, one country acts alone against another. The latter two do not require the Security Council to issue a resolution and states agreement provides for sanctions (Goudarzi, 2017: 130).

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### 1.2. Types of Sanctions

The UN sanctions cover a wide range of measures ranging from economic sanctions to the termination of diplomatic relations, as outlined in Article 41 of the Charter. A summary of sanction types is provided below:

A) Non-economic sanctions: These are sanctions that usually start before economic sanctions and are intended to persuade the target country to change its intended policy. Non-economic sanctions vary depending on the country and circumstances, but may include:

- 1) Refusal to grant visas;
- 2) Reducing the level of diplomatic representation;
- 3) Preventing the target country from joining international organizations;
- 4) Preventing the target country from hosting international conferences;
- 5) Refusal of official aid and assistance (this applies especially to Low Countries) (Rohani, 2002: 34).

B) Economic sanctions: Economic embargo is the planned action of one or more governments by restricting economic relations to exert pressure on the target country for various political aims. Economic sanctions are often seen as a substitute for war and coercive force. The purpose of economic relations is commercial and financial development. Different countries apply limited economic sanctions for their political objectives against the target countries, but this type of sanction is generally with low effect. Extensive sanctions by international organizations have also rarely been implemented. The International Community, which was in charge of coordinating world affairs between World War I and World War II, imposed sanctions only four times, only two of which were successful (ibid, 61-70).

In general, economic sanctions, as a tool to promote the interests of a country's foreign policy, fall into the middle of a spectrum; which on the one side is the most severe coercive measures, such as resorting to military forces, covert actions, or threats to resort to military force. The other side of the spectrum is diplomatic measures, the expulsion of diplomats, the summoning of ambassadors, the formal diplomatic protest, and the suspension of cultural exchanges. In other words, the imposition of economic sanctions is in the middle of this range of measures and is often used instead of the above standards. Political measures may not be as effective as they should be, yet resorting to military solutions may seem extreme. In other words, sanctions “Sharpen the Teeth of International Diplomacy” (Behroozifar, 2004: 198).

In general, sanctions, both economic and non-economic, are tools and levers to achieve the political goals of countries in the international arena.

Although in previous centuries, sanctions were considered more a part of diplomatic skills, now the strategy of waging an economic war during the current hostilities of modern times has far broader goals than its traditional concept. Especially after the 1990s, the pattern of sanctions has changed dramatically, so that economic sanctions are considered as a superior policy or alternative to military tools and at a lower cost in the foreign policy of countries (Lopez and Cortright, 1995:18).

### **1.3. Unilateralism**

Unilateralism is a policy based on which a country relies solely on its interests for the sake of its security and national interests. Governments can take a unilateralist approach, but both participate in international affairs and rely on their capabilities and solutions. Such a state has practically found its needless of other countries and believes in its ability to oppose different beliefs, and therefore perceive no reason to commit to other states (Plino and Alton, 1996: 25-26 quote: Ameri Golestani and Shojaei, 2017: 171).

In the United States, with releasing the power of neoconservatives following George W. Bush's presidency and the 9/11 terrorist attacks, efforts that had been made by the United States since the end of the Cold War to create a united world leadership and had been manifested in the views of people like Francis Fukuyama, Samuel Huntington, and Elaine Toffler, came to success which is known as the United States' unilateralism era. To this end, the United States invaded Afghanistan and, for the first time, ignored the UN and its mechanisms; while bringing the global consensus as to the sole source for lifting the threats. At the same time, the United States will dictate to the great powers as well as the regional powers its forceful demands for conquering the most strategic parts of the world and the future communication routes between the Persian Gulf and the Caspian Sea and Central Asia (Hojatzadeh, 2003: 30-31 quote: Emamjomehzadeh, 2007: 656-657).

In general, "Unilateralism" refers to situations that do not fall within the territorial jurisdiction of the country conducting these actions, and hence is in connection with "Extraterritoriality." Since governments are generally not in a position to enforce their laws outside their territorial jurisdiction, unilateralism and extraterritoriality are also tied to sanctions. Therefore, any sanctions imposed outside the framework of the Security Council are considered as unilateral sanctions. To this end, unilateral sanctions by the United States government are extraterritorial, forcing nationals, corporations, and third countries to refrain from doing business with the

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target countries, otherwise being punished (Zamani and Gharibabadi, 2015: 101-102).

### 2. History of US Unilateral Sanctions against Countries

Before addressing the US unilateral sanctions against Iran, in this section, we briefly refer to the history of US unilateral sanctions against other countries.

Historically, the United States has used the most economic sanctions against individuals, groups, and countries. The use of sanctions in American history dates back to the outset of the formation of this country.

In 1765, American immigrant inhabitants boycotted British goods in response to the implementation of the Stamp Act, which led to the American Revolution. In 1807, US President Jefferson, accompanied by Congress, imposed export sanctions on Britain and France (Alavi, 2016: 54-55).

Economic sanctions were used as a complement to military actions against nations before World War I. But after World War I, economic sanctions were introduced as a substitute for military activities in foreign policy. The rise of unilateral US sanctions was such that between 1910 and 1980, countries such as Japan (1917), Argentina (1944), the Netherlands (1948), China (1949), Britain (1956), Germany (1961), Brazil (1962), Indonesia (1963), Chile (1963), India (1963), Pakistan (1971), Turkey (1974), South Korea (1975), South Africa (1975), Uruguay (1976), Soviet Union (1980) Poland (1981) and Romania (1983) were subject to unilateral US sanctions. (<https://www.ohchr.org/EN/Issues/UCM/Pages/Resolutions.aspx>) With the fall of the Soviet Union and the beginning of the American monopoly on the world economy, the use of sanctions became more prominent in American foreign policy. During this period, regarding its dominance over international institutions, the United States tried to impose its intended sanctions through the United Nations as much as possible. These include comprehensive UN sanctions against Iraq, Haiti, Yugoslavia, and Libya.

Currently, Myanmar, Cuba, Iran, Sudan, and Syria are under comprehensive US sanctions. There are also targeted US sanctions against so-called terrorist groups and drug traffickers and Bosnia-Herzegovina, Belarus, Congo, North Korea, Sierra Leone, and Zimbabwe. As a result of these sanctions, the names of more than 6000 foreign natural and legal entities are blacklisted by the United States, with whom Americans are barred from trading and whose assets are frozen in the territory of Americans (Alavi, 2016: 55).

Thus, since the late 1980s, the threat of terrorism, drugs, and the proliferation of weapons of mass destruction have been areas of sanctions. Generally, out of the 103 economic sanctions imposed between 1945 and 1990, the United States participated in 79 of them. During the same period, Britain (13 times) and the Soviet Union (11 times) imposed sanctions. Although economic sanctions have always been a powerful tool in American foreign policy, now that the Cold War has been over, they are becoming more important and more widely used. From 1993 to 1996, the United States passed 61 laws and executive orders to sanction 35 countries and has so far imposed sanctions 142 times under Article 42 of the Federal Sanctions Act (Behroozifar, 2004: 202).

### 3. US Goals in Unilateral Sanctions

Unilateral sanctions, as a tool of US foreign policy, are commonly used to achieve the following goals:

- A tool for dissatisfaction or change concerning the domestic behavior of the target country;
- A tool for dissatisfaction or shift about the foreign conduct of the target country;
- Creating instability or overthrowing the target government.

Many US unilateral sanctions are aimed at changing the domestic or foreign behavior of other countries. In some cases, sanctions have been imposed to convince domestic groups and to gain votes (Alikhani, 2001: 465, quoted by Alavi, 2016: 55-56). For example, South Korea (1973), Uruguay (1979), Paraguay (1977), Argentina (1977), and Brazil (1977) have been sanctioned for human rights abuses to promote democracy. Some countries have also been authorized because of pursuing nuclear technology, including South Korea (1975), South Africa (1975), Taiwan (1976), Pakistan (1979), and Brazil and India (1978). Also, sometimes sanctions, despite affecting the behavior of the target country, are merely symbolic and show opposition against the policies of the target country (Kegley and Wittkopf, 2005: 149, quoted by Alavi, 2016: 56). These include the 1989 Chinese Santino due to suppressing protests of a group of people in Tiananmen Square.

Another part of US sanctions is aimed at expressing dissatisfaction or changing the foreign behavior of the target country. The Myanmar sanction (1948) was intended to force the recognition of Indonesia. Sanctions were imposed on Syria and Sudan on charges of supporting terrorism. The British (1959), Turkish (1974), and Iraqi (1990) sanctions

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were set to withdraw their troops from the Suez Canal, Cyprus, and Kuwait, respectively.

However, some US sanctions have been imposed to destabilize or overthrow the foreign government. Economic sanctions for strategic purposes are different from sanctions for other purposes; because sanctions for strategic objectives are usually an alternative to war or a prelude to military action. Since the cost of sanctions is far less than war, sanctions have always been a strategic and justifiable option for US officials. For example, the sanctions imposed against Argentina (1944), Cuba (1960), Chile (1970), Libya (1978), and Syria (2011) were to overthrow the governments of [...], Castro, [...], Gaddafi, and Bashar al-Assad respectively (Alavi, 2016: 56).

### **4. History of the United States Sanctions against the Islamic Republic of Iran**

In the years following the victory of the Islamic Revolution and following the seizure of the United States' Embassy on November 04, 1979, Iran faced the economic and trade sanctions of the United States and its European allies. Washington's economic sanctions against Tehran included a ban on the United States oil imports from Iran, a ban on delivering spare parts and military weapons to the Islamic Republic of Iran, and blocking all Iranian assets in the United States' banks. With the release of the American hostages on January 20, 1981, the European governments withdrew from sanctions against Iran, but the United States continued to impose sanctions on a broader scale by blocking assets and refusing to supply Iran's purchased military equipment, withholding refusal to fulfill its obligations in Algeria's declarations to lift sanctions and not interfere in Iran's internal affairs (Alikhani, 2001 quoted: Mombini et al., 2013).

Thus, the US government's sanction approach began since the early days of the Islamic Revolution and after the United States' embassy was seized by the Muslim Student Followers of the Imam's Line and was fully fleshed out by former US President's (Clinton's) executive order banning investment in Iranian oil and gas fields. The United States' government has adopted a new approach called targeted or intelligent sanctions in the wake of its infamy of comprehensive economic sanctions at the international level after imposing unilateral economic sanctions on the government and the Islamic Republic of Iran, as the United States' President in Executive Order no. 13553 (September 28, 2010) as "Blocking Property of Certain Persons concerning Serious Human Rights Abuses by the Government of Iran and Taking Certain Other Actions" have put the sanctions on eight

Iranian government officials. Imposing sanctions against individuals for the exercise of judicial and security jurisdiction, which is considered to be the sovereignty of governments, is disputed because the scope of the concept of government in the international law (in particular from the perspective of judicial immunity) includes officials and also government agents who exercise such sovereignty. The United States government, seeking to justify its measures, cites various charges and allegations against the Islamic Republic of Iran, such as human rights violations and support of terrorism and efforts to obtain nuclear weapons (Kholf Rezaei, 2015: 117-118).

In this regard, the United States has taken other steps in recent years to isolate and contain the Islamic Revolution of Iran. These include limiting direct financial assistance such as loans, letters of credit, bank guarantees and credits for export and import, and receiving indirect financial aid through the World Bank and IMF and dozens of other examples (Mombini et al., 2013).

Most importantly, the Trump's government, adopting the stick approach, has put changing Iran's missile and regional policies on the list by returning the nuclear sanctions and incorporating the Islamic Republic Revolutionary Guards into the State Department's list of terrorist organizations. The United States government and Congress believe that due to the heavy dependence of the Iranian budget and development plans on oil and gas exports, the cost of sanctions will rise to cripple Iran's economic and banking arteries, and Tehran will have to give concessions to supporters of the sanctions by estimating the costs. Therefore, the place of sanctions in the foreign policy of Trump's government and the 15th Congress has become more prominent and plays a role in regulating Iran's behavior. Although the sanctions focus on countering missile manufacturing achievements or regional influence, underpinning congressional sanctions targeting banking, financial, and commercial entities (Delavar Pouraghdam and Dehghani Firouzabadi, 2018: 133-134).

### **5. The United States' Unilateral Sanctions against the Islamic Republic of Iran and Violations of the International Law and Human Rights**

The use of sanctions in the United States foreign policy has grown to such an extent that some international relations scholars refer to it as the "Sanction Epidemic" or "Sanction Frenzy" (Helms, 1999: 2). As the Third Millennium enters, the sanction weapon is the essential tool of Congress to change the behavior of a given state (Pifer, 2017: 1).

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The United States unilateral sanctions against the Islamic Republic of Iran violate the self-evident principles or what is called *Erga Omnes* in international law. These principles are:

### 5.1. Violation of the Right to Life

The right to life as the most critical and supreme right, from which other rights have arisen, in Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Civil and Political Rights, Article 6 of the Convention on the Rights of the Child and many other international instruments, have been emphasized and upheld by all States as an inherent human right (Goudarzi, 2017: 136). Undoubtedly, the most basic human right referred to as the mother of human rights is in no way restrictive "The Right to Life." Violation of this right does not merely occur with execution and killing but also withholding livelihoods is itself an example of a breach of the right to life. Recent sanctions on Iranian oil and Iran's central bank are entirely against Iran's livelihood as much of the Iranians' GDP is from oil. The central bank is a nation-wide fund, and the two are undoubtedly a violation of the Iranian people's right to life; because they cannot afford or earn money to make a living with it (Ghomami, 2013: 100).

In general, the catastrophic effects of sanctions on the right to life, which are undoubtedly inflexible and irreversible, are undeniable in many sanctions, especially in comprehensive sanctions. There are disruptions, because of the widespread poverty, in social services and food and drug shortages, and as a result of sanctions, the spread of disease, and an increase in mortality. Impacts of sanctions in Iraq, including a lack of safe drinking water, food, medicine, and necessary living facilities, have killed hundreds of thousands of the vulnerable, according to various UN agencies. Women, children suffer the most damaging and catastrophic effects of the sanctions (Goudarzi, 2017: 136-137).

### 5.2. Violation of the Right to Development

The origins of the development right can be found in the introduction to the UN Charter, which states "Social Development and Better Living Conditions with Greater Freedom" (Shayegan and others, 2003: 52). And as described in the Vienna Declaration and the Action Plan of June 25, 1993, the right to development has become a "Universal, Inalienable and Inalienable Right of Fundamental Human Rights" (Zarif and Mirzaei, 1997: 98).

The right to development guarantees the freedom, progress, and equitable enjoyment of the material and spiritual resources and resources available to the international community, including nutrition, education,

and health, housing, social security, art, communications, freedom, security and it is all the supplies that guarantee the continuity of human life and material and spiritual growth. According to international documents, the right to development is a universal, inalienable and inalienable part of the fundamental human rights, including the right to life, and aiming at providing the right to development, the international community and governments shall avoid creating hurdles and work effectively to realize the right to development and remove barriers (Goudarzi, 2017: 139). Paragraph 4 of the Human Rights Commission's resolution "Human Rights and One-sided Coercive Action" explicitly lists trade restrictions, blockade, and prohibition of trade and freezing of assets as coercive measures which are considered human rights crimes (Zarif and Mirzaei, 1997: 98).

This right is also universally recognized in the International Covenant on Economic, Social and Cultural Rights and, more importantly, in the Declaration of the Rights and Economic Responsibilities of States (1974). This right has two propositions:

First: Countries striving for their development must be respected by other governments and organizations (negative right); and

Second: Developed countries must focus all their material and technological efforts on helping southern and developing countries (positive right).

Sanctions against Iran have violated both cases because sanctions state, all of which are developed countries, have never recognized Iran's right to development, and for example, continue to face numerous problems in its pursuit of nuclear energy. On the other hand, it has put many obstacles in its face, so these comprehensive sanctions are a violation of the right to development because it not only does not allow independent development but also excludes any assistance to our country in the hostile situation (Ghomami, 2013: 101).

### **5.3. Violation of the Right to Self-Determination**

Sanctions, as a civilian punishment tool, disprove this principle because it forces the target nation to commit an unwanted act. Western sanctions, especially the United States' sanctions against Iran, to alter the Iranians' view of the military they have deployed or of nuclear energy that has now become part of their identity, are undoubtedly a violation of their political and economic right to self-determination (Ghomami, 2013: 102).

### **5.4. Breach of Contractual Obligations**

One of the most important treaties between Iran and the United States is the treaty of friendship between the two countries, which even after the

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Revolution and now both parties, especially the American side, the US-Iran Arbitral Tribunal still relies on it. Accordingly, the parties are not entitled to engage in hostile behavior against one another's interests. While the treaty remains in force, the sanctions status is fundamentally unacceptable because it is a breach of contractual obligation and, on the other hand, a violation of the American side's reasoning in maintaining the treaty (Ghomami, 2013: 103).

### 5.5. Violation of the Right to Health

Health is nowadays regarded as a fundamental human right. Since protecting people's health is considered a primary sovereign responsibility, health care is, therefore, an essential aspect of civic policymaking and management (Al Kajbaf and Ansarian, 2014: 27). The first implicit manifestation of the right to health can be found in Article 55 of the UN Charter. In the preamble to the World Health Organization's constitution, the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being. Article 25 of the Universal Declaration of Human Rights has rightly emphasized health. Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Al Kajbaf and Ansarian, 2014: 28).

In general, the Covenant on Economic, Social and Cultural Rights recognizes the right of all human beings to enjoy their best physical and mental health and commits countries to fully exercise this right to reduce abortion, reduce child mortality, improve the health of children, improve health services, prevent, cure and fight diseases, predominantly communicable and joint disorders, and to create appropriate conditions and take the necessary steps to provide medical care to the public. These rights are also enshrined in the Convention on the Rights of the Child (Goudarzi, 2017: 137-138).

Article 5 also commits the Member States to the abolition of all forms of racial discrimination to guarantee the right of everyone to public health, medical care, social security, and social services (Al Kajbaf and Ansarian, 2014: 28). It should be acknowledged that the sanctions have harmed the country's treatment system, which includes the supply of drugs and medical equipment.

In many cases, it has impeded the entry of certain drugs. It has also slowed the entry of medicines and equipment, the introduction of counterfeit and unconventional drugs, and increased prices for other medications. Foreign companies refused to sell raw materials to Iran as financial sanctions intensified. Assuming that 97% of prescriptions are

manufactured domestically, up to 60% of raw materials are imported from abroad (Al Kajbaf and Ansarian, 2014: 37).

Another indicator of the right to health is access to safe drinking water. Contaminated water is responsible for many deaths worldwide. Unhealthy water intake, in addition to infant mortality, can lead to permanent damage to their physical and mental development. Water is a significant issue in sanctioned countries, and sanctions can create problems for any of the people's drinking water schemes and programs (Zamani and Gharibabadi, 2017: 123).

A healthy and clean environment is another indicator of the right to health. Today, human enjoyment of a healthy environment is a fundamental right. The scientific, technical, and economic sanctions of countries are accelerating the process of environmental damage. Increasing types of pollution and insufficient ability to make fair use of international standards will slow down the process of responding to environmental problems, leading to a decline in the quality of life and health of people in countries subject to sanctions (ibid).

#### **5.6. Violation of the Right to Education**

Education is a fundamental human right and an enabler and precondition necessary for the exercise of other human rights as well as for the enjoyment of one's abilities and talents. According to Article 1 of UNESCO Recommendation on Education for Concepts, International Cooperation and Peace and Education on Human Rights and Fundamental Freedoms, "Education" means learning all the processes of social life that individuals and groups have. Societies learn to cultivate consciousness to benefit from all their abilities, talents, tendencies, and personal knowledge. Article 2 of the UNESCO Convention on the Elimination of Discrimination in Education also addresses the issue of education at all levels of education. It provides access to the standard and quality education and conditions provided therein. Also, following the UN Covenant on Economic, Social, and Cultural Rights, the right to education is an integral and integral part of all human rights (Zamani and Gharibabadi, 2017: 125).

The Covenant, therefore, recognizes the right of everyone to access education. Education aimed at the full development of the human personality and the strengthening of respect for fundamental human rights and freedoms. To this end, the Member States to the present Covenant has undertaken to make elementary education compulsory and to make it freely available to the public. The obligations of the Covenant articles are generalized to secondary education as well as higher education to all the means necessary for the people. The educational structure of a country

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subject to severe sanctions is severely disrupted due to economic problems. And a lack of funds and the right of a wide range of people, especially children, adolescents, and young people, to access education and useful services in this area are downgraded (Goudarzi, 2017: 138-139).

Also, the Dutch Court (The Hague), on February 3, 2010, ruled that sanctions against Iranian students on the grounds of nationality were unacceptable for expelling Iranian students studying at Dutch universities. On April 26, 2011, the Court of Appeal upheld the lower Court's ruling (February 3, 2010). The Supreme Court also supports the Court of First Instance, and the Court of Appeals votes on December 14, 2012 (Zamani and Gahribabadi, 2017: 126).

### **5.7. Violation of Economic Activity Right**

Paragraph 1 of Article 22 and Paragraph 1 of Article 25 of the Declaration of Human Rights states the appropriate conditions for carrying out economic activities to meet the basic needs of the people:

Article 23: Paragraph 1: Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment.

Article 25: Paragraph 1: Everyone has the right to a standard of living, health, and well-being for himself and his family in terms of food, accommodation, medical care, and social services, and have access to dignified living conditions in the event of unemployment, illness, disability, widowhood, aging or in all other cases where the livelihoods have been lost out of the human will (Universal Declaration of Human Rights, Articles 23 and 25). Also, the International Covenant on Economic, Social and Cultural Property, Articles 7, 11, 12, 13, 14, 15 and 18, such as the right to just and favorable conditions of work, the right to enjoy life, including food, clothing, housing, health, education, the right to the development of science and technology, and the right to benefit from intellectual and artistic achievements have been expressed. It should be noted that the United States' sanctions against Iran have been damaging to the Iranian economy in several respects. Oil exports, expansion, and refurbishment of oil fields, public imports, and foreign investment are areas targeted and damaged (Mombini et al., 2013).

### **5.8. Violation of the Right to Free Access to Information and Freedom of Expression**

The right to access information is a fundamental human right. Historical records of this right go back to 1946 and the first meeting of the General Assembly. At the meeting, the General Assembly declared that the right to

freedom of information is a fundamental human right and is the basis of all the rights that the United Nations seeks to guarantee (Mendel, 2008: 8 quoted: Mousavi et al, 2014: 164).

This right is also recognized in human rights instruments. The realization of this right can be a fundamental basis for the completion of another request called "The Right to Know." Article 19 of the Universal Declaration of Human Rights, adopted by the 1948 United Nations General Assembly, states: "everyone has the right to freedom of opinion and expression, including the right not to be anxious about his or her ideas and to be free to obtain information and ideas and to obtain and disseminate them, by all means, possible without boundary considerations." In this regard, Article 19 of the International Covenant on Civil and Political Rights, 1966, of the United Nations General Assembly states: "Everyone has the right to freedom of expression. This right shall include the freedom to study and impart information and ideas of any kind, regardless of frontiers, whether verbally or in writing or print or art, or by any other means, at your discretion." The regular exercise referred to in Paragraph 2 of this Article shall entail special rights and responsibilities; it may, therefore, be subject to certain limitations that are stipulated in the law and are necessary for the following.

A) Respect for the rights or dignity of others;

B) Preserving national security or public order or morality (Mousavi et al., 2014: 164-165).

With the spread of various technologies in the field of communication, including the increase of satellite networks and the Internet epidemic in the world, the right to freedom of expression is, to a large extent, related to ICT. Cyberspace tools are also high-tech goods that have been on the list of sanctions for export to Iran since 1997 under Presidential Decree 13059. Many e-mail services, online messengers, mobile platforms such as Apple, file-sharing services, subscription services, and video file playback services are all high-tech goods unavailable to Iranians. All of these are examples of violations of the right to freedom of expression and access to information (Mousavi et al, 2014: 165).

The United States' government has also used telecommunications technologies to cut off satellite networks belonging to the Islamic Republic of Iran and, on the one hand, our country's right to freedom of expression and to convey a message of friendship to other countries and nations. It has violated various laws and, on the one hand, violated the rights of Iranian citizens to access their information through satellite networks as one of the primary sources of information (Mousavi et al, 2014: 165-166).

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### 5.9. Violation of the Principle of Individual Responsibility in Punishment

Coercive measures, such as comprehensive economic sanctions against a state, are first and foremost a form of mass punishment that is incompatible with the ethical principle of individual responsibility. Punishing those who are not responsible for specific political decisions may be considered a terrorist act by trying to target the people of the target country directly. However, deliberately inflicting damage on innocent people is, in itself, an immoral act that is not justified by any structure of profit. Article 2 of the Declaration of Human Rights states that the punishment of those who are not responsible for any violation is as follows:

Article 2: Everyone may enjoy all the rights and freedoms outlined in this Declaration, without any distinction, especially in terms of race, color, sex, language, religion, political opinion or any other opinion as well as nationality, social status, wealth, birth or any other status. Also, no discrimination shall be made based on the political, administrative, judicial or international status of the country or territory to which the individual belongs, whether independent, custodial or non-autonomous or limited in its sovereignty» (Human Rights Declaration, Article 2, quoted by Mumbini et al, 2013).

### 6. Unilateral Sanctions from Perspective of International Law (With Emphasis on the Rulings of the International Court of Justice and the United Nations)

Judge Koroma, the former Vice President of the International Court of Justice (1994-1994) at the International Symposium on Unilateral Sanctions and International Law, ruled that such sanctions were utterly contrary to international law. In his view, unilateral sanctions are contrary to international law, and therefore a challenge to the international legal order set out in the Charter of the United Nations. The UN Human Rights Council, in its resolution dated October 13, 2014, entitled "Human Rights and Unilateral Coercive Measures," emphasized that unilateral actions and laws are contrary to international law, international humanitarian law, the UN Charter, and the principles governing peaceful relations between governments (Zamani and Gharib Abadi, 2015: 102).

Since states are independent and legally equal under international law, no government can exercise its jurisdiction over the territory of another state without its consent. In the Lotus case, the International Court of Justice explained the basic principles of jurisdiction in public international law: "The first and most important limitation imposed by international law on a state is that it cannot exercise jurisdiction over it without the

permission of another state." In this context, the Council, in its resolution dated October 13, 2014, calls on all countries to stop adopting and implementing coercive measures, especially those with extraterritorial effects (Zamani and Gharib Abadi, 2015: 103).

In the Barcelona Traction case in 1970, the International Court of Justice also ruled that international law implies an obligation for states to exercise moderation in their jurisdiction, to refrain from exercising jurisdiction by the courts in cases where there is an external element, and to refrain from unjustifiable encroachment on the jurisdiction of another state to which it is more dependent or where its authority is duly enforceable. The logical conclusion of the Court's statement is that jurisdiction, as an essential feature of sovereignty, imposes not only restrictions on the exercise of authority by states within their territory but also underscores the critical point that countries should refrain from engaging in activities and decisions that are contrary to this principle accepted in public international law (Mafi, 2006: 72).

According to Chapter 7 of the Charter, in the event of a threat to peace, a breach of peace, or an act of aggression by a state party to the United Nations Security Council, the Council may take action to maintain and restore peace. The Council's activities may include "Suspending All or Part of Economic Relations, etc." and if recent activities are not sufficient, the Council may resort to the armed forces provided for in the Charter. In both cases, the actions of the Security Council will be binding on all members of the United Nations, provided that the Security Council decides on this matter, because the Council may recommend the same measures per Article 39 of the Charter. The UN Charter thus delegates responsibility for economic and military sanctions to the Security Council. The actions of the governments in this regard are left to the decision of this pillar, and no executive activities and coercive measures will be carried out even under regional agreements without the permission of the Security Council. Thus, in practice, the above-mentioned restriction constitutes the transfer of authority to resort to economic punishment and economic sanctions from States to the United Nations, even in cases where the Security Council refuses to decide in this regard or fails to pass a resolution due to reasons such as a negative vote of a permanent member of the Council or a lack of a majority, the member states of this organization will not be able to resort to unilateral economic sanctions (Akhavan and Shafiee, 2019: 51-52).

In this regard, several resolutions have been adopted by the UN General Assembly and the Human Rights Council on unilateral economic coercion. For example, the Second Committee of the UN General Assembly, in its

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23<sup>rd</sup> plenary session, adopted a resolution countering unilateral economic action as a tool of the political and economic threat to developing countries. The resolution was presented to the Second Committee of the UN General Assembly by the Chairman of the Group of 77 plus China, and given that the United States had requested voting on this, this resolution was passed after voting with 106 votes in favor against only two negative voices from the United States and the Zionist regime.

Meanwhile, the European Union abstained from voting on the resolution. Emphasizing the principles of international law on the need to strengthen friendly relations and cooperation between nations under the Charter of the United Nations, the resolution states that no country should force other countries to relinquish their sovereign rights through unilateral economic, political, or any other unilateral action. The resolution also expressed deep concern over the implementation of unilateral financial measures that harm the economies and development of developing countries, also considers such unilateral actions to be detrimental to international economic cooperation and global efforts to move towards a non-discriminatory multilateral trading system, and to cause grave concern to the international community.

Elsewhere in the resolution, unilateral economic coercion is described as a gross violation of the principles of international law, the Charter of the United Nations, and the fundamental principles of a multilateral trade system. It also calls on the international community to take immediate and effective measures to eliminate unilateral economic, financial, and trade measures and to condemn the use of such measures as a means of exerting pressure on developing countries ([www.mehrnews.com](http://www.mehrnews.com)).

The Special Rapporteur on Human Rights in 2018 also called unilateral sanctions an economic war. Idris Jazayeri sent a report to the UN General Assembly entitled "The Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights," addressing the legal issues surrounding the use of such measures, effectively calling it a "Blockade." It is the fifth report by the UN Special Rapporteur on the negative impact of unilateral actions on the enjoyment of human rights, which focuses on the most severe form of unilateral sanctions, namely, economic blockades and sanctions. He called the purpose of this report a closer look at some of the most severe cases of the use of unilateral coercive measures, adding that it can be said that in practice, it has led to a kind of blockade of the target country. He described comprehensive unilateral economic sanctions regimes for extraterritorial coercion by forcing third parties not involved in disputes to refrain from conducting economic or financial transactions

with the target state as "Secondary Sanctions" with almost the same effects as a blockade of a foreign country. According to human rights resolutions, this action is recognized as an economic war, and he considered these extraterritorial coercive actions contrary to international law and stressed: This is also evident in the UN General Assembly resolution, the most recent of which is the need to end US economic, trade and financial sanctions imposed on Cuba since 1992. These actions violate the three principles of international law, namely the right to autonomy, the prohibition of racial discrimination, and the basic principles of humanitarian law ([www.irna.ir](http://www.irna.ir)).

He believes it is time to use similar words about using unilateral sanctions, at least to achieve political goals and regime change, because unilateral sanctions are not a substitute for war. They are becoming the prelude to war or another war that is deadly anyway. In the report, he referred to sanctions imposed on Gaza, Cuba, Venezuela, Syria, Yemen, and the Islamic Republic of Iran, and stated about Iran: The re-imposition of comprehensive unilateral sanctions is currently having unintended consequences for ordinary Iranians enjoying human rights, and the right to health, which is a human right, seems to have been widely and severely affected by sanctions. As numerous credible sources have shown, countless cases of unintended suffering and even death due to lack of access to medicine because of the adverse effects of sanctions have been documented before the 2015 Joint Comprehensive Plan of Action. Also, according to field research conducted in 2013 in Iran, patients with asthma, cancer, and multiple sclerosis (MS) struggled with drug shortages or rapidly rising prices. The study also found that many cancer patients stopped treatment because of rising drug prices ([www.irna.ir](http://www.irna.ir)).

In general, it can be acknowledged that this situation falls within the jurisdiction of the Security Council even in the event of a comprehensive breach or universal obligations in a manner that leads to a threat to peace, a peace breach or an act of aggression. In imposing unilateral sanctions on other countries, including Iran, the United States and the European Union cite alleged violations of certain universal obligations, such as human rights, asylum, non-proliferation of weapons of mass destruction, the prohibition of international drug trafficking, terrorism International and so on. The non-implementation of Security Council resolutions by the target countries has also been cited as another reason for sanctions. If these allegations are in breach of universal obligations relating to international peace and security, the UN Security Council has to decide on, firstly the nature of these obligations and the alleged violations, secondly confirming

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the breach, and, thirdly the actions to be taken in the event of violations of the responsibilities. It is not the duty of the United States or a group of countries like the European Union to decide unilaterally on these issues and to impose sanctions, including extraterritorial sanctions. In other words, when there is an international body representing the international community, resorting to unilateral sanctions for violating its alleged obligations is unauthorized and illegal. It also violates the basic principles of the Charter of the United Nations and the 1970 Declaration on Friendly Relations and Cooperation between States, in particular the principles of equality of sovereignty and territorial integrity, the focus of non-interference, and the direction of cooperation (Zamani and Gharib Abadi, 2015: 170-109).

As stated in the first paragraph of Article 2 of the Charter of the United Nations: "The United Nations Is Based on the Principle of Equality of Sovereignty of all Its Members". Pompeo said that Iran should do whatever the United States wants, and put the US government in a superior position to the Iranian government, and from this position has taken action against Iran. Therefore, it explicitly violates the principle of equality of sovereignty of states and the first paragraph of Article 2 of the Charter. The fourth paragraph of Article 2 states that "All members in their international relations shall refrain from threatening by force or using force against the territorial integrity or political independence of any state or in any other manner contrary to the purposes of the United Nations." While these cases underscore the need for peaceful action and the rejection of any coercion in resolving disputes, the US unilateral actions have been accompanied by severe pressure and the denial of gentle action (Sayyed Taghizadeh et al, 2019: 54-55).

### **7. The United States' and its Allies Goals of Sanctions against the Islamic Republic of Iran**

In general, the pretext for Western countries to impose sanctions is the implementation of Chapter 7 of the UN Charter, which requires the UN Security Council to identify areas threatening international peace and security and to impose appropriate sanctions on them. In practice, however, sanctions have developed procedures different from those intended. Given the structure of the United Nations and the influence of some powers in its decision-making, sanctions have, in many cases, tended to be in the interests of these powers. In addition to the UN sanctions, the dominant forces try to use their economic and political influence unilaterally or with the participation of other countries to impose sanctions

on countries that act contrary to their interests (Manzour and Mostafapour, 2013: 23).

The Western analysts and officials aim to impose sanctions on the Islamic Republic of Iran to halt its nuclear program, limit Iran's ability to obtain the items and equipment needed to develop its nuclear program, force Iran to stop supporting Hezbollah and Hamas, forcing Iran to respect human rights, limiting Iran's influence in the region, and in the words of some US policymakers, have made a radical change in Iran's approaches and policies (Manzour et al, 2013: 40).

### **Conclusion**

Today, international sanctions are a tool to put economic pressure on countries by the international community to modify their policies and behavior (Hadadi, 2003: 110). Widespread and quickly passed sanctions in the international arena, which are allegedly civil war behaviors, have shaken the international law and human rights, and that means the fall of the charter and the rule of law and the equality of nations (Ghomami, 2013: 105).

It should be acknowledged that the United States' unilateral sanctions against the government of the Islamic Republic of Iran are not countermeasures or actions to gain legal authority. Also, falling into the breach of fundamental human rights, they are doubly illegitimate and violate treaty obligations and general international law (Kholf Rezaei, 2015: 128).

The United States' sanctions are also fundamentally contrary to the Algerian Declaration (1981). Paragraph 10 of the Statement lifted all economic and commercial sanctions and penalties after November 1979 and did not allow similar sanctions to be reinstated. It is also stated in Article 1 of the Algerian General Statement that “this is the policy of the United States of America and henceforth it will not interfere directly or indirectly in the internal affairs of Iran, in political or military matters” (Kholf Rezaei, 2015: 121).

The United States' unilateral sanctions violate various human rights of Iranian citizens and people. The sanctions also have a direct impact on the lives of Iranian citizens, given the impact on the decline in oil sales and, consequently, the country's revenues. The right to life does not merely refer to the living, instead of the dignified life that is sought by the international human rights authorities. Also, sanctions on access to health and access to medicine are deeply affected by sanctions in Iran, making

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access to drugs for cancer patients, MS, and others challenging. While medical and pharmaceutical items cannot be sanctioned, this has happened through banking and currency sanctions. The right to development and the environment are other rights that have been violated by sanctions so that Iran's development process has slowed down over the years. The impact the sanctions have had on the Iranian economy is such that its effects will remain for many years to come. The right to economic activity and business freedom has also been widely violated by Iran's unilateral sanctions. This right has also been undermined by the blocking of Iranian and even non-Iranian individuals and companies, and by the widespread recession and widespread unemployment in the country. Another right is the right to determine the fate of Iranian society that sanctions have been imposed against it, which is to interfere in the internal affairs of the country not to exercise a right called the right to use peaceful nuclear technology (Mousavi et al, 2014: 169-170).

Therefore, the issue of violations of human rights and the humanitarian law by imposing unilateral and multilateral sanctions against Iran is an issue that should be on top of the list of public and official diplomacy or even parliamentary. Focusing on this issue and trying to raise it through cultural and media tools in regional human rights centers and communities can have an impact on reducing or at least unjustifying sanctions and condemning them in public opinion (Kousha and Salahshour, 2014).

But if we take a closer look at the political and legal cost estimates, we will find that legal remedies are more open-ended than political practices, especially when the issue has to be pursued legally. While appealing to regular procedures, it will require a justified face that will also have the message of compliance with the rule of law for both the readership and the judicial authority. Filing lawsuits in the domestic courts of European countries against the United States' secondary unilateral sanctions can also be a viable solution in this regard. The use of the capacity of international organizations and institutions, including the United Nations General Assembly, is another political and diplomatic tool that can be of grave concern to the diplomatic system (Kholf Rezaei, 2005: 129-130).

In general, on the other hand, in the United States' behavior in the face of human rights discourse, one can see a great contradiction that is continually being accused of human rights abuses around the world. Still, in practice, the interests and policies of this country are far superior to human rights. In other words, its policies determine human rights abuses or observance, and in every case, human rights are interpreted to their liking (Mousavi et al, 2014: 170).

In general, US unilateral economic sanctions against Iran are widespread and full-fledged economic warfare. They are gross violations of the human rights of the Iranian people by the sanctions. These unjust and harmful sanctions are damaging Iran's economic and monetary situation, pushing millions of Iranians into poverty and depriving them of the opportunity to import essential goods. This will cause millions of people to lose their health because of a lack of medicine and many to die.

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