



2528-9705

*Örgütsel Davranış Araştırmaları Dergisi*  
Journal Of Organizational Behavior Research  
Cilt / Vol.: 3, Sayı / Is.: S2, Yıl/Year: 2018, Kod/ID: 81S2250



## EXPLAINING US SANCTIONS AGAINST IRAN IN THE CONTEXT OF HUMAN RIGHTS PROTECTION DIALOGUE

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### ABSTRACT

*The current study aimed at investigation of US sanctions against Iran in the context of human rights protection dialogue (with emphasis on the Middle East). It is a descriptive-analytical study. The assessment of whether the sanctions can be useful as a deterrent tool, and the fact that in using this tool, the political interests of the countries are not considered, requires a more extensive investigation that cannot be done expeditiously. But actually, the financial sanctions, since they interrupt the free international trade as a reason of interaction and closeness between the countries due to mutual economic dependence which leads to international co-existence and reduction of disparities between them, are inconsistent with the general orientation of international law and the Charter of the United Nations for achieving the international peace and stability, and obviation of the disputes. Yet, the humanitarian issues caused by the sanctions cannot be ignored. Problems that totally reveal the relationships between the sanctions and violation of human rights. Perhaps, it can be said briefly that, although there might be controversies between the international law scholars on interpretation of legitimacy or illegitimacy of the sanctions due to different reasons, undoubtedly, they agree that the sanctions can interrupt the international co-existence process, and subsequently, damage the global peace and security.*

**Keywords:** Sanction, European Union, Foreign Policy, Iran.

### INTRODUCTION

Human rights, as one of the most significant criteria of civilization, is of a great importance in international relations. Nevertheless, the ambiguity of its definition and abusing it, are among the most important challenges faced by the human rights promotion. The Western countries, and especially the United States, intervene with the internal affairs of the countries with the pretext of protection of democracy and human rights, and by the use of public and media diplomacy, attack many countries through propagandistic invasion, taking actions against them. The term “human rights” is a relatively new one, entering the daily conversations only after the WWII and establishment of the UN. It has replaced the “Natural Rights” and “Rights of Man”, which are older terms (Falsafi, 1996). The matter of the human rights has gradually become one of the main conversations of politics and international relations during the last 6 decades, and today, the mutual effects of the human rights and power relations can be obviously observed, worldwide.

Sanction is referred to as a punitive action against a country in order to change the behavioral pattern of that country. Sanctions are of different types, however, the Security Council sanctions, if meeting the conditions, are the only permissible sanctions in the charter, but now, Iran is exposed to one-sided sanctions, i.e. the sanctions outside the United Nations Security Council

Resolutions, imposed by the United States and its allies. The one-sided sanctions are actually punitive actions taken by a country against another, based on its foreign policy and national security, as the United States has enacted these sanctions against Iran, and failure in obeying them would lead to criminal penalties (at least \$ 1 million or at least twenty years in prison or both) and civil penalties (\$ 25,000 or twice the amount of the transaction). The current study has aimed to explain the United States' sanctions against Iran in the context of human rights protection.

## METHODOLOGY

The main objective of the current study is to explain the United States' sanctions against Iran in the context of human rights protection, which has been evaluated in the field of Iran and United States relations. The scope of the study includes the evaluation of the United States' sanctions against Iran in the context of human rights protection after the Islamic Revolution. The method used in this thesis is descriptive and library-based. In the library-based method, through note-taking, the political books and journals, magazines, newspapers, and the political and scientific websites, were investigated and then, by analysis of these data, the results were obtained. The data in the current study is collected through referring to related databases, libraries, and organizations, and then they will be analyzed. The current study aimed at explaining the United States' sanctions against Iran in the context of human rights protection, and exploring and obtaining a theory by the use of descriptive method of reasoning, interpretation, and inference. Also, the current study, by the use of documentary method and political sciences rules, regulations, and theories, would assess the subject.

## UNITED STATES SANCTIONS AGAINST IRAN AND PROTECTION OF HUMAN RIGHTS

### *Human Rights Sanction*

Sanctioning the real and legal persons of a country due to different reasons, since it violates the individual freedoms and as a result, violates the human rights, can be regarded as a human rights sanction. On the other hand, the sanctions imposed on states and their legal bodies due to an action violating the human rights, are also referred to as human rights sanction. In the followings, through definition of concepts such as sanction and humanitarian intervention, the concept of human rights sanction would be addressed (Jalali et al, 2014).

In the Dictionary of Political Sciences, sanction is defined as the imposition of a collective and penal action that involves the necessary diplomatic, economic or military actions against a country that has been acting in violation of the Charter of United Nations (Tolouei, 2006), which has a legal support in international level, through the approvals of the Charter of United Nations, accepted by most of the countries. The concept of humanitarian intervention and protection of the minorities' rights is among the basic concepts in international system of human rights, and it is an intervention using force to prevent the violation of people's rights (Obradovic, 1998). However, it has been always a pretext and an excuse to occupy and invade the weak countries (Mehrpour, 1998).

### *United States Strategy in Using the Sanctions against Iran*

In accordance with the software-oriented policies of the United States, the option of sanction is one of the important strategies of the United States confronting Iran. These sanctions include



economic sanctions, sanctions on investment, as well as human rights sanctions. The sanctions imposed on Iran are either in the framework of UN Security Council Resolutions, such as Resolution No.1929 or in the framework of the congressional acts, such as the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, however, through these sanctions, the Iranian people are not targeted, but the United States government and congress has increasingly emphasized sanctions on Iranian authorities who, in their opinion, are responsible for the violation of human rights in Iran, and for putting pressure on Iran and increasing the costs, in order to change its behavior.

Most of the United States and UN's sanctions are overlapping. The intense sanctions against Iran on Petroleum and energy import in the Comprehensive Iran Sanctions, besides the economic, missile, nuclear, financial-banking, Information Technology sanctions, and sanctions against individuals with the claim of human rights violations after the 2009 presidential elections, blocking of assets and restrictions on traveling of individuals and sanctions related to Revolutionary Guards, Iranian diplomats and other Iranian officials who are threatening the national security of the United States, are executed under the International Emergency Economic Powers Act.

#### *The Status of Western Human Rights Sanction against Islamic Republic of Iran*

The United States and Europe, through stage-managing the human rights sanctions against Iran by human rights international institutions and supporting them by executive orders of the presidents of the United States and human rights treaties of the European Union, take serious stand against the matter of human rights in Iran. For example, based on 2009 report of United States Department of State on human rights in Iran, which was published in March, the status of human rights in Iran has had an improper history. The human rights report of 2006 published by United States Department of State, has supported the rights of religious minorities and claimed that the religious freedom in Iran is confined (CSW 2009).

#### *Sanctions of Iranian Individuals and Official*

Sanctioning the individuals is enforced based on travelling sanctions, or sanctions for blocking their assets. For example, among the sanctions imposed on individuals by the United States so far, confiscating their assets in the United States, prohibiting the issuance of visas for them, and prohibition of real and legal American persons dealing with them, can be named. The European Union have also put Iranian officials including the security forces, prisons officials, and the judiciary officials and the prosecutors, on its sanctions list, claiming to support the Iranian people adjudicate their rights. The United States, alongside with England and Canada, have added the names of 50 of Iranian nuclear scientists including the scientists, engineers, and the suppliers of the materials and equipment required for Iran's nuclear and weaponry programs, to their sanctions list (state, 2011), in order to add to the pressure and international consensus against Iran by pushing nuclear subject alongside with the subject of human rights.

#### *The Stands and Actions of United States Government in the Framework of Human Rights Sanctions*

The United States Department of State, in its annual reports, have always addressed the status of human rights in Iran. For example, in its 2009 report on Iran's affairs, which was published on March, it has introduced Iranian Government to have an improper history of human rights, claiming that Iranian security forces and officials have committed violent acts against individuals and protesters in 2009's presidential elections.



Obama's administration, as a part of its efforts to isolate Iran in terms of human rights, condemned the actions and policies of Iranian Government during and post-2009's presidential election, and demanded enforcement of more sanctions against Iran, giving the US Department of State and Treasury a mandate to sanction those who allegedly were responsible for human rights violations against the Iranian people. The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 was passed as a law, based on which, eight of Iranian officials were included in sanctions such as United States visa ban, blockade of assets in the United States, and trade ban (2011, D, 2011). The United States administration completed these sanctions and added other institutions to them (State, 2011, E). The U.S. Department of State also, with the aim of connecting the regional changes to Iran, sanctioned the Iranian officials and supplying the equipment and support to help the Iranian institutions with the "false claim of coercing the protests in that country" (Jalali et al, 2014).

#### ***The U.S. Congress Stands and Actions***

Since 2009, the American discourses have been, to a large extent, focused on the new punitive actions to force Iran to withdraw its nuclear program. The Congress committees have focused their actions on a new round of multilateral acts against Iran, such as the limitations on the sale of refined crude oil, economic sanctions, crippling measures, and targeting Achilles heels of Iran, as a means of preventing Iran's nuclear weapons capability. In congress also, several bills have been passed to increase the human rights sanctions against Iran, such as the Iran's Sanctions Act enacted in August 5, 1996, or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, in which, besides numerous economic, investment, weaponry, and ... sanctions, there are also sanctions related to democracy and human rights in Iran.

#### ***The Position of Human Rights in the U.S. Strategy against Iran***

The human rights, as one of the main bases of the United States national security strategy, has been always considered by the foreign policy of this country, and during each time interval, it has not only been introduced as a threat against U.S. national security, but also as a threat against international security. In this regard, they have always sought to tie the human right with issues such as weapons of mass destruction, terrorism, and ethnic disputes within countries, and to bring about the emergence of these threats as facilitators of human rights violation (Aghaei, 1996).

#### ***The Accusatory Reasons of U.S. Human Rights Sanctions against Iran***

Human rights sanctions are based on two concepts: one is the sanctions imposed on individuals, which is an example of human rights violation, and the other is the sanctions executed due to violation of human rights by the individuals. In this section, the accusatory reasons of the U.S. for imposition of the sanctions will be mentioned:

- ***The Claim of Violation of Election Protesters Human Rights***

In this regard, Obama, through issuance of an Executive Order on 29<sup>th</sup> of September, 2010, with the claim of violation of human rights of election protesters, demanded more sanctions against Iran, giving the Department of State and the Treasury a mandate to impose sanctions on those who were claimed to be responsible for human rights violations against the Iranian people during or after the elections.

- ***The Connection with Nuclear and Missile Activities***

Another item of sanctions on individuals and institutions is their involvement in the development and expansion of nuclear technology in Iran. In this case, the sanctions of state officials related



to nuclear and military activities, travel sanctions, and the blockade of their assets, as well as the sanctions of Iranian nuclear scientists, can be noted.

- ***Claim of Supporting the International Terrorism***

In this regards, two weeks after the 9/11, sanctions were passed for blocking the assets, and banning the U.S. trade with international terrorism supporting institutions, in order to boycott the institutions connected with Al-Qaida. These sanctions were increasingly targeted towards Iranian legal persons.

- ***The Claim of Iran's Intervention in the Region's Countries Affairs***

One of the matters the West use as a pretext to stand against Iran is the claim of Iran's intervention in affairs of countries such as Iraq and Syria. For example, General David Petraeus, the commander of multinational forces in Iraq, in his 2008 report to the Joint meeting of the Armed Forces Committees and the Foreign Relations of the House of Representatives, accused Iran of efforts to achieve its benefits from Revolutionary Guard Quds Force for training the extremist Shia militia, to convert them into a force similar to Hezbollah. Some of the sanctions executed against Iranian individuals and officials, have been mentioned to be due to Iran's interventions in coercing the Syrian protesters against Basar al-Assad administration.

- ***Reduction of the Legitimacy of Sovereignty among the People***

The U.S., in order to prevent promotion of Islamic nature of Iran's administration, have always sought to weaken the legitimacy of the Iranian sovereignty and government among people and Islamic countries. Therefore, through execution of human rights sanctions against Iranian officials, tries to somehow, create distrust between people and government, so that by gradual formation of a gap between them, pave the way for reduction of internal power backed by people in Iran, in order to weaken the power and identity bases in Iran and store this power for its own benefit in the future (Jalali et al, 2014).

- ***Increasing the Internal Pressures for Acceptance of Passive Nuclear Diplomacy by Iran***

The U.S., through imposition of human rights sanctions, can impose costs on Iran. Although these sanctions might not lead to serious changes in the state's policies, it can at least be considered as a pressure strategy. In fact, one of the reasons behind the human rights sanctions by the U.S., is imposition of economic and political costs for isolating Iran in Nuclear case.

- ***Prevention of Modelling of Iran by other Countries of the Region***

One of the objectives of the U.S. in extending the smart sanctions scope against Iran, is prevention of Iran's political influence in the region and showing a pattern for revision of other countries behaviors and policies in the future. The U.S. tries to, through increasing Iran's costs for achieving the nuclear energy, show other countries that stepping in the path Iran has chosen can be very costly to them, so that it can prevent them from choosing a similar path.

- ***Reduction of Sanctions Costs for Hegemony on Military Action Option***

In this regard, the American political analysis consider the economic and human rights sanctions to be a proper replacement of military attack, i.e. the U.S. seeks to have influence in Iran and intervene in its affairs by the use of human rights components, and it indicates that the U.S. consider other options, particularly the limitary option, to be far less efficient for changing Iran's behavior (Jalali et al., 2014).

- ***Sanctions as a Tool for Preventing War and Maintaining the International Image***



In the current situation, emphasis on human rights options is a tool for avoiding the further destruction of the U.S. image in public opinion, since efforts for institutionalizing the intellectual foundations of liberal-democrat thought in the Middle East through military option (Afghanistan and Iraq), not only did not endorse the United States' regional goals, but weakened the hegemonic powers of the international system. As a result, the U.S., through reconsideration of its aggressive strategies, seeks to implement a multilateral diplomacy through imposition human rights sanctions.

### ***One-Sided Sanctions of the U.S. in the Framework of Human Rights Protection***

The sanctions policies of the U.S. administration and congress in the humanitarian frameworks are more focused on the concepts that can have the highest scope on Iranian society. In this regards, the most important executive rules and orders issued during the recent years in a hierarchical order, claiming to support the humanitarian values, are:

- ***Iranian Digital Empowerment Act***

The ingredients of a part of U.S. sanctions acts after June 12<sup>th</sup>, 2009, are set through riding the waves of supporting the rights of the protesters to the tenth presidential election. Among the manifestations of this phenomenon is the digital empowerment of Iran. The main designer of this act's draft is James Moran, a democrat senator, who proposed this program to support the Iranian democratic movements through strengthening the users' ability to access the Internet, and obviate the obstacles and restrictions faced by internet users in Iran. In this Act, the U.S. government is required to support the Twitter, Facebook, and other communicative technologies for organizing the protests and tasks related to it, and prevent exportation of services that would strengthen the Iranian government's surveillance filters on the Internet.

- ***The Stand with the Iranian People Act***

The Stand with the Iranian People Act was passed by the House of Representative on December 14<sup>th</sup>, 2009, based on which, the foreign corporates that helped with strengthening the power of Iran in surveillance of cyber space, were added to the list of one-sided sanctions of the U.S. This act was also passed with the claim of supporting the humanitarian values, and its main designer was Keith Allison, the U.S. Representative for Minnesota's 5th congressional district. He was also a supporter of the approval of budget for expanding online social networks by focusing on the virtual space of Iran. A part of this Act's psychological operation was directed towards parliamentary management of soft war against Revolutionary Guard and the Basij, through the trick of portraying in bad the gap between these two forces and a part of society's members. Subsequently, in the second part of paragraph 3, calls for restrictions on travelling of some Revolutionary Guards and Basij authorities to the United States, with the claim of using force against the protesters to the results of the tenth presidential election (Thomas, 2009).

- ***Victims of Iranian Censorship Act***

The Victims of Iranian Censorship Act was enacted on October 8, 2009, under Obama's bill for the 2010 National Defense Budget Law. The enactment of this Act also is a part of the U.S. movements for parliamentary management of public opinion, since the spirit ruling this act is directed towards the financial-legal support of the audiovisual and written media of the Iranian government opposition groups. In this law, \$ 55 million has been allocated to defeat the filtering of broadcasting space and to expand the information in Iran.

- ***Cyber Strangulation Act against Iran***



The Cyber Strangulation Act was enacted by Washington administration, targeting the Finland's Nokia and Germany's Siemens, as on January 27<sup>th</sup>, 2010, Siemens announced that they would stop new contracts with Iran under the pressure of the U.S. The US Department of the Treasury claims that the two companies have sold technology to Iran, which has increased the ability of online security enforcement agencies to upgrade surveillance of e-mail accounts.

- *Iranian Human Rights Sanctions Act*

The Iranian Human Rights Sanctions Act was approved on February 23, 2010, by the House of Representatives. The main supporters of this program are Michael McMahon, the former U.S. Representative for New York's 13th congressional district, and Ileana Ros-Lehtinen, the most senior U.S. Representative from Florida, representing Florida's 27th congressional district and the Chairwoman of the House Foreign Affairs Committee from 2011–2013. It is important of note that like the Stand with the Iranian People Act, all of the signatories to the draft of this Act were from the Democratic Party.

## CONCLUSION

The extensive and easily-enacted sanctions in the International scope, which are considered to be apparently non-military warlike behaviors, have destabilized the principles of International Law, and it is equal to the fall of the charter and order based on the law, and fair equality of the countries. Such measures involve all the world in a war situation, since it calls all the International Law principles, especially the equality and right of determination of the fate of governments-nations, after Westphalia and two fatal World wars, into question and negates all the things accepted as non-suspendable human rights, including the right to life and subsistence of a nation in open space as a general rule. It is a situation that may lead to the change of generalities of the International Law System following the global economic crisis, especially the U.S. and European Union Crises, as well as the fall of the US anti-legal hegemony, due to its illegal and arbitrary behaviors in the space of global cooperation and solidarity requirements. In such situation, and as a consequence of the persecution of Sanctions against Iran in the three main dimensions of the human right, terrorism and weapons of mass destruction (nuclear), with the ultimate goal of overthrowing of the regime, though putting Iran through serious threats and multifaceted costs (economic, social, and political), and complex and increasingly challenging challenges, can also act as an opportunistic tool. In this regard, if the silent capabilities of each area are put into good use, and the imposed situation is managed by precisely regulating domestic and international conditions, Iran would enjoy significant international authority, especially in the field of international law, human rights and public law. On the other hand, the toleration rate at the sanctions time indicates the degree to which organizations and institutions are institutionalized. A country with fragile and corrupted institutions followed by comprehensive and global sanctions, would quickly face with general discontent and failure. And the country which can manage to strengthen its institutions in sanctions situation, and meet the public consent as a result of efficiency of these institutions, will follow more intense and more sophisticated initiatives and inventions at whatever level of sanctions it is exposed to. This process will grant the country faced with sanctions a power, especially in terms of high endurance which is among the main elements of the economic downfall of the West and the Islamic awakening, making it possible to introduce a new model of the religious-based popular



government. Of course, all this is possible on the condition of the precise measurement of the threats.

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