



# **The Impact of Economic Sanctions on Human Rights: Lessons from Iran and North Korea**

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**DECLARATION**

I, the undersigned, declare that this thesis comprises of my own work. Incompliance with internationally accepted practices, I have duly acknowledged and referenced all material used in this work. I understand that non- adherence to the principles of academic honesty and integrity, misrepresentation/fabrication of any idea/data/fact/source will constitute sufficient ground for disciplinary action by the University and can also evoke penal action from the sources which have not been properly cited or acknowledged.

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### APPROVAL

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As members of the Board of Examiners of the LLM thesis open Defense examinations, we certify that we have read and evaluated the Thesis prepared by Bontu Dereje and examined the candidate. We recommend that the thesis be accepted as fulfilling the Thesis requirement for the Degree Masters in Public International Law.

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## ABSTRACT

*This study deals with the impact of economic sanctions on human rights focusing on Iran and North Korea. The objective of this study is to investigate the impacts of economic sanctions on human rights and how such sanctions can be handled by some nations and organizations whose results may leave innocent civilian populations of target country or countries harmed. The study used a descriptive-analytic methodology that fully relied on qualitative data and sources available at the UN and other global institutions. The findings show that some of the economic sanctions imposed both by the UN and other countries such as the US administration on target countries, have resulted in contravening of the International Covenant on Economic, Social and Cultural Rights (ICESCRs) of the civilian populations. These have exposed many millions of the sanctioned populations to severe life styles where they could not earn their livelihoods. In response, it is suggested that sanctioning bodies have to exert maximum care while applying economic sanctions by safeguarding exemptions in order that the human rights of the target populations would not be subjected to suffering from health and related ills.*

**Key Terms:** *sanctions, economic sanctions, UN, UNSC, human rights, socio-economic rights, humanitarian services, humanitarian organizations*

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## ACRONYMS

DPRK- Democratic Peoples Republic of Korea

ECOSOC- Economic Social and Cultural Council

EU- European Union

FAO- Food and Agricultural Organization

HRW- Human Rights Watch

ICESCR- International Covenant on Economic Social and Cultural rights

IMF- International Monetary Fund

JCPOA- Joint Comprehensive Plan of Action

NRC- Norwegian Refugee Council

UDHR- Universal Declaration of Human Rights

UN – United Nations

UNGA- United Nations General Assembly

UNICEF- United Nations Children’s Fund

UNSC- United Nations Security Council

US- United States

WFP- World Food Program

## CHAPTER ONE

### 1. Background of the Study

Before economic sanction had the form and setting it has today in the interaction of states and international law, it was practiced as a form of restriction or penalty in ancient Greece. The Pericles Megarian Decree that was enacted in 432 B.C was retaliation to the kidnapping of three Aspasian women.<sup>1</sup> The Aspasian later decreed the Megarians not to occupy their lands or engage in their markets, sea or the continent.<sup>2</sup> In contrast, use of sanction in its present form emerged during the end of WW I, when The League of Nations came into being in 1918. The idea of sanction was first suggested by the then US President Woodrow Wilson. He suggested sanction as an instrument that would bring about a world without War.<sup>3</sup> He further argued sanction as peaceful, silent, and deadly remedy.<sup>4</sup> Hence, it was only after World War I that economic sanctions began to have a strong hold in the international policy. It was also thought then that economic sanction could replace war fare.

During the League of Nations, there were attempts to use sanctions against military aggressions. For instance, the League attempted to stop the invasion of Ethiopia by Italy in 1930 and for Greece to back down from attacking Bulgaria in 1925.<sup>5</sup> However, both remained unsuccessful. Article 16, paragraph 1 of the League Covenant that promulgated economic sanctions could be applied against a member state which had illegally resorted to war was abandoned by members, when Japan invaded Manchuria of China on September 1931 and Italy's invasion of Ethiopia in 1935.<sup>6</sup> Hence, failure to act firmly on the part of the League of Nations, specifically when

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<sup>1</sup> Gary C. Hufbauer ,*Economic Sanction Reconsidered* p, 9,(2007)

<sup>2</sup>Ibid, p. 10

<sup>3</sup>Chidiebere, C. Ogbonna ,*Sanctions and Human Rights: The Role Of Sanctions In international security , peace building and the protection of civilian's rights and well-being. Case Studies of Iran and Zimbabwe* ,p. 44, (2016)

<sup>4</sup> Harry H.G Post (ed), *The use of Economic Sanctions by UN Security Council: An International Law Perspective*, p.123, (1994)

<sup>5</sup> Hufbauer ,(n 1), p.10

<sup>6</sup>Geoff L. Simons, *Imposing Economic Sanction, legal remedy or genocidal tool?* , pp. 52-54 , (1999)

powerful states were found in violation of the Covenant and the League's management of sanction options and its ineffectiveness, led to the outbreak of the Second World War.

After the collapse of the League of Nations and the end of WW II, a new era dawned in the international law of sanction. Following the end of the war, the United Nations was established in 1945. Similar to the League of Nations, the UN has tried to address sanctions in its Charter. The Charter envisages that any action deemed threat to peace and breach of peace would be met with actions that were laid down in article 41, which consists of "partial interruption of economic relation of rail, sea, air postal, telegraphic radio, and other communications and severance of diplomatic relations by members".<sup>7</sup> This action is taken by the Security Council as stated in article 39 of the UN Charter.

The sanctions systems imposed by the UN are called collective or universal sanctions.<sup>8</sup> Before the fall of the Berlin wall in 1989, the UNs imposed sanctions against Southern Rhodesia (1966) and South Africa (1977), which was only the beginning for what was to come.<sup>9</sup> From 1946 until the middle of 1990, Cold War politics prevented the Council from imposing a number of coercive sanctions provided for in Article 41 of the United Nations Charter. However, after the post-Cold War period, there has been a dramatic increase in UN sanctions and has become an important aspect of international relations landscape.<sup>10</sup> Economic sanctions have been part of Iran and North Korea's international relations for some time now. North Korea was sanctioned by the UN Security Council for the first time following the attack against South Korea in 1950, which later brought about the support of China.

Therefore, the UN resorted to economic measures and embargoes that targeted shipments of arms, ammunition, petroleum or anything that could be used for producing military materials to China and North Korea.<sup>11</sup> The most recent sanction that is imposed against North Korea by the UN is Resolution 2397, passed on 22 December 2017, after the launch of ballistic missile, which

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<sup>7</sup> United Nations Charter article 41

<sup>8</sup> Jeremy Matam Ferrall, *United Nations Sanctions and the Rule of Law*, p. 8, (2007)

<sup>9</sup> Ogbonna, (n 3), p. 44

<sup>10</sup> Ferrall, (n 7), p. 3

<sup>11</sup> Margaret P. Doxey, *Economic Sanctions and International Enforcement*, p. 58, (1980)

limited North Korean crude oil and refined petroleum product imports to 500,000 barrels per year. It also banned the export of food, machinery and electrical equipment.<sup>12</sup>

Since the 1979 revolution, Iran has been sanctioned by the UN and different countries, mainly by the US. The US first sanctioned Iran following the hostage of 60 Americans from US embassy in Tehran in 1979. The sanction included the ban of Iran oil import and the freezing of government asset in the US.<sup>13</sup> The UN Security Council sanctioned Iran in 2006 for breach of Chapter VII of the UN Charter, dealing with action with regard to threats to and breaches of international peace and security, in order to halt /deter Iran from enriching Uranium, otherwise known as nuclear enrichment program.<sup>14</sup> The most recent sanction against Iran is the 2018 re-imposed sanction related to Iran's nuclear program that was lifted on July 2015 by the Obama administration through the international nuclear agreement named as the *Joint Comprehensive Plan of Action (JCPOA)*.<sup>15</sup>

All of the aforementioned historical happenings show that sanctions have been with the League of Nations and the United Nations after the end of World War I and II respectively. Though there have been relatively some breaks during the Cold War era, economic and military sanctions have become re-vitalized to this date at the cost of civilian population suffering through collective punishment. This study aims to explore the impact of UN and unilateral economic sanctions on the economy and specifically socio economic rights of the people of Iran and North Korea.

### **1.1 Statement of the Problem**

Economic sanctions have become a short hand for any state “misbehaving” or acting contrary to peace and security as prescribed in the UN charter. Even though many scholars in the field of international law and humanitarianism have voiced their opinion and discontent on economic sanctions and their effectiveness, sanctions have risen exponentially after the Cold War. Scholars

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<sup>12</sup> Security council tightens sanction on democratic peoples republic of Korea, by unanimously adopting resolution 2397(2017) , <https://www.un.org/press/en/> ,accessed on 2/18/2020

<sup>13</sup> Ogbonna ,(n 3) pp 304-305

<sup>14</sup>Alexander Orakhelashvili , *The impact of unilateral EU economic sanctions on the UN Collective security frame work ;The case of Iran and Syria* , , p .4,(2015)

<sup>15</sup> Human Rights Watch Report , “Maximum pressure”: US economic sanctions harms Iranian's right to health p.1,(2019)

such as Nikolay Anguelov have pointed out that sanctions have not brought about the outcome it was intended to, which was to bring down or weaken regimes. In practice, sanctions have rather devastating impact on the civilian population.<sup>16</sup>

For instance, trade embargos which are related to stunting export and import programs of target countries, like the ones imposed on Iraq in 1990 to pressure Iraq to withdraw from Kuwait<sup>17</sup>, could not immediately bring down the regime though it forced it to withdraw at last. The second most common one is arms embargo, which restricts target countries from being able to buy weapons and military equipment's. The third one is preventing sanctioned countries from being able to communicate through telephone or move by air, sea, etc. However, this paper is only confined to those sanctions that are specially related to the economy and trade of countries in question.

This study will also attempt to discuss the legality of economic sanctions under the UN Charter and unilateral sanctions by states. The work further intends to fill the information gap that the general international public has and the lack of adequate understanding of the grave human suffering that comes as a result of economic sanctions on civilian population. It is, therefore, believed that concerned parties will understand the grave impact of economic sanctions have on the wellbeing of the peoples of Iran and North Korea. In addition to exploring the effectiveness or limitations of these sanctions, in terms bringing about peace and security to the world, the study will further investigate the role of the international community and international organizations against sanctions that unintentionally violate human rights in multidimensional ways.

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<sup>16</sup> Nikolay Angulov, *Economic Sanctions vs. Soft Power: Lessons from North Korea, Myanmar, and the Middle* , p.6 (2015)

<sup>17</sup> Stephen P. Marks, *Economic Sanctions as Human Rights Violations: Reconciling Political and Public Health Imperatives*, vol 89 ,no 10 American Journal Of public health ,p. 1509, (1999)

## **1.2 Objective of the Study**

### **1.2.1 General Objective**

The objective of this study is to assess the impact of economic sanctions on the socio-economic rights of citizens and whether such sanctions can serve countries to adhere to binding international laws.

### **1.2.2 Specific Objectives and Research Questions**

The specific objectives of the study are designed:

- To examine if economic sanctions imposed on study nations confirm to different international and human rights laws
- To explore the impact of economic sanctions on the socio-economic rights of the civilian population of the study States
- To find out whether the imposed economic sanctions have met their intended goals of deterring countries from non-compliance with international laws

The study will address the following questions:

1. Do economic sanctions confirm to Universal Declaration of Human Rights and other international and human rights laws?
2. What are the impacts of sanctions on the socio economic rights of the civilian population of the study nations?
3. Are sanctions meeting their intended goals in restoring world peace and security?

## **1.3 Scope of the study**

This paper is delimited to investigating and examining the extent of harm caused as a result of imposing economic sanctions on Iran and North Korea. It also focuses on the adverse effects of economic sanctions on socio economic rights of citizens of study countries. It doesn't delve into military sanctions and cultural rights to be part of this sanction. The study addresses the issue under discussion from the perspective of international laws, particularly human rights laws such as ICESCR and UDHR.

#### **1.4 Significance of the study**

This research gives an insight on the overall concept of economic sanction and its impact on civilian population. It also addresses the impact of economic sanctions on the implementation of the enjoyment of human rights with particular emphasis to the peoples of North Korea and Iran. Finally, the outcome of this paper is expected to contribute to learning from the adverse impact of economic sanctions by future generation.

#### **1.5 Methodology**

This research has adopted a qualitative approach. Consequently, the research depends on literature review and analysis of views from books, journals, and consultation of different international laws and soft laws compiled by various organizations. Moreover, hard data such as specialized UN agencies and international human rights organizations reports such as the 2019 human right watch report on the impacts of the re-imposed sanction on Iran by the United States brought about, after pulling out from the international nuclear agreement in 2018. The 2019 IMF report on Iran inflation rates arising from sanctions will also be used. Furthermore, and FAO /WFP joint rapid food security assessment report on how economic sanction has affected the already fragile farming sector in North Korea published on May 2019 will be used.

#### **1.6 Limitations of the Study**

The study fully depends on qualitative data already available and does not include quantitative data collected empirically. Moreover, scarcity of literature and reports of the subject matter about the study countries in question plays greater limitations on the outcome of the study. Finally, the outbreak of COVID-19 has also negatively contributed in not able to obtain physical library materials and also limited the face-to-face consultations with the adviser, which could have been invaluable to enrich the study. Access to the internet and problems related to time constraints due to COVID-19 were also additional limitations.

#### **1.7 Organization of the Paper**

The paper is divided into four chapters. The first chapter is an introduction to the study through background information about the study, statement of the problem, framing the objective of the study, identifying the problem laying out the research questions and accompanied by scope, significance, methodology, limitations and definition of key terms.

Chapter two discusses the overall meaning of sanction, economic sanction, types of sanction and the legal basis for economic sanction and how they are implemented under the United Nations Charter. Chapter three deals with the overall impact of economic sanction on human rights and their conformity with international and human rights laws with focus on Iran and North Korea and what lessons can be learned from the experience. Finally, Chapter four will wrap up with the findings of the thesis and recommendations.

### **1.8 Definition of Key Terms Used in the Study**

**Economic Sanctions-** are commercial and financial penalties applied by one or more countries against a targeted country, group or individuals<sup>18</sup>

**Multilateral sanctions-** are collective measures imposed by organs representing the international community in response to perceived unlawful or unacceptable conduct by one of its members and mentor uphold standard of behavior required by international law<sup>19</sup>

**Socio-Economic rights** – are rights enjoyed by all human beings which include the right to health, the right to education, right to food, the right to work, the right to standard of living etc..<sup>20</sup>

**Unilateral Sanctions-** are those sanctions imposed by an individual nation on countries to adhere to set of rules and obligations.<sup>21</sup>

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<sup>18</sup> Linton C.W, *Financial Weapons of War*, p.1377, (2016)

<sup>19</sup> Post (ed), (n 4), p.125

<sup>20</sup> International Convention on Economic Social and Cultural Rights,(1966)

<sup>21</sup> Ali Z. Marossi and Marisa R. Bassett(ed), *Unilateral sanctions in international law; A quest for legality*, .p.75, (2015)

## CHAPTER TWO ECONOMIC SANCTIONS

### 2.1 Introduction

Since the emergence of sanctions, it's believed that millions of citizens have been adversely affected in several fronts. Of all the impacts, socio-economic rights of people who have not been part of alleged non-compliance with international laws have been under severe living conditions. Following are descriptions of the various sanctions imposed on countries which undergo the adverse effect of the same.

### 2.2 Economic Sanctions

First, it's important to understand what sanctions are. "In the original sense of the word, a 'sanction' is a penalty or punishment provided as a means of enforcing obedience to a law. In jurisprudence, a law is said to have a sanction when there is a state which will intervene if it is disobeyed or disregarded".<sup>22</sup> Sanction can also be explained as an action against a person acting in lapse /indiscretions against the law.<sup>23</sup> In the international law field, sanctions of any kind are different from the national context, to the specific interest of each nation that imposes sanction. In fact, some scholars believe that international sanctions may not only be used to respond or prevent indiscretions of states; rather they are used to pursue foreign policy agenda or to gain advantage over target state.<sup>24</sup> For instance, the US sanctions regime on Cuba is one example of sanctions imposed in pursuit of their foreign policy agenda.<sup>25</sup> As a result, the UN's General Assembly has condemned on annual basis the continued US sanction against Cuba.<sup>26</sup>

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<sup>22</sup> The law dictionary, featuring blacks law dictionary 2<sup>nd</sup> edition, <<https://thelawdictionary.org/>> ,accessed on may 5 2020

<sup>23</sup> Hans kelsen ,*The law of the United Nations ; A critical analysis of it's fundamental problems* , p .706, (1951)

<sup>24</sup> Ferrall,( n 7) p .7

<sup>25</sup> Ibid

<sup>26</sup> See resolution A/RES/47/19(24 November 1992), see A/RES/58/7(18 November 2003) for annual resolutions in between see A/RES/58/7(18 November 2003) preambular para 6

Economic sanctions are defined by as follows;

*“The use of economic capacity by one international actor, be it a state or international organization, or by a group of such actors, against another international actor, or group of actors, with the intention of (a) punishing the latter for its breach of a certain rule or (b) preventing it from infringing a rule which the party applying sanctions deems important”.*<sup>27</sup>

Among the different sanctions employed by states and the UN, economic sanctions are the most significant and impactful experiences on civilian population of the nation in charge. For years, economic sanction has become the common feature in international politics.<sup>28</sup> Some studies show economic sanctions have had disproportionate economic impact on every day citizens impacting public health, economic condition and development of civil society and education on sanctioned states.<sup>29</sup> On the other hand, some argue that economic sanction could be effective because the method itself is designed to weaken the target regime of state because in the process they would be deprived of economic access and military resources that are important for the regime elites to maintain power and order.<sup>30</sup>

### 2.2.1 Types of Economic Sanctions

Economic sanctions are applied in various ways. The sender, the primary originator of the sanctions, could use limitations against the target country such as restrictions on flow of goods, export and import.<sup>31</sup> These impositions can be export embargoes, total or selective. This kind of

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<sup>27</sup>Johan Galtung, *On the effect of international economic sanctions; with examples from the case Rhodesia, world politics*, p.379, (April 1967)

<sup>28</sup>Dursan Peksen, *Better or worse? The effect of economic sanctions on human right*, (journal of peace research vol 6 no 1, pp. 59-77, (2009)

<sup>29</sup>Cortright, David & George A. Lopez, *Economic Sanctions: Panacea or Peace building in a Post-Cold War World?* (1995) Cortright, David; Alistair Millar & George A. Lopez, *Smart Sanctions: Restructuring UN Policy in Iraq*, (2001) , Galtung Johan *The effect of international sanction ;with the example of Rhodesia; world politics* (1967) vol 19 no3, pp 378-416, Lopez, George A. & David Cortright, *‘Economic Sanctions and Human Rights: Part of the Problem or Part of the Solution?’*, *International Journal of Human Rights*(1997) vol 1 no 2 pp 1–25. , Weiss, Thomas G.; David Cortright, George A. Lopez & Larry Minear, (1997). *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*. Lanham, MD: Rowman and Littlefield. (1997)

<sup>30</sup> Galtung , (n 26) ,p.p 378-416

<sup>31</sup> Makio Miyagawa, *DO economic sanctions work?*, pp. 16-22,(1992)

sanction can affect target countries importing goods that are essential to civilian population. For instance, food and pharmaceuticals and raw materials essential to production like oil. In addition, flow of services, access to sea or land and transportation, and telecommunications can be restricted which can have a devastating effect on target countries trade.<sup>32</sup> Moreover, in situations where restriction on money flow on target countries when faced with such sanctions states can't be able to access loans and their assets abroad will freeze<sup>33</sup>. Another type of sanction is control of market. This method is when the sender of the sanction creates higher prices and shortage of goods that are essential to target countries.<sup>34</sup>

Economic sanctions that are mostly finance- based are also called comprehensive economic sanctions, sanctions pattern that involves averting the flow to and from particular commodities and products.<sup>35</sup> These types of sanctions were the once that were imposed on countries such as Southern Rhodesia,<sup>36</sup> Iraq<sup>37</sup>, Bosnian Serb<sup>38</sup>. On the other hand, particular economic sanctions the one mostly applied by the Security Council has been arms sanctions, but the Council has also employed particular economic sanctions to prevent the flow to or from targets of specific goods, products or commodities.<sup>39</sup>

### 2.2.2 Unilateral sanctions

Unilateral sanctions are sanctions that are imposed by states independently from the UN or the Security Council. Unilateral sanctions are also measures taken by a state against target country. Such sanctions are mainly used by powerful nations such as the United States.<sup>40</sup> Common examples are sanctions imposed against Cuba, North Korea and Iran. The sanctions on each of these states imposed harsh trade embargos against the particular countries due to the given

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<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> Ibid

<sup>35</sup> Ferrall,(n 7), p. 107

<sup>36</sup> SC Res. 253 (29 May 1968), para. 3.

<sup>37</sup> SC Res. 661 (6 August 1990), para. 3 and SC Res. 1483 (22 May 2003), para. 10

<sup>38</sup> SC Res. 820 (17 April 1993), para. 12.

<sup>39</sup> Ferrall,(n 7), p. 109

<sup>40</sup> Ali Z. Marossi and Marisa R. Bassett, *Unilateral sanctions in international law; A quest for legality*, P. 75, (2015)

country's opposition to, or political incompatibility with the United States' foreign policy agenda.<sup>41</sup>

### 2.2.3 Multilateral sanctions

Economic sanction can also be classified unilateral or multilateral /collective/ sanction. On the other hand, international law recognizes only collective or multilateral sanctions, which are imposed by organs representing the international community, such as the UN.<sup>42</sup> In contrast, unilateral sanctions in terms of international law are weak in law and bad for foreign policy.<sup>43</sup> These sanctions are imposed by states through national legislations, which implies national law dictating other states' internal affairs which is against the principle of jurisdiction under international law.<sup>44</sup>

## 2.3 Legal Basis for Economic Sanctions in the UN Charter and International Law

In principle, the UN Charter main mission is to maintain international peace and order. This responsibility is carried out mainly by the Security Council. Article 24(1) elaborates this power that is given to the Security Council is to exercise and carry it out on behalf of members of the United Nations. The main power holders of the Security Council are the five permanent members of the council: The United States of America, The former Soviet Union (Russia), The United Kingdom, China and France.<sup>45</sup> These permanent members of the Security Council have *veto* power, which means none of them would be subjected with other members' collective decisions. Each of them would be able to block other nine affirmative votes.<sup>46</sup> Originally, the UN's plan was to intervene in inter-state conflict, but recent history shows that points of action have moved to more domestic nature security problems such as rebels, militias, ethnic attacks and government attacks on its own territory or people.<sup>47</sup>

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<sup>41</sup> Golnoosh Hakimdavar, *A Strategic Understanding of UN Economic Sanctions, International Relations Law, and Development*, p. 43, (2014)

<sup>42</sup> Marossi and Bassett, (n 20), p. 73

<sup>43</sup> Ibid, p. 75

<sup>44</sup> Ibid, p. 77

<sup>45</sup> Article 23 of the UN charter

<sup>46</sup> Loraine Sievers and Sam Daws, *The procedure of the UN Security Council*, p. 297, (2014)

<sup>47</sup> Ibid, p. 5

## 2.4 Economic Sanction and Their purpose

As mentioned before, collective or multilateral economic sanctions in particular are imposed based on the UN Charter. These types sanctions are triggered when it is determined that there is an existence of threat to peace, or act of aggression by any state. The power of determining the action to be a threat or not is bestowed on the UNSC under chapter VII article 39 of UN charter. Article 41 also gives the power to the UNSC of determining measures taken using armed force and other alternatives such as interruption of economic relations. The UN Charter doesn't address actions taken in article 41 (other alternatives such as interruption of economic relations) as economic sanction, but the intended outcome is clear, which is to impair or cripple sanctioned states and regimes' economy.

The purpose of economic sanction may be to convince /change / or stop a state's behavior, for it to restrain from breaching international peace.<sup>48</sup> For instance, the economic sanctions imposed on former South Rhodesia's illegal rule of whites, was lifted after the regime changed.<sup>49</sup> Economic sanction against nations can be punitive in nature. For instance, the economic sanction against Germany, reparation made by Germany as stated in part of VIII of Treaty of Versailles 1919.<sup>50</sup> Some scholars such as AbiSaab argue that for punitive sanction to be imposed, wrongdoing should be by the Security Council<sup>51</sup>, while others such as Crawford suggest that the Security Council doesn't need to prove wrongdoing, rather believe there is an imminent danger to sanction a state.<sup>52</sup> This can be used for symbolic reasons. It can also be used to warn against a target state's behavior, to show other states and other international community and for cases like unilateral sanctions for domestic political gain.<sup>53</sup> Finally, it can be used as a way to

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<sup>48</sup>Murphy A. Rosemary, *The Development of Economic Sanctions in Practice of the United Nations Security Council*, Doctoral Thesis, (2011)

<sup>49</sup>Ogbonna, (n 47), p. 69

<sup>50</sup> Ibid

<sup>51</sup>Glowlland Debbavera, *The Concept of Sanctions in The International law*' p.39, (2001)

<sup>52</sup>Crowford James, *The Relationship Between Sanctions and Counter Measure* .in Glowlland debba vera(eds;United Nations Sanctions and International law, pp 57-56 ,(2001)

<sup>53</sup> Ogbonna ,(n 3), p.74

signal target countries to reserve from their misbehavior or face greater measures like military action.<sup>54</sup>

## **2.5 Procedures of UNSC economic sanctions**

The UN Charter recognizes the Security Council as the determiner of what is deemed to be a threat to peace or act of aggression. After the determination is made as per article 39, the Security Council calls upon what could be a target state to comply with the provisional measures. Failure to comply with will result in decision of the Security Council which is under article 41 of the UN Charter. The Council calls upon members of the United Nations to apply measures that interrupt economic relations against the target. When the economic sanctions are deemed ineffective, the Council may take military sanctions as provided in article 42 of the Charter.

In order to make decisions like the one stated in article 42 of the Charter, voting is used among the Security Council. Similarly, agreement between permanent members and non-permanent members of the Council is needed for economic sanctions to be imposed. As mentioned in article 27 of the Charter that allows permanent members to invalidate resolutions with negative votes. Although not described as such in the Charter,<sup>55</sup> this vote is called ‘*veto-power*’.

The role of the General Assembly in instances such as these may not be as prominent as the Security Council, but it condemns violation and recommends sanction by a two-third majority.<sup>56</sup> Obligation to member and non-member states to comply with Security Council decision, including sanctions, is more or less addressed in the Charter. The main pillar to the obligation of members to comply with the decisions of the Security Council arise from article 25(2), which states: all members shall give the United Nations every assistance in any action it takes in accordance with present Charter, and should abstain from supporting any nation against which the United Nations is taking preventive or enforcement of action. The Charter tries to explain that not only are members expected to assist actions of UN, which are designed and taken by UNSC, it also gives warning to members not to assist targeted states. Under article 25 of the Charter, members are obliged to carry out decisions of the Security Council. Moreover,

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<sup>54</sup> Ibid ,p. 75

<sup>55</sup> Sahar Okhovat, *The united nations security council ;it's veto power and it's reform* (August 2011)

<sup>56</sup> General assembly res 377(v)7 UN GADR SUPP.no 20 at page 10 & 11( un doc. A/1775(1950)

article 103 of the Charter similarly holds that “conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreements, their obligations under the present Charter shall prevail.”<sup>57</sup>

## 2.6 International relation theory on economic sanction

This part deals with the theoretical framework based on different philosophical backgrounds as it relates to economic sanctions. These include Liberalism, Institutionalism and Hygemonic which will be discussed one after the other.

### 2.6.1 Liberalism

Theories of economic sanctions have always been closely associated with liberalism. As Mayall observes, it emerges from liberals’ viewpoints of war being essentially irrational that a more pragmatic alternative must be found. The liberal view of humans as utility-maximizing being ‘meant that every state had its price, just as every man had his’. Consequently, ‘the denial of benefits of free commerce to any state which threatens peace would quickly force it to comply’.<sup>58</sup> Classical liberalism views human beings as rational, utility-maximizing individuals and fundamentally underpins sanctions’ central logic: that imposing costs upon a target population that outweigh the benefits of an objectionable policy will lead them to change their behavior.<sup>59</sup>

The privileging of economic incentives and the assumption that those harmed by sanctions can and will effect political change have been repeatedly vitiated by historical experience.<sup>60</sup> The classical liberalism has three assumptions; the first is that target states would on the basis of cost-benefit analyses and will be highly responsive to economic incentives. The second one is that economic pain will induce them to abandon objectionable policies for their population’s general welfare through economic growth and free trade.<sup>61</sup> The third and most important classical liberal

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<sup>57</sup> United Nations Charter article 103

<sup>58</sup> Mayall, James, ‘The Sanctions Problem in International Economic Relations: Reflections in the Light of Recent Experience’. *International Affairs*, 1 Vol. 60 No 4, , pp.631–42, (1984)

<sup>59</sup> Jones lee, *Societies under siege exploring how international economic sanctions(do not work)* ,p.16 ,(2015)

<sup>60</sup> Ibid

<sup>61</sup> Ibid, pp. 16-17

assumption is that if the economically sanctioned targeted government does not respond immediately through a revised cost benefit analysis, classical liberals expect the resultant welfare loss to stimulate public pressure on the government to submit.<sup>62</sup> This emanates from the liberal view of individuals as rational, autonomous actors able to influence their governments which are only legitimate in so far as they are responsive to their citizens. However, that is not likely because those most harmed by sanctions were often those least able to compel their governments otherwise.<sup>63</sup>

On the other hand, inverted liberalism has emerged reversing many classical assumptions, particularly on the political capacity of target states' citizens. Liberals reacted to this humanitarian suffering by upturning their earlier assumptions, some of them like Cortright and Lopez suggested:

*“There is no assurance that a sanctioned population will redirect the pain of external coercion onto political leaders and force a change in policy, especially with the authoritarian or dictatorial regimes that are the usual targets of sanctions. When civilian populations are terrorized and lack basic democratic rights, they have few means of influencing government policy. On the contrary, they are more likely to be victimized by sanctions, as the leadership of a targeted regime redirects external pressure onto isolated or repressed social groups while insulating and protecting itself”.*<sup>64</sup>

From this, authoritarian states are now understood to be dominated by tiny elite groups, with the wider population merely passive victims justifying a shift from comprehensive to targeted sanctions. Similar coalitional liberalism is far more promising, emphasizing the domestic alliances underpinning target regimes and the distributional consequences of sanctions upon them.<sup>65</sup> Therefore, inverted liberalism suggest sanctions should ‘target the decision makers responsible for wrong doing and deny the assets and resources that are most valuable to them so that it affects the specific groups and individuals in the regime and their allies responsible for

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<sup>62</sup> Johan, pp. 378–416.

<sup>63</sup> Lee ,(n 57) , p. 17

<sup>64</sup> Cortright David and Lopez, George A. The Sanctions Decade: Assessing UN Strategies in the 1990s, p.20 (2000)

<sup>65</sup> Lee ,(n 57) ,pp. 16- 17

disagreeable policies.<sup>66</sup>This meant that such sanctions are meant to target individuals within government and their associates' to influence and pressure to alter their decisions for whatever reason they were expected to.

The third, most sophisticated liberal theory of sanctions is coalitional liberalism. It emerged from liberal international relation theory, which understands states' international behavior as stemming from interaction among domestic interest groups.<sup>67</sup> A scholar named Solingen used this perspective to analyze sanctions imposed to counter nuclear proliferation and adds that sanctions' impact partly depends on the target's regime type (authoritarian regimes being more vulnerable than democracies), the type of sanctions deployed, and timing.<sup>68</sup> Solingen argues that sanctions 'work' by changing the balance between 'outward-looking' and 'inward-looking' coalitions. This is because outward-looking leaders want advancing internationalization together with their political allies and beneficiaries. They have thus being more receptive to economic restructuring and more attentive to macroeconomic and political stability that attract, or at least enable, foreign investment and have been more agreeable to relinquishing nuclear programs that might have placed barriers to international economic access and political support.<sup>69</sup>

While inward-looking coalitions favor nuclear weapons, since they are associated with high military spending and state-led mega-projects. Conversely, outward-looking ones favor stability and access to foreign markets and capital, which require privatization and low military spending.<sup>70</sup>All in all, liberalism propagates that due to states and non-state actors entrenched economic interdependence, the use of force is discouraged as it is believed that military actions will threaten each side's economic development and prosperity.<sup>71</sup>

Liberalism is conveyed by Kegley & Wittkopf as:

*"a paradigm predicated on the hope that the application of reason and universal ethics to international relations can lead to a more orderly, just, and cooperative world, and*

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<sup>66</sup> David and Lopez, George A, p.p .223–240

<sup>67</sup> Moravcsik, Andrew, *Taking Preferences Seriously: A Liberal Theory of International Politics International Organization*, Vol. 51 No 4, pp. 513–53, (1997)

<sup>68</sup> Lee , p.23

<sup>69</sup> Solingen Etel. *Introduction: The Domestic Distributional Effects of Sanctions and Positive Inducements*. In *Sanctions, Statecraft and Nuclear Proliferation*, pp.11-14, (2012)

<sup>70</sup> Ibid ,p. 12,

<sup>71</sup> Ogbonna ,(n3), p. 166

*that international anarchy [lack of a hierarchy/world government] and war can be policed by institutional reforms that empower international organizations and laws”.*<sup>72</sup>

Therefore, this is where multilateral sanctions imposed by United Nations Security Council comes into picture. This means that sanctions imposed by UNSC is one means of policing international relations and it can also help maintain international peace and security.

### **2.6.2 Institutionalism**

Institutionalism theory holds that institutions set rules and standards against which social behavior is expected to adhere to.<sup>73</sup> Institutionalism theory can be the perfect example to sanctions related to North Korea and Iran. The premise of this theory is that institutions’ common rules, standards and convictions that depict reality for the organization, clarifying what is and is not, and also what can be acted up on and cannot.<sup>74</sup> Through this, we can say that institutionalism theory plays a major role for sanctions imposed by the UN, the EU, because through economic sanctions these institutions are trying to influence the domestic affairs of nations by the rules designed by the institutions. Advances

In the beginning, institutionalism’s aim was to support unity and collaboration. In any case, realists contend the journey for control that comes about from prideful characteristics of man/woman makes institutionalism a platform in which authority is exercised.<sup>75</sup> This can be seen clearly from the permanent members of the UNSC that enjoy privileges that other members of the UN do not. Such privileges, like *veto power*, have enabled the Security Council to take coercive actions, like economic sanctions against other states without minding the humanitarian consequences.

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<sup>72</sup> Eugener R. Wittkopf and Charles W. Kegley, *World Politics: Trends and Transformation*, p.28 (2006)

<sup>73</sup> W.richard Scott, *Institutional Theory: Contributing to a theoretical frame work*, p.1 (2005),

<https://www.researchgate.net/publication/>, accessed on April 6 2020

<sup>74</sup> Hoffman, J. Andrew, *Institutional Evolution and Change: Environmentalism and the US Chemical Industry*, *Academy of Management Journal*, Vol. 42, No. 4, pp. 351-371, (1999),

<sup>75</sup> Ogbonna , (n 3),p. 167

### 2.6.3 Hegemonic Theory

Hegemonic theory holds the view that global political and economic system is more stable under the prevalence of a single state is characterized as hegemon. According to Robert Gilpin, the concept ‘hegemony’ denotes the fact that one state achieves pre-eminence over other states in the system.<sup>76</sup> This goes with as one with the premise of Hegemonic theory. One of the underlying arguments is that a hegemon should have the authority and influence over the world economy. This is why the United States is considered as a nation that has imposed more economic sanctions frequently than any other country in the world.<sup>77</sup> According to Kenneth Katzman, in the 1980’s and 1990’s, the US imposed sanctions on Iran with the objectives of pressurizing Iran in order to refrain from supporting acts of terrorism, and mainly to limit its strategic power in the Middle-East.<sup>78</sup> To the view of Ogbonna, “since the mid-2000s, US sanctions have focused intently on compelling Iran to abandon its nuclear program or even to limit the scope of its nuclear program to a level that may be considered ‘peaceful’ to the international community” .<sup>79</sup> Furthermore, an executive order was issued by President Bill Clinton on August 19, 1997 with Order No., 13059, that prevents US companies from intentionally exporting goods to a third country that will eventually re-export them to Iran.<sup>80</sup>

Moreover, sanctions imposed by the United States continued and expanded to the Iranian shipping companies, financial institutions and third parties. This was the expansive nature of sanctions the US started to use in order to pressure Iran, by alienating the country not only from the US but any company from any other country dealing with the Iranian government could find itself in the predicament of doing business or facing retaliation by the US government, which is a real threat.

There are other different International Relations (IR) theories. But liberalism, Institutionalism and hegemonic theory are the most in line with and that best explains why economic sanctions were imposed on Iran and North Korea. Liberalism thoughts initiated globalization ego which

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<sup>76</sup> Gilpin Robert, *War and Change in World Politics*, p 23, (1981)

<sup>77</sup> Ogbonna ,(n 3), p .172

<sup>78</sup> Kenneth Katzman, “*Iran sanctions*”, *Congressional research service*, p 1,(2016)

[https://www.everycrsreport.com/files/20160112\\_RS20871\\_92fd8451a2990952927d8b01db812325fc11c950.pdf](https://www.everycrsreport.com/files/20160112_RS20871_92fd8451a2990952927d8b01db812325fc11c950.pdf)

<sup>79</sup> Ogbonna ,(n 3) ,p. 304

<sup>80</sup> <https://www.govinfo.gov/link/cpd/executiveorder/13059>

also expects rationality from states, expects even for states with objectionable actions if faced with choosing between economic incentives from international market or face sanction, these states would choose financial stability. Even If that's not the case, the pressure in this case (economic sanction) would motivate the everyday people that feel the pressure would rebel and bring down their regime.

To the contrary, however, economic sanctions in states such as Iran and North Korea, has had its devastating impact but the people from these countries have not made any significant move to topple their governments. When institutions' with common rules, norms and beliefs are not met by some states or have disputes with hegemonic power, there is the notion of protecting peace and security, international institution or unilateral countries come up with economic sanction which is apparent in the case of Iran and North Korea. Sanctions imposed by the United Nations and separately by the United States, is the manifestation of institutional theory and clearly a hegemonic power theory respectively in the world. The reasons for sanctions imposed on these states range from nuclear proliferation and aiding terrorism to human rights violation. But the underlying aim is like the theories stated above for the regimes to give in or their people to topple them down in order to protect peace and security. The rational, however, is a veiled hegemonic power theory that is also playing out in real time.

## CHAPTER THREE: THE IMPACT OF ECONOMIC SANCTIONS ON HUMAN RIGHTS

### 3.1 Introduction to impact of sanctions on human rights

It is believed that economic sanctions have got considerable impact on human rights. The United Nations Security Council imposes economic sanctions on member states, however such sanctions have remained argumentative as it relates to the plight of civilian population as well as it is conformity to its intended objectives.<sup>81</sup> Furthermore, as Marco A. Velásquez Ruiz further pointed out, the use of economic sanctions is said to contradict and impede the enjoyment of human rights as the measures violate the rights mainly of the economic, social and cultural rights of civilian population in the target States.<sup>82</sup>

The 2005 World Summit also issued a Resolution under *Values and Principle*, and reiterated to uphold the principles of human rights giving stress to the relationship between human rights, development and peace and security.<sup>83</sup> However, in view of this General Assembly's resolution, it seems contradictory for the UN to continue imposing economic sanctions, considering its impact on the enjoyments of human rights.<sup>84</sup>

Such collision of interest raises critical concerns to the international systems such as the UN, which is steadily advancing towards the recognition of individual rights as the main emphasis area of the organization and its protection of cardinal objectives.<sup>85</sup>

In fact, concerns about the negative impact that economic sanction imposed multilaterally or unilaterally have been voiced by many humanitarian organizations such as International Federation of the Red Cross and Red Crescent Societies. This is expressed in World Disaster

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<sup>81</sup> Ogbonna ,(n 3) p125

<sup>82</sup> Velásquez-Ruiz and Marco Alberto, 'International Law and Economic Sanctions Imposed by the United Nations Security Council'. *International Law: Revista Colombiana de Derecho Internacional* vol. 21, p 226, (2012)

<sup>83</sup> General Assembly Resolution A/RES/60/1, Number 4, 9 and 12 (2005)

<sup>84</sup> Ruiz and Alberto. (n 79), pp 223–54.

<sup>85</sup> Ibid

report in 1995 as growing worry about the humanitarian impact of sanctions.<sup>86</sup> Similar concerns have been echoed by two past Secretary Generals of the United Nations Boutros Boutros-Ghali and Kofi Annan. In the 1995 Supplement to the Agenda for Peace, the then UN Secretary-General Boutros Boutros-Ghali termed sanctions a “blunt instrument” and questioned if causing suffering on civilian population in the target country is a valid means of compelling political leaders of the same .<sup>87</sup>

Socio Economic Rights are defined as Human Rights as by the Universal Declaration of Human rights (UDHR) Article 25.1 affirms: “Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services”.

As known Human rights are divided in three generations.<sup>88</sup> The first generation rights which are commonly known as civil and political rights and freedoms.<sup>89</sup> These rights encompasses fundamental rights such as the right to life, the right to non-discrimination, the right to physical integrity , the right to liberty, protection against torture etc... The second generation rights ;economic and social rights include the right to education, benefits from adorable housing, health care, labor rights, benefit from minimum livelihood meanwhile, the third generation rights are more focusing on peoples’ right rather than individual some of the examples include the right to environment, the right to peace and the right to development.<sup>90</sup>

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<sup>86</sup> International Federation of Red Cross and Red Crescent Societies (ed.), *World Disasters Report 1995* (1995) pp 19-27. And see also , ‘The Humanitarian Consequences of Economic Sanctions ’in *Principles and Response in International Humanitarian Assistance and Protection*;26th International Conference of the Red Cross and Red Crescent.

<sup>87</sup> Reprinted in 2 *International Peacekeeping* (Kluwer Law International, 1994/95) 21, 24 ,see also UN Secretary General Kofi Annan, see for example, *Annual Report of the Secretary General Report on the Work of the Organization* UN Doc. A/53/1 (1998), 62; *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* (1998), 25.

<sup>88</sup> ArashIzadi, *Economic Sanction Against the Islamic Republic of Iran from the Perspective of Human Rights* ,p.101

<sup>89</sup> Ibid

<sup>90</sup> Ibid

On the other hand, the UN Charter doesn't specifically address human rights but rather address about encouraging and promoting equal protection and human rights in articles 1(3), 13(1), 55 and 56 respectively.<sup>91</sup> Similarly, article 62(2) of the UN Charter gives Economic Social and Cultural Council (ECOSOC) the authority to recommend and promote the respect for and observance of human rights. The council later created the commission on Human Rights and the second treaty convention the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The main focus of the convention was the right to work and employment, health, right to adequate standard of living, etc.<sup>92</sup> The UN Committee on Economic, Cultural Rights stated in its 1997 report suggested that more attention needs to be given to already vulnerable groups regarding sanction and impacts.<sup>93</sup> These rights were primarily meant to be protected, fulfilled or not violated by respective governments. But these rights are and should be upheld by the UN and UNSC too. It has been argued that the Security Council can act above international law and therefore no legal limitations exist on measures adopted by it under Chapter VII.<sup>94</sup>

The interpretation of Articles 103 and 25 of the UN Charter, specifically Art 103 states that "in the event of a conflict between the obligation of Members of the United Nations under the present Charter and their obligation under any other international agreement, their obligation under the present Charter shall prevail."<sup>95</sup> In addition, Art 25 of the UN Charter stipulates that member countries accept and executes decisions passed by the Security Council as per the Charter.<sup>96</sup>

This interpretation cannot be accepted for reasons According to Art. 24(1) read together with Arts. 1 and 2 of which imply that the UN Charter the Council's decisions must be in line with

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<sup>91</sup> Article 41, The Charter of United Nations ,San Fransico ,26 June(1945),

<sup>92</sup> International Convention on Economic, Social and Cultural Rights ,(1966)

<sup>93</sup> UN doc E/C.12/1997/8UN ,The relationship between sanctions and respect for Economic Social and Cultural Rights(1997)

<sup>94</sup> G. Oosthuizen, *'Playing the Devil' s Advocate: The United Nations Security Council is Unbound by Law'* (1999) 12 LJIL 549.

<sup>95</sup> United Nations Charter article 103(1945)

<sup>96</sup> Ibid article 25

the purposes and principles of the United Nations. By that calculation the UNSC is expected to consider the effect that economic sanction would have when making decisions. Justice Weeramantry of the International Court of Justice in the Lockerbie case that supported “the Security Council’s power must be exercised in accordance with the well-established principles of international law.”<sup>97</sup> Accordingly, the UNSC must also pursue the principle of international law while executing sanctions against target states. As laid down in the UN Charter, the Security Council is also mandated to the maintenance of international peace and security.<sup>98</sup> It would be contrary to its role if the Council disregards human suffering as ultimately peaceful world order can only be realized through respect for the rule of law.<sup>99</sup> In general, sanctions are assumed to ultimately promote and encourage respect for human rights and fundamental freedoms.

### **3.2 The Course of Economic Sanctions Imposed on Iran by the UN,US, and EU**

Following the enforcement Non- Proliferation Weapons Treaty known as the (NPT) 1970, economic sanctions have been used on countries that have aspiration to acquire nuclear weapon with the aim of deterring the action.<sup>100</sup> Among those countries mentioned in this regard was the Islamic Republic of Iran. Iran is one of the countries in the world with the history of extended sanctions imposed by the US, EU and the United Nations thirty two times between 1979-2012.<sup>101</sup> Most of these sanctions were an executive order by the US whereas the EU imposed four rounds of sanctions in the years between 2010-2012. The UN on the other hand imposed economic sanction on Iran in four rounds between 2006-2010.

From 2006 onwards, the UNSC has treated the Iranian nuclear enrichment issue as one falling within the domain of Chapter VII of the Charter that relates to threats to and breaches of international peace and security.<sup>102</sup> This has resulted in the imposition on Iran of Chapter VII

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<sup>97</sup> Order with regard to request for the Indication of Provisional Measures in the Case Concerning Questions of Interpretations and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libya v United States), ICJ (1992); 31 ILM (1992) pp.694-696.<https://www.icj.org>

<sup>98</sup> United Nations Charter article 24

<sup>99</sup> Boris Kondoch, *The Limits of Economic Sanctions under International Law: The Case of Iraq*, p.17

<sup>100</sup> Sokoloski, Henry. *Reviewing the Nuclear Nonproliferation Treaty*, (US Army war college 2010)  
[http://www.npolicy.org/books/Reviewing\\_NPT/FULL\\_Book.pdf](http://www.npolicy.org/books/Reviewing_NPT/FULL_Book.pdf)

<sup>101</sup> Kattan, Ari (2013): Factsheet: Iran Sanctions, ”Center for Arms control center.org/publications/factsheets/fact\_sheet\_iran\_sanctions/(April13,2015)

<sup>102</sup> United Nations Charter article 39

sanctions under Resolutions 1737(2006), 1747(2007), 1803(2008), and 1929(2010) that included targeted sanctions against individuals allegedly involved in the nuclear enrichment program and an arms embargo.<sup>103</sup> By Resolution 1737(2006) when Iran refused to halt uranium enrichment, the UNSC, invoking Article 41, imposed sanctions.<sup>104</sup> UNSC Resolution 1803(2008) introduced targeted sanctions obliging all States to prevent crossing and entry into Iran by people specifically related with or giving assistance for Iran's proliferation of nuclear activities or for the development of nuclear weapon delivery systems.<sup>105</sup>

Similarly, Resolution 1929(2010) of UNSC extended the sanctions to the provision of arms Resolution which prescribes that all States should prevent the sale or transfer to Iran of "battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems".<sup>106</sup> The most recent sanctions imposed in 2018 were following, US Pulling out of Joint Comprehensive Plan of Action (JCPOA).<sup>107</sup> It was an agreement made in 2015 by the then US President Barrack Obama that curbed Iran's nuclear activities in return for the lifting of sanctions that had been imposed by the US, UN and EU that ravaged Iran's economy.<sup>108</sup> The deal was agreed between the five permanent members of the UN Security Council (the US, UK, France, China and Russia), Germany with Iran.<sup>109</sup>

### **3.2.1 The Impact Economic Sanctions on Socio-economic rights of the People of Iran**

Sanctions imposed by the UN and US intensified in 2012 by targeting the oil sector, which is primary source of income for the economy of Iran without the revenues coming from the oil exports and freezing of properties of Iran's central bank which drastically decreased Iran's

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<sup>103</sup> Ali Z. Marossi and Marisa R. Bassett, *The Impact of Unilateral EU Economic Sanctions on the UN Collective Security Framework: The Cases of Iran and Syria* P. 4, (2015)

<sup>104</sup> Ibid

<sup>105</sup> Ibid

<sup>106</sup> S.C. Res. 1929(2010), Para 8, U.N. Doc S/RES/1929 (9 June 2010)

<sup>107</sup> <https://www.bbc.com/news/world-us-canada-44045957>, accessed on 5/11/2020

<sup>108</sup> Ibid

<sup>109</sup> Ibid

purchasing power of goods.<sup>110</sup> These led to Gross Domestic Product (GDP) decrease per capital by 35% from 2012-2014.<sup>111</sup> In addition, consumer price index increased from 100 to 178.<sup>112</sup> While, inflation rose from 20%-38% during 2007-2013.<sup>113</sup> In a 2015 World Bank report Iran was suffering from 20% unemployment.<sup>114</sup>

The aforementioned economic disruptions severely affected affordability, accessibility of goods, and quality of health services and medicine which exacerbated the living standard of the Iranian population. Even with exemption made for selected medicines and medical supplies by the US, didn't guarantee Iranians access to food and the necessary medicine.<sup>115</sup> Since, there were limitations on trade, banking and financial system and delivery (mentioned before), made the transferring of any goods, including those exempted ones to Iran, extremely difficult and expensive.<sup>116</sup> Unemployment and problem of job security have been rampant.<sup>117</sup>

In this regard, UNICEF described the situations in Iran of the 2012 as a country under tight unilateral economic sanctions which are adversely affecting the environment, public health and the socio-economic determinants of health of ordinary people, especially children.<sup>118</sup> Similarly, on October 5, 2012, UN General Secretary, Ban Ki Moon, stated that: "The sanctions imposed on the Islamic Republic of Iran have had significant effects on the general population, including an escalation in inflation, a rise in commodities and energy costs, an increase in the rate of

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<sup>110</sup> Kokabisaghi Fatemeh., Assessment of the effects of economic sanctions on Iranians' right to health by using human rights impact assessment tool: A Systematic Review. *Int J Health Policy Manag.* 2018;7(5):374–393. doi:10.15171/ijhpm.2017.p.376

<sup>111</sup> Iran's Gross Domestic Product per capita, world bank available at <<http://dataworldbank.org/countryIran-islam-rep?veiw=chart>>

<sup>112</sup> Consumer Price Index Iran 2007-2013, available at <http://tradingeconomomc.com/iran/consumer-price-index-cpi/forecast>

<sup>113</sup> Inflation Ratio 2007-2013 Iran, available at <<https://tradingeconomics.com/iran/consumer-prce-index-cpi/forecast>>

<sup>114</sup> World Bank: "Iran Overview.", (2015), available <http://www.worldbank.org/en> accessed on 5/14/2020

<sup>115</sup> Fatemeh p.379

<sup>116</sup> Ibid

<sup>117</sup> Ibid p.383

<sup>118</sup> UNICEF Annual Report 2012 for Iran (MENA); 2012.

unemployment and a shortage of necessary items, including medicine”.<sup>119</sup> The General Secretary also adds that sanctions plays role in affecting humanitarian operations in the country, even companies that have obtained the exemption license to import food and medicine are being challenged in finding third country banks to process transactions.<sup>120</sup>

After the Joint Comprehensive Plan of Action (JCPOA) in 2015 Iran’s economy was more or less recovering and showing positive signs. This was shown by International Monetary Fund(IMF) March 2018 report . The report stated that following a strong economic rebound in the aftermath of the 2016 nuclear agreement, Iran’s real GDP growth was expected to reach 4.3 percent in 2017/18 and that first half of 2017/18, recovery broadened to the non-oil sector, aided by supportive fiscal and monetary policies and a recovery in construction and services activity, the unemployment rate declined to 11.7 percent in the first half of 2017/18, inflation averaged 9.9 percent during the first 11 months of 2017/18 aided by moderation in food prices and stable administered priced.<sup>121</sup>These positively demonstrated achievements clearly show the impact between economic sanctions before JCPOA and its aftermath until the next reposition in 2018.

In May 2018, US President Donald J. Trump withdrew from the JCPOA despite Iran not having violated the deal. The United States quitted the accord and re-imposed sanctions, while the International Atomic Energy Agency (IAEA) in May 2018 reported that Iran had stayed within the caps on uranium enrichment levels, and enriched uranium stocks and other items.<sup>122</sup> The re-imposed sanctions were not only related to Iran’s nuclear program but also on all non-US entities doing business and financial transaction with Iran. The US also went further and threatened to sanction other countries including European companies that do transactions with Iran.<sup>123</sup>

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<sup>119</sup> Nichols MC, L. General Secretary Ban Ki Moon, U.N chief says sanctions on Iran affecting its. <http://www.reuters.com/article/2012/10/05/us-iran-sanctions-unidUSBRE89412Z20121005> , accessed on 5/13/2020

<sup>120</sup> Ibid

<sup>121</sup> IMF Executive Board Concludes 2018 Article IV Consultation with the Islamic Republic of Iran, March 29 2018,press release no. 18/114 , <http://www.imf.org>, accessed on 1/4/2020

<sup>122</sup> <https://www.bbc.com/news/world-us-canada-44045957> accessed 5/11/2020 ,accessed On 5/13/2020

<sup>123</sup> “US National Security Advisor John Bolton is reported as saying that European companies doing business with Iran will have to finish within six months or face US sanctions”. <https://www.bbc.com/news/world-us-canada-44045957> accessed 5/11/2020

The re-instated sanctions has hit Iran and Iranian people severely, especially with sanctions imposed hitting financial institutions the hardest. As a result, after a 4.7% contraction of GDP in 2018/19, GDP declined further by 7.6% in the first nine month of 2019/2020 due to contraction of oil sector. The oil sector contracted by 14% in 2018/19 following the reintroduction of US, contributing to the overall negative growth and an 10% percent unemployment.<sup>124</sup>

Moreover the sanction prevented international banks from engaging in financial transaction with Iran, even for exempted humanitarian transaction due to fearing US secondary sanctions.<sup>125</sup> This bans also prevented Iranians from accessing global financial markets by adding 20 Iranian institution to the list of Specifically Designated Global Terrorists (SDGTS),<sup>37</sup> governmental and private owned banks, Iran's national oil company, these restrictions have impacted the ability of people getting goods, food security and has the inflation rise up to 30%.<sup>126</sup>

In terms of health, the financial stress has impacted Iranian citizens with diseases like Leukemia, Epilepsy and patients with Epidermolysis Bullosa (EB).<sup>127</sup> Access to nuclear medicines and radio therapy pieces for diagnoses and treatment of cancer were completely cut off, since they were in the list of sanctions due to the possibility of military usage.<sup>128</sup> In 2007 UN Special Rapporteur on situation of Human Rights in Iran said that “not only has this financial restriction affected food security , distribution of medicine and medical equipment but also the ability for UN programs to provide such services to people suffering in this restrictions”.<sup>129</sup> Similarly the Norwegian Refugee Council (NRC) explained: “they are facing difficulties financing their

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<sup>124</sup> World Bank, “Iran Overview”, available at <http://www.worldbank.org/en> accessed on 5/14/2020

<sup>125</sup> Human Rights Watch Report , “*Maximum pressure*”: *US economic sanctions harms Iranian's right to health* p.1,(2019)

<sup>126</sup> Ibid ,p.2

<sup>127</sup> Ibid, pp 33-35

<sup>128</sup> Golzari SE, Ghabili K, Khanli HM, Tizro P, Rikhtegar R. Access to cancer medicine in Iran. *Lancet Oncol.* 2013;14(3):e87.doi:10.1016/s1470-2045(13)70036-6 and Gorji A. Sanctions against Iran: The Impact on Health Services.Iran J Public Health. 2014;43(3):381-382.

<sup>129</sup> Ibid p.4

operations of aid because it's hard to find banks that are able and willing to transfer money from donors.<sup>130</sup>

In general, nations being responsible legally for their policies that violate human rights beyond their borders and for the policies that support this action, by third parties and to comply with their international obligations. In the same vein paragraph 39 of General Comment No.14 ICESCR to article 12, of ICESCR States parties have to respect the enjoyment of the right to health in other countries.<sup>131</sup> Contrary to this, the US Secretary of State Mike Pompeo and the Treasury Department seem to intentionally use sanctions thinking /hoping sanctions would cause ordinary Iranians affected by the sanctions to compel or force their government to change their behavior.<sup>132</sup>The US strategy is based on classical liberalism theory expecting for victims of sanctions to over throw or compel their regime but without much result till now.

With increased sanctions and more secondary sanctions employed, the Iran people are suffering from lack of work and job security with the country's shrinking economy. In addition businesses not being able to function with strict measures against the financial institutions government owned and private impairing the citizens right to work article 6 of ICESCR. This leading to not being able to acquire a standard of living and food as prescribed in article 11 of ICESCR and article 25 of UDHR. Moreover the people are not able to access medicines due to restrictions made against medical equipments that are used for cancer treatments. Which are in the list of sanctions due to the possibility of military usage which directly violate their right to health provided in article 12 of ICESCR.

Currently, Iran is dealing with of Corona virus (COVID- 19) outbreak as the rest of the world is, with depleting health care system and equipment. Until 3April 2020, Iran has reported: “nearly 50,500 infections in the country with a population of 81 million, with nearly 3,300 deaths,

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<sup>130</sup> Human Rights Watch Report , “*Maximum pressure*”: *US economic sanctions harms Iranian's right to health* p.4, (2019),

<sup>131</sup> UN Committee on Economic Social and Cultural Rights. General Comment No. 14: The Right to the Highest Attainable Standard of Health; 2000.)

<sup>132</sup> Interview on February 14 2019 with secretary Mike Pompeo with CBS <http://www.cbsnews.com>

including several members of the government”.<sup>133</sup> As a result, the US unilateral Economic Sanctions has exacerbated the health situation of the Iranian citizens.

Despite experts such as UN High Commissioner for Human Rights, Michelle Bachelet’s call for reconsidering of imposed sanctions in countries facing the COVID-19 pandemic, in light of its potential of devastating impact on the health sector and human rights<sup>134</sup>, the US doesn’t seem to reconsider anything any time soon. That what can be garnered from Trump’s response when asked by Al Jazeera’s White House correspondent, Kimberly Halket, on press conference held in the White House. She asked if the US “is willing to ease sanction to allow medical supplies to go in”, and the President’s response was “they haven’t even asked us”,<sup>135</sup> It seemed like the President was referring to the people of Iran either way, exempting medical equipment shouldn’t be points of negotiations for sanctions, it’s a Human Right.

### **3.3 The Course of Economic Sanctions on North Korea**

Economic Sanctions are not new to North Korea. The US Department of Treasury restricted financial transactions related to North Korea since the 1950s.<sup>136</sup> In 1980s, North Korea launched a series of bombs against South Korea, by North Korean agents which further tightened sanctions. In 1988, the US added North Korea to the Department of State's list of state sponsors of international terrorism.<sup>137</sup> However, sanctions against North Korea began to ease during the 1990s when South Korea's then liberal government pushed for engagement policies with the North. As a result the Clinton administration signed the Agreed Framework with North Korea in 1994.<sup>138</sup> Following the agreement, North Korea agreed to replace its nuclear reactors which could easily produce weapon grade plutonium to light water reactors with which plutonium enrichment

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<sup>133</sup> <https://www.aljazeera.com/news/2020/04/trump-grilled-punishing-iran-sanctions-coronavirus-crisis-200403092935715.html>, accessed on 5/14/2020

<sup>134</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25744&LangID=E>; GENEVA (24 March (2020), accessed on 5/5/2020

<sup>135</sup> Ibid

<sup>136</sup> Bradley J. Hornback and Nikolay Anguelov, *Absorb and Control: How North Korea Responds to Economic Sanctions*, pp. 58-60, (2015)

<sup>137</sup> Yong Suk Lee, *International isolation and regional inequality: Evidence from sanctions on North Korea*, p. 35 (2018),

<sup>138</sup> Ibid, pp.35-36

becomes considerably difficult. In return, states including South Korea, Japan, and the US jointly funded the development of the light water reactor.<sup>139</sup> This was accompanied by the ease of trade, finance, and travel sanctions. As a result, humanitarian aid flowed into North Korea after a severe famine. However, not long after the agreement, North Korea admitted that it was enriching uranium and reactivated its nuclear reactor in 2002.<sup>140</sup>

In consequence, North Korea officially withdrew from the Nuclear Non-Proliferation Treaty in 2004 and countries started to reinstate various sanctions against it. Additional sanctions by the UN Security Council were also imposed after North Korea performed nuclear tests in 2006, 2009 and 2013. More recently, additional sanctions were imposed in 2016 and 2017. In the beginning, sanctions were imposed on trade, weapons related materials and goods, but later added luxury goods to target the elites.<sup>141</sup> More sanctions were further expanded to financial assets and banking transactions, and general travel and trade.

### **3.3.1 The Impact of Economic Sanctions on Socio-Economic Rights of North Korean People**

The 2018 UNICEF's report stated that 200,000 North Korean children have been affected with malnutrition and put 60,000 of these vulnerable children at risk of starvation, due to the disruption in the availability of humanitarian supplies resulted from stringent sanctions.<sup>142</sup> Increasing stringent rules and request by transit countries to UNICEF and partners of sanction related import waivers led to considerable delays in delivering life-saving equipment's by the organization.<sup>143</sup> The report continues on to say that strict sanctions imposed on the country were not which were not meant to affect humanitarian assistance. The unintended consequences hampered the humanitarian community's and UNICEF's Democratic Peoples Republic of Korea (DPRK's) ability to deliver and exacerbated the situation even more.<sup>144</sup> This took place while UNICEF tried to minimize the adverse humanitarian consequences of sanctions imposed on

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<sup>139</sup> Ibid , p.36

<sup>140</sup> Ibid

<sup>141</sup> Ibid

<sup>142</sup> UNICEF DPR Korea Annual Report for 2018 ,p 1,available at <https://www.unicef.org/dprk/reports/unicef-dpr-korea-annual-report-2018> , accessed on 5/11/2020

<sup>143</sup> Ibid p. 3

<sup>144</sup> Ibid p. 11

North Korea and extending its full support to the United Nations agencies working in the country.

The *Korea Peace Now*<sup>145</sup> Organization stated that economic sanctions harmed the most vulnerable members of its population and list out the following:

*“a) Current sanctions have the greatest impact not on the power elites who are the intended targets, but on the most vulnerable North Koreans working-class families, particularly children and seniors living in remote areas with restricted access to medical supplies, food, and fuel for cooking and heating;*

*b) Bans on exports and the dispatch of workers abroad impact the ability of ordinary citizens to support their livelihood and the ban on textile exports in particular is exerting a disproportionate effect on female employment, which represents the majority of the labor force in that sector; and*

*c) Sanctions on the fishing , garment and coal industries coupled with South Korea's decision to close a joint factory complex employing more than 50,000 North Koreans, will deprive many people of income in an increasingly market-based economy”.*<sup>146</sup>

Report from UNICEF and *Korea Peace Now* was confirmed by a group of experts organized for this task by the Security Council. In addition, the 2019 UN Panel of Experts report to UNSC about the impact of economic sanction on human rights in North Korea has determined that the “UN sanctions are affecting the delivery of humanitarian-sensitive items” and their implementation “has had an impact on the activities of international humanitarian agencies working to address chronic humanitarian needs in the country .<sup>147</sup>

The report added that “humanitarian activities continue to suffer from significant delays and disruption owing to the sanctions regime and the disruption of banking channels has made it

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<sup>145</sup> See Korea peace now( is a global campaign to educate, organize and advocate for a Korea peace agreement by 2020), <https://koreapeacenow.org/resources/the-humanitarian-impact-of-sanctions-on-north-korea-> accessed on 5/11/2020

<sup>146</sup> Ibid p1

<sup>147</sup> Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea , A/HRC/40/66, May 30, 2019, para. 11

difficult for the United Nations and other international humanitarian agencies to transfer required funds into the country”.<sup>148</sup>

Furthermore, the needs assessment by the United Nations country team in March 2017 revealed that 10.5 million people or 41 per cent of the population is undernourished. Meanwhile, the UN imposed the strictest sanctions yet on December 2017 which further tightened sanctions by restricting fuel and other trades such as all industrial machinery, transportation vehicles, and iron steel, and other metals. It also noted that this prohibition “covers several goods which are vital to agriculture items prohibited under restrictions on the importation of certain items that are necessary for agricultural production, agricultural machinery and medical equipment.”<sup>149</sup>This restriction on fuel, machinery and spare parts for equipment which are mostly made from metal has had a negative impact on agricultural production, directly or indirectly.<sup>150</sup>This left many farmers not being able to farm, or provide for their families. Similarly, the sanctions restricted North Korean citizens not to work abroad to earn their livelihood. For instance, reports by UN shows that large numbers of North Korean workers have been sent home after sanctions were imposed.<sup>151</sup>

Furthermore, sanctions imposed on anything related to metal or fuel has hampered the already fragile health system in the country. This led to health facilities in the country mainly in rural areas to have lacked ( the essential medical equipment and medical appliances such as ultrasound and cardiograph machines, syringes, needles, catheters, dental and ophthalmic equipment, artificial respiration machines, X-ray machines, medical furniture, microscopes, pumps, water heaters, machinery for filtering or purifying water, and machinery for water well drilling. <sup>152</sup>Most recently(2017) the UN Committee on the Elimination of Discrimination against Women concluded that “the economic sanctions imposed by the international community as a

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<sup>148</sup> Ibid ,para 12

<sup>149</sup> UN Panel of Experts Report, S/2019/171, Mar. 5, 2019, p. 361.

<sup>150</sup> FAO/WFP, DPRK Korea Rapid Food Security Assessment May 2019, p. 14.

<sup>151</sup> Michelle Nichols, “Russia, China Sent Home More than Half of North Korean Workers in 2018 – U.N. Reports,” Reuters, March. 26, 2018, <https://www.reuters.com/article/us-northkorea-sanctions-un-exclusive/russia-china-sent-homemore-than-half-of-north-korean-workers-in-2018-u-n-reports-idUSKCN1R70AT>

<sup>152</sup> UN Resident Coordinator for the DPRK, Needs and Priorities Report 2019, p. 7, and see also 56 UN Panel of Experts Report, S/2019/171, Mar. 5, 2019, pp. 369–372.

consequence of the State party's policies have had disproportionate impact on women." One of the economic sanctions imposed by the UN in 2017 was on export of textile, where 82% of the workers are women.

All in all the impacts that the second generation sanctions (2016) have had on the civilian population of the North Korean people by all means is a violation of their socio economic rights . Their right to work protected by ICESCR<sup>153</sup> was impeded when they were not allowed to work abroad. Farming as means of their major livelihood as well as food supply is restricted when they are not able to use mechanized farming tools, and fuels, which exacerbates the highly rampant malnutrition facing the country.

In addition, restriction on the right to work, to provide for their family was also interrupted at textile factories which solely were an export based production, sites halted because sanctions were imposed on North Korea export programs. Reports such as the UN's DPRK Needs and Priorities 2018 estimate with reasonable certainty that there may have been more than 3 ,968 deaths in 2018 with 3 193 of those being children under age 5, of which 72 of them were pregnant women. As a result, sanctions-related delays and funding shortfalls impacting specific UN humanitarian programs, notably those addressing severe acute malnutrition, vitamin A deficiency, wash issues, and the need for emergency reproductive health kits.<sup>154</sup> These are clear indications of violations of rights to health, standard of living adequate healthy food stated in article 25 of the UDHR. The victims of this failed sanctions policy are vulnerable children and women.

### **3.4 The Effectiveness of Economic Sanctions**

Extensive studies of the efficacy of sanctions as a policy tool have been conducted since the early 1980s by Gary Hufbauer, Jeffrey Schott, and Kimberly Ann Elliot. Their most recent study

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<sup>153</sup> Article 6 , International Convention on Economic Social and Cultural Rights , Dec 1966

<sup>154</sup> The UN's DPRK Needs and Priorities 2018 report provided the number of people intended to be reached by these UN programmes. The DPRK Needs and Priorities 2019 report gave the actual number of people reached in 2018. Using published reductions in mortality rates of the intended interventions, the number of lives that may have been lost was calculated based on the difference between mortality rates with and without the interventions in the unreached population. See Kee B. Park, Miles Kim, and Jessup Jong, "The Human Costs of UN Sanctions and Funding Shortfalls for Humanitarian Aid in North Korea," 38 North, Aug. 22,2019, <https://www.38north.org/2019/08/parkkimjong082219>

concluded in 2007 (along with additional author, Barbara Oegg) reviews 204 cases, 204 observations of sanctions employed from 1914 through 2007. The authors found that 70 of the total 34 percent were at least partially successful in achieving their desired policy goals.<sup>155</sup> Other studies, however, have questioned the efficacy of sanctions as a valuable instrument in the global foreign policy options.

In 1997, Robert Pape reexamined the 115 cases found in the 1990 iteration of the Hufbauer, Schott, Elliot meta-case analysis and concluded that only five percent were in fact legitimate successes. Pape also notes that eighteen of the purported forty successful cases for instance resorted to force which he argues is equivalent to sanctions having failed since military intervention is the very act sanctions aim to avoid.<sup>156</sup> Moreover, the history of Economic Sanctions don't necessarily mean the end goal would be met. For instance, the allied blocked of Germany in WWI, the economic sanctions imposed on Germany to reduce their military strength as well as inflict pain that would coerce German people to surrender. The German government's surrender in the end can't be said it was successful through the means of Economic sanction but rather military defeat.<sup>157</sup>

Then, how is economic sanctions effectiveness recognized? Economic sanctions could be credited with success when:

1. The target state conceded to a significant part of the demands made by sender organ or state. Here the full intent of the sender might not be realized but the original rationale for sanction which was to do away with military action, therefore considered success by some.<sup>158</sup>
2. Economic Sanctions use threatened or applied before target changed its behavior and sometimes no credible explanations exist for target's change of behavior.<sup>159</sup>

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<sup>155</sup> Hufbauer et al. ,pp158-159 (2007)

<sup>156</sup> Robert A.Pape, *why economic sanctions don't work*, p.106 ,(1997)

<sup>157</sup> Ibid, p.97

<sup>158</sup> Hufbauer et al, pp 157-159

<sup>159</sup> Pape,(n 144) p.106

3. Some say that economic sanctions would be effective if they are imposed multilaterally by organizations if they are targeted only on the economy, a more democratic regime, a more moderate policy than regime change, and if they are targeted on allies than rivals.<sup>160</sup>

Moreover, Economic sanction seem to fail when the world is not in the co-operation and power dynamic that it was prior 1990's. As a result influential countries like Russia and China won't be able to adopt western policies including economic sanction without measuring their interest.<sup>161</sup> This is what had been seen repeatedly in the case of North Korea, where China has been continuously struggling to impose economic sanctions brought forward by the UNSC, since China has been major ally both economically strategically to North Korea. As a result, until it was "forced" to vote against North Korea in 2017 at the 8151<sup>st</sup> meeting of UNSC to unanimously impose Economic Sanction.<sup>162</sup> Similarly, sanctions failure could be from target countries themselves. For instance, costs of complying with the sender's demands may simply be higher than any pain that can be imposed with sanctions.<sup>163</sup>

The most important reason that seems to be influential is Nationalism, which makes states even groups that are highly hit by the sanctions willing to withstand considerable amount of punishment rather than abandon their national interest and accept civilian suffering to achieve national goals.<sup>164</sup> Even though the popular aim for regimes under economic sanctions is to convert into pressure on the Government for change, the targeted leaders have managed to continue their policies and to stay in power.<sup>165</sup> This seems to be what is evident of the States mentioned in the study. This is because both nations have continued with their nuclear proliferations. After the United States pulled out of the JCPOA, despite the European allies trying to salvage what was left of the deal, Iran has been pulling out by reducing its commitment from

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<sup>160</sup> Dursen Peksen, *When Do Economic Sanction work ?A critical review of sanctions effectiveness*, p.9 ,(2019)

<sup>161</sup> Pape, (n 144) p. 106

<sup>162</sup> UNSC Resolution against North Korea s/res/2397

<sup>163</sup> Hufbauer et al p.159

<sup>164</sup> Pape (n 144) p.106

<sup>165</sup> Reinisch, August. "Developing Human Rights and Humanitarian Law Accountability of the Security Council for the Imposition of Economic Sanctions". *American Journal of International Law* 95, p. 851 ,(2001)

the deal and in the end announced that it “will no longer restrict on number of Centrifuges<sup>166</sup>” through their foreign Minister Mohamed Javad on January 5, 2020 after a US strike Killed Iranian General Qassem Soleimani.<sup>167</sup> Consequently, this couldn’t restrain Iran from seeking to be a nuclear country once again. Similarly, North Korea has not been deterred from its objectionable policy, although there were positive signs with the joint summit held between US and North Korea in 2018 during the Singapore Summit<sup>168</sup>. North Korea has since 2019 has launched several ballistic missiles including one being in Japan’s exclusive economic zone on the sea.<sup>169</sup> Therefore, despite multilateral sanctions imposed by UN and unilateral sanctions by the US North Korea hasn’t abandoned its nuclear ambitions to date.

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<sup>166</sup> Centrifuge is used to enrich uranium and make a nuclear through concentration U-235 metal can either make nuclear bomb or a nuclear reactor., <https://science.howstuffworks.com> accessed on 5/15/2020

<sup>167</sup><sup>167</sup> Max Burman and the Associate press, *Iran pulling out of nuclear deal commitment After US strike that killed Soleimani*, January 5 (2020) nbcnews.com , accessed on 5/14/2020

<sup>168</sup> It was a meeting between North Korea Chairman Kim Jong-un and US President Donald J.Trump in Singapore in June 12 2018 they signed a joint statement agreeing to security guarantees for North Korea ,New peaceful relation ,denuclearization of the Korean Peninsula , <https://en.m.wikipedia.org>, accessed on 5/15/2020

<sup>169</sup> Justin McCurry, *North Korea fires possible ballistic missile from sub marine*(2019), The Guardian.com, accessed on 5/15/2020

## CHAPTER FOUR

### 4.1 CONCLUSION AND RECOMMENADATIONS

#### 4.1.1 Introduction

This study dealt with the impacts of economic sanctions on human rights with particular attention to the Islamic Republic of Iran and Peoples Democratic Republic of Korea (PDRK) or North Korea. The research has discussed the causes and objectives of economic sanctions both from theoretical and international laws points of views as background information. The main objective of the study was to find out if the economic sanctions imposed by the UNSC and unilateral sanctions by individual or other member countries are confirming to international laws for human rights, their effectiveness to meet assumed objectives, and whether economic sanctions can rightly play a deterrence role to help nations refrain from involving into activities that undermine international peace and security, or whether the economic sanctions imposed on studied nations have rather negatively impacted on the socio economic rights of its citizens of both countries.

The scope of the study is delimited to economic sanctions imposed by UN bodies as well as those by some countries and its impacts on human rights of the study two countries, Iran and North Korea respectively. The study could not deal with military and cultural sanctions due to the stringent schedule available to complete the study. The methodology used is a qualitative data analysis and description of available secondary data from the UN, UNSC, and human rights organizations such as Human Rights Watch (HRW) and scholars in the area. Based on the description and analysis of the impacts and the inflicted human rights on the two targeted nations' civilian populations, the following main finding ideas could be taken as points of conclusion.

### 4.1.2 Conclusion

The UNSC used to take sanction measures as early as 1914 to 1990. Its objectives have been to maintain or restore international peace and security.<sup>170</sup> Such measures have been taken without involving the use of armed force. Consequently, it's reported by rights groups that about 30 sanctions regimes have been taken since 1966 in many parts of the world.

On the other hand, most UNSC sanctions have several goals which have developed from wide ranging economic and trade sanctions to more specific areas such as financial or commodity restrictions, arms embargoes and travel bans.<sup>171</sup> These measures have been believed to constrain terrorism, deter non-constitutional changes, protect human rights and promote non-proliferation of arms.<sup>172</sup> In the contrary to UN's claims, Pape argues that economic sanctions have been used as an alternative to military engagement and to force change the target nation's political behavior.<sup>173</sup> Moreover, the UNSC as well as governments that impose unilateral sanctions also believe that by imposing economic sanctions, international peace and security will be maintained or restored.

However, target countries have different views that economic sanctions will not help international peacemaking and peace building to be realized, rather cause irreparable harm to civilians. This argument is also supported by rights groups such as Human Rights Watch<sup>174</sup> that most economic sanctions are applied irrespective of the rights of the broad civilian population who have no relations with either the UN or other unilateral sanctions imposed by individual or group of countries. For instance, unilateral sanctions such as the one imposed by the US administration on innocent civilian population are meant to "change the behavior", a recipe for collective punishment actually infringes on economic rights of the people.

Moreover, as per the findings of many international organizations such the HRW and UNICEF despite the humanitarian exception designed, medical supplies have become hard to come by.

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<sup>170</sup> United Nations Charter Chapter VII and Articles 39 and 41

<sup>171</sup> <https://www.un.org/securitycouncil/sanctions/information>

<sup>172</sup> Ibid

<sup>173</sup> Pape ,(n 144), p.90

<sup>174</sup> Human Rights Watch Report , "*Maximum pressure*": *US economic sanctions harms Iranian's right to health*, (2019)

The main problems that arise out of the economic sanctions are they include financial institutions that are used to facilitate food, medicine and medical imports to the target civilian populations in both Iran and North Korea. Such sanctions also constrain people's right to health and access to essential medicines and lack of critical drugs for patients of epilepsy and cancer.<sup>175</sup>

One critical challenge for economic sanctions is when it's implemented by what is known as "secondary sanctions" with other countries and when sanctions such as by the US pose fear on other countries not to make any trade and financial transactions with target country. It also blocks humanitarian actors who are to transfer funds humanitarian institutions such as education. This affects millions of vulnerable citizens of targeting nations .<sup>176</sup>

As a result, it seems that some economic sanctions are used to achieve ambitious foreign policy goals for some countries. Pape, therefore, argues that sanctions imposed since 1914 to 1990, in effect have not significantly deterred many of the target nations from non-compliance with some of the principles of maintaining international peace and security. Over compliance with sanctions also makes other countries to become collaborators of some sanctions that are opposed to international human rights accord by limiting financial or bank transactions with the target nations as witnessed in Iran after the fall of the JCPOA.

Based up on the aforementioned paragraphs the following conclusions can be done as regards to the study objectives.

1. From the findings, it has been learned that the economic sanctions imposed on both countries are not confirming to the International Covenant on Economic Social and Cultural rights, Principles of international law, UDHR and United Nations Charter. Moreover, countries and organizations who impose these sanction are obliged not to violate " the right to enjoyment of the highest attainable standard of physical and mental health as well as the right to adequate food".
2. Iran and North Korea' economy was highly affected for several years by sanctions imposed by the international community over the countries' nuclear program. As a result, caused harm to the civilian population of study countries. Moreover, several human

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<sup>175</sup> Ibid, pp.33-34

<sup>176</sup> Ibid p.4

rights groups special agencies of the UN including the UNSC panel of experts have pointed out the economic sanctions imposed on both countries has had adverse effect on health, on standard of living and the ability to work. Therefore, it can be concluded that the socio economic rights of both nations' civilian people have been impacted. For instance, in the sanctions re-imposed by Iran after the failure of JCPOA as many as twenty different Iranian institutions were put in the "specially designated global terrorists" (SDGTs) lists on October 16, 2018 which severely caused unnecessary suffering to Iranian citizens with a range of diseases and medical conditions. This also true with North Korea on bans of export and dispatch of worker abroad to support their livelihood which in turn impacted on the ability of ordinary citizens livelihood.

3. Economic sanctions applied either jointly or unilaterally on target country do not really serve deterrence of nations from engaging direct non-compliance of established norms and principles for maintaining international peace and security. From practice, it can be seen that it is only in rare occasions sanctions can play the role of deterrence. The opposite seems true that, for instance, both Iran and North Korea are not found restrained from their nuclear development and enrichment of Uranium to-date. In addition, the use of the so called "maximum Pressure" by the US's unilateral sanctions which was targeted to mobilize the target nations populations to raise up and change the regimes has failed as it created a sense of nationalism that results Iranian people to rally behind their government. Moreover, this triggers un-called for hostilities between nations' populations that damages international relations.

## **4.2 Recommendations**

Having examined the findings and highlighting conclusions, the following recommendations are forwarded for the future considerations by the UN body and other sanctioning countries as follow:

1. All economic sanctions have to be clearly spelt out as regards major humanitarian exemptions that could facilitate access to food and medicine to the civilian populations of target nations. To this end, humanitarian channels have to be open to import essential

goods in order to safeguard civilian population right to health and other facility. Banks and companies have to also publicly ensured against sanction risks on humanitarian goods and transactions.

2. Unilateral sanctions such as the ones imposed by US should be opposed on the account of their disproportionate and negative impact on the enjoyment of human rights by civilian population. Moreover, as unilateral sanctions are deemed weak in law and impeding to international foreign policy the international community, countries and international organizations should take a stronger stance by not cooperating to such actions that clearly impair Human rights of civilian population.
3. There has to be a guideline for the provision of humanitarian assistance for the civilian population. To this end, humanitarian issues have to be separated from other political objectives.
4. Sanctioning bodies (UNSC or individual states) have to go beyond putting exemptions on humanitarian good to the people and allow financial institutions to be able work with humanitarian organizations. The UN should devise a better mechanism to screen out essential humanitarian products to curb delay. Furthermore, exempt product that are deemed as “dual use” by using inputs of technical experts to identify which are prone to dual use and which are not.
5. Sanctioned states should also reconsider their stance on their nuclear proliferation programs in relation to the wellbeing and the lives of their citizen. On the other hand, in order to loosen the sever humanitarian consequence brought about due to economic sanction, diplomatic means of resolving the problem and direct talks between the target country UN or sanctioning country (countries) has to be organized.
6. Article 39 of the UN Charter should better specify what treat to peace and security means as it is prone to broad interpretation by the UNSC members
7. As this study is limited in scope more studies are suggested to further investigate the pros and cons of economic sanctions on human right covenants and develop trust among world nations.

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