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Legal Consequences of the United States' Withdrawal from the JCPOA in Light of Extraterritorial Human Rights Obligations

1. Mohsen. Safari Gharibvand¹: PhD Candidate, Department of Public International Law, Qe.C., Islamic Azad University, Qeshm, Iran
2. Mohammad. Aghayan Hosseini²: Department of Law, BA.C., Islamic Azad University, Bandar Abbas, Iran
3. Sohrab. Salehi³: Assistant Professor, Department of Criminal Law and Criminology, Imam Hossein Comprehensive University, Tehran, Iran

*corresponding author's email: mahoseini@iau.ac.ir

ABSTRACT

The unilateral withdrawal of the United States from the Joint Comprehensive Plan of Action (JCPOA) in 2018 and the reimposition of secondary sanctions generated extensive legal, economic, and humanitarian consequences. This study seeks to answer the question of how the unilateral withdrawal of the United States from the JCPOA resulted in violations of international human rights obligations. In this regard, the research analyzes the human rights implications of this action from the perspective of international law and examines the possibility of attributing international responsibility to the United States government on the basis of obligations arising from international human rights instruments. Using a descriptive–analytical method and relying on international treaties, judicial practice, interpretative comments of treaty-monitoring bodies, and relevant soft-law instruments, the present study evaluates the effects of unilateral sanctions on the fundamental rights of the civilian population of Iran. The findings indicate that the reimposition of extraterritorial sanctions, particularly in the financial, banking, and commercial sectors, has imposed serious restrictions on effective access to essential goods and services, including medicine, medical equipment, and an adequate standard of living. From this perspective, such measures may be regarded as inconsistent with certain international obligations of states concerning the respect for and protection of human rights. Furthermore, with an emphasis on the theory of extraterritorial obligations and the concept of effective economic control, the study argues that where the economic measures of a state produce foreseeable and substantial effects on the human rights situation of populations outside its territorial jurisdiction, such measures may be assessed as violations of rules of international human rights law. The article also explains the limitations of international legal mechanisms in addressing unilateral sanctions and emphasizes the necessity of systematically incorporating human rights impact assessments into international decision-making processes.

Keywords: JCPOA, unilateral withdrawal, sanctions, human rights, international responsibility.

Introduction

The Joint Comprehensive Plan of Action (JCPOA) was not merely a technical nuclear agreement between Iran and several states; rather, it embodied part of the contemporary international legal order, in which multilateral



diplomacy, reciprocal obligations, and institutional monitoring replaced the logic of confrontation and unilateralism. Within the framework of international law, the JCPOA is an agreement of a distinctive nature. Although it was not concluded in the form of a classical treaty, in terms of legal effects, owing to its endorsement by the United Nations Security Council and its connection with obligations arising from the Treaty on the Non-Proliferation of Nuclear Weapons, it acquired a status beyond that of a simple political understanding (1, 2).

The withdrawal of the United States from the JCPOA in 2018 and the reimposition of extensive economic sanctions constituted a turning point in the evolution of this agreement and, at the same time, a serious test of the effectiveness of the fundamental rules of international law, particularly international human rights law. What makes this action significant from the perspective of human rights is the direct and undeniable connection between extraterritorial economic sanctions and the weakening of the fundamental rights of ordinary individuals; rights that become meaningful not at the level of states, but in the everyday lives of human beings.

The JCPOA is situated at the intersection of three independent but related legal regimes: nuclear non-proliferation law, United Nations law, and the law of treaties. Moreover, from a human rights perspective, the JCPOA provided a framework for removing restrictions that, for years, had challenged the full realization of the economic, social, and certain civil rights of the Iranian people as a result of international sanctions related to the nuclear file. According to the text of the JCPOA, the removal of sanctions related to the nuclear program was expressly designed to facilitate Iran's access to trade, technology, the financial system, and energy (2).

Within this framework, the JCPOA may be regarded as an example of interdependent obligations, the breach of which by one party is not merely a contractual dispute, but has chain effects on other legal domains, including human rights. It is here that the United States' withdrawal from the JCPOA moves beyond a foreign policy decision and becomes a legal issue with humanitarian consequences.

The decision of the United States to withdraw unilaterally from the JCPOA and restore sanctions, without valid reliance on a material breach of the agreement by Iran and contrary to repeated reports of the International Atomic Energy Agency, disrupted the obligation-based order of the agreement. The reimposed sanctions targeted not only the Iranian state but also, directly and indirectly, ordinary citizens, patients, older persons, and vulnerable groups, especially in areas such as access to medicine, health services, food security, and standards of living (3).

Economic sanctions, contrary to the traditional assumption, are not neutral or merely political instruments. Human rights literature clearly shows that broad sanctions can lead to violations of rights such as the right to health, the right to food, the right to education, and even the right to life; rights recognized as binding obligations of states under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (4-6).

A substantial part of the existing literature on the United States' withdrawal from the JCPOA has either remained at the level of political and geopolitical analysis or has examined the economic effects of sanctions without systematically connecting them to binding human rights obligations. This is while international human rights law, especially from the perspective of the extraterritorial obligations of states, provides precise analytical tools for assessing such unilateral measures (7).

The fundamental distinction of the present study is that it analyzes the United States' withdrawal from the JCPOA not as an act of power, but as a legal conduct with measurable human rights consequences. Unlike political approaches that link legitimacy to national interests, this study places non-derogable human rights at the center of evaluation; and unlike economic analyses that focus on indicators, its central focus is the human being and human

dignity, not figures. Accordingly, the main research question is: What legal consequences has the withdrawal of the United States from the JCPOA entailed from the perspective of international human rights law, particularly with regard to the extraterritorial obligations of states?

The method of the present study is doctrinal–analytical and examines the consequences of the unilateral withdrawal of the United States from the JCPOA through a normative–legal approach. Within this framework, first, by analyzing binding legal texts, including the international human rights covenants (ICCPR and ICESCR), the United Nations Charter, and Security Council Resolution 2231, the scope of states’ human rights obligations is clarified. Then, relying on the case law of the International Court of Justice, particularly the advisory opinion on the wall and the 2018 provisional measures order in the case of *Iran v. United States*, as well as the interpretative views of treaty-monitoring bodies, the possibility of applying human rights obligations in extraterritorial situations is analyzed. The theoretical framework of the study is based on the theory of extraterritorial human rights obligations and the concept of effective economic control. From this perspective, United States secondary sanctions are evaluated as foreseeable exercises of power with human rights effects. In addition, to strengthen the analysis of causation, credible international soft-law documents, such as the reports of the United Nations Special Rapporteur on unilateral coercive measures, are used. The main limitation of the study is the absence of direct binding judicial data concerning the human rights responsibility of states arising from economic sanctions, which has been addressed as far as possible through normative analysis and existing interpretative practice.

Conceptual and Theoretical Framework of the Study

The Concept of International Human Rights

International human rights law is a branch of public international law that establishes a set of binding rules and regulations for the protection of individuals and groups against state power. To properly understand the consequences of the United States’ withdrawal from the JCPOA, it is necessary to distinguish precisely between human rights as a moral or philosophical ideal and international human rights as a positivist legal system. Human rights in the general sense are rooted in the inherent dignity of the human person and have a supra-legal and natural character. However, what is relied upon in this study is international human rights law; namely, those rights codified in treaty instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which states, by accepting them, have declared their will to be bound. This distinction is vital because a violation of human rights by a state, such as the United States, gives rise to responsibility only when the breach of a specific rule of customary or treaty law can be established, not merely the violation of a moral value. Therefore, international human rights law, beyond political declarations, is a system of legal obligations that holds states accountable for their conduct toward individuals, whether within their territorial jurisdiction or within their sphere of effective jurisdiction, as raised in the context of sanctions (4). In fact, the transformation of abstract rights into legal rules makes it possible to invoke them before judicial and quasi-judicial bodies and presents withdrawal from agreements such as the JCPOA not only as a political act, but also as a factor disrupting the legal order for the protection of human beings. Of course, the interpretation and implementation of these instruments in practice are influenced by the cultural, social, and legal contexts of states, and international human rights law should not be regarded as a static and uniform system.

The Nature of States' Human Rights Obligations

To ensure the implementation of its rules, the international human rights system has developed a tripartite model of obligations for states, the understanding of which is essential for analyzing the effects of sanctions. According to the accepted doctrine, first introduced by Henry Shue and later developed by United Nations monitoring bodies, states' obligations are divided into the obligations to respect, protect, and fulfill. The obligation to respect has a negative character and requires the state to refrain from any direct or indirect interference that prevents individuals from enjoying their rights. In the context of the United States' withdrawal from the JCPOA, this obligation has faced the greatest challenge, because the reimposition of sanctions is a clear example of intervention that has disrupted Iranian citizens' access to the rights expressly recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights, namely the right to health, and Article 11, namely the right to an adequate standard of living. The second level is the obligation to protect, which requires the state to prevent the violation of individuals' rights by third parties, such as pharmaceutical companies, banks, and shipping lines. Under the United States sanctions regime, not only has such protection not been provided, but by imposing heavy penalties on third-party companies, conditions have effectively been created in which the conduct of third parties leads to the violation of the rights of Iranian citizens. Finally, the obligation to fulfill or take action has a positive character and calls upon the state to adopt legislative, executive, and judicial measures for the full realization of human rights. Although the obligation to fulfill is usually directed at the national state, in this case Iran, where a foreign state, namely the United States, through coercive instruments prevents the national state from fulfilling its obligations, international responsibility arising from omission or interference in the fulfillment of obligations is raised (8).

Extraterritorial Human Rights Obligations

The concept of extraterritorial obligations is the theoretical center of gravity of this study and answers the question of whether the United States bears responsibility for the human rights of citizens outside its borders, namely in Iran. The traditional view in international law limited human rights jurisdiction and obligations to the territorial domain of states. However, modern developments and the practice of monitoring bodies have challenged this geographical limitation and have replaced the criterion of territorial jurisdiction with the criterion of effective control or influence. The theoretical foundation of this approach is the universality of human rights; that is, if human rights are inherent to human beings, political borders should not obstruct their protection. The United Nations Committee on Economic, Social and Cultural Rights and the International Court of Justice, in their advisory opinions, such as the wall advisory opinion, have confirmed that whenever a state exercises power over the lives of individuals outside its borders through its instruments, whether military or economic, it is required to respect their human rights. The Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, adopted in 2011, explicitly state that states must refrain from decisions that create a real risk of impairing the enjoyment of human rights in other countries (9). In the case of the JCPOA, United States control over the global financial system, the dollar, and the SWIFT banking network has granted that state a form of functional jurisdiction through which it can affect the vital rights of the Iranian people. Therefore, from a legal perspective, the authority to impose sanctions is linked to the duty to respect the human rights of the target population, and extraterritorial obligations cannot be disregarded by invoking sovereignty or national security. These obligations are rooted especially in Article 2 of the two covenants, which emphasizes international cooperation and shows that unilateral coercive measures that

obstruct the realization of human rights in another country may be assessed as violations of states' international obligations from the perspective of international human rights law (10).

The Legal Status of the JCPOA and the United States' Withdrawal

The Legal Nature of the JCPOA

A precise analysis of the consequences of the United States' withdrawal from the Joint Comprehensive Plan of Action requires an examination of the legal nature of this instrument within public international law. From a formal perspective, the JCPOA lacks the classical characteristics of a full international treaty under the definition contained in Article 2 of the 1969 Vienna Convention on the Law of Treaties. This is because the negotiating parties, especially the United States, deliberately avoided using terms such as treaty or agreement and instead chose terminology such as plan of action in order to avoid parliamentary approval procedures in the United States Congress. Nevertheless, reducing the JCPOA to a mere political commitment or gentleman's agreement is a serious error in legal analysis. The JCPOA is an instrument that, although born in the form of soft law, created undeniable legal effects through its precise technical details, reciprocal obligations, and complex monitoring system. The introductory part of the JCPOA states that the instrument contains reciprocal commitments, the full implementation of which would lead to the comprehensive lifting of sanctions (2). Therefore, in modern international law, the distinction between political and legal obligations is not always clear, and legal doctrine maintains that the intention of the parties and the drafting of the instrument may confer a binding character upon it. The obligations contained in the JCPOA, particularly in Annex II, which required the United States to cease the application of secondary sanctions, indicate a serious intention to establish a specific legal regime. Accordingly, the JCPOA should be regarded as a multilateral international agreement of a hybrid nature which, although it does not have the form of a treaty, has acquired a status beyond that of a political declaration in the hierarchy of sources of international law because of its incorporation into a Security Council resolution. The obligation to implement it is therefore interpretable under the principles of *pacta sunt servanda* and good faith (2).

The JCPOA within the Framework of Security Council Resolution 2231

The turning point in the legal validity of the JCPOA was the adoption of Security Council Resolution 2231 on July 20, 2015, which transformed this instrument from an agreement among states into part of the body of positive international law. Unlike previous resolutions, which had coercive and sanctions-based characteristics, Resolution 2231 fully endorsed the JCPOA and presented its implementation as a guarantee of international peace and security. The key point in legal analysis is that Resolution 2231 was not merely a recommendation; rather, under Article 25 of the United Nations Charter, it is binding on all member states of the United Nations, including the United States. As one of the principal sponsors of this resolution and a permanent member of the Security Council, the United States, by voting in favor, not only accepted the JCPOA but also undertook to refrain from any measure that would undermine the implementation of JCPOA commitments. The operative paragraphs of the resolution annexed the JCPOA to the resolution and linked the legal authority of the instrument to the authority of the United Nations Charter. Therefore, United States obligations to lift sanctions were no longer derived solely from a bilateral or multilateral agreement with Iran, but from a binding Security Council decision. International lawyers argue that when the Security Council endorses an agreement and requires its implementation, that agreement moves beyond the

free discretion of states and becomes an international obligation (1). As a result, any breach of the JCPOA or suspension of its implementation by one of the parties constitutes a direct breach of Resolution 2231 and, consequently, a breach of Article 25 of the United Nations Charter, which requires the United States to accept and carry out the decisions of the Council.

Legal Analysis of the Unilateral Withdrawal of the United States

The United States' withdrawal from the JCPOA on May 8, 2018, through an executive order issued by the then President, may be analyzed under international law as an internationally wrongful act from the perspective of the law of state responsibility. The United States' legal argument that the JCPOA was a voluntary political arrangement and that the President had authority to withdraw from it conflicts with fundamental principles of international law. First, even if the JCPOA is not regarded as a treaty, the principle of estoppel, or the prohibition of denial after acknowledgment, prevented the United States, which had participated for years in drafting and initially implementing the JCPOA and had received the security benefits resulting from Iran's nuclear restrictions, from unilateral and abrupt withdrawal. Second, by withdrawing from the JCPOA, the United States disregarded the dispute settlement mechanism contained in paragraph 36 of the JCPOA and, instead of following the legal path envisaged in the agreement, resorted to unilateral action. Third and most importantly, the reimposition of secondary sanctions that had been expressly lifted under the JCPOA and its Annex II constituted a serious and legally cognizable breach of Resolution 2231, preventing trade with Iran and placing other states in a position in which they were, in practice, unable to implement the provisions of Resolution 2231. From a legal perspective, a state cannot rely on its domestic laws or changes in its executive policies to evade its international obligations, a rule reflected in Article 27 of the Vienna Convention and also accepted as customary law. Therefore, the United States' withdrawal was not a simple termination of a contract, but a form of unlawful interference in the legal order established by the Security Council and a disruption of Iran's enjoyment of rights recognized in international instruments, thereby creating the conditions for violations of the human rights of Iranian citizens (11).

Key International Human Rights Instruments and United States Obligations

The International Covenant on Civil and Political Rights

The United States, as a state party to the International Covenant on Civil and Political Rights, ratified in 1992, is required to observe the provisions of this instrument in relation to all individuals subject to its jurisdiction or effective control. Article 2 of the Covenant obliges states parties to guarantee the rights recognized in the instrument without any discrimination. Although the United States, in its traditional interpretation, seeks to limit the scope of the Covenant to territorial jurisdiction, the United Nations Human Rights Committee in its general comments and the International Court of Justice in its advisory opinions have accepted the functional jurisdiction approach. According to this approach, when the economic and political decisions of a state, such as withdrawal from the JCPOA and the imposition of secondary sanctions, directly affect the life and rights of individuals in another country, a relationship of responsibility is established (5). The United States' withdrawal from the JCPOA and the return of the sanctions regime, by targeting Iran's vital infrastructure, may be assessed as a violation of the principle of non-discrimination contained in Article 2, because these measures have deprived the entire population of a country, on the basis of nationality, of access to global interactions rather than targeting only the state.

The most sensitive legal challenge in this section concerns the relationship between sanctions and Article 6 of the Covenant, namely the right to life. Under Article 6(1), the right to life is an inherent human right, and no one may be arbitrarily deprived of life. In the context of post-JCPOA sanctions, the concept of deprivation of life has moved beyond the traditional meaning of execution or direct killing and includes the creation of conditions that threaten human biological survival. The Human Rights Committee, in General Comment No. 36 in 2018, clarified that the right to life includes states' obligation to adopt positive measures to ensure access to food, water, and health care, and that coercive measures obstructing access to these essentials may constitute a violation of Article 6 (12). United States sanctions, by creating banking and insurance barriers to the import of specialized medicines and spare parts for civilian aircraft, have created an indirect but foreseeable threat to the right to life of Iranian citizens. Legal scholars argue that when a state, with knowledge of the humanitarian consequences, blocks the vital arteries of a country, the risk of increased mortality due to shortages of medicine or air accidents caused by fleet deterioration may be discussed within the expanded concept of arbitrary deprivation of life, because these deaths are the direct result of a maximum pressure policy applied contrary to the principles of proportionality and necessity in international law (13).

The International Covenant on Economic, Social and Cultural Rights

Although the United States has signed but not ratified the International Covenant on Economic, Social and Cultural Rights, under Article 18 of the Vienna Convention on the Law of Treaties it is obliged to refrain from acts that would defeat the object and purpose of the treaty. In addition, many provisions of this Covenant are now regarded as part of customary international law. Article 11 of the Covenant recognizes the right of everyone to an adequate standard of living, including adequate food, clothing, and housing. The Committee on Economic, Social and Cultural Rights, in General Comment No. 12 in 1999, states that any state measure that disrupts physical or economic access to food in other countries constitutes a violation of international obligations. Withdrawal from the JCPOA and the imposition of oil and banking sanctions, by sharply reducing the value of Iran's national currency and generating uncontrolled inflation, reduced the purchasing power of the people and endangered the food security of vulnerable groups. This action directly conflicts with the obligation of states to respect rights, meaning non-interference with existing access to food (6).

Article 12 of the Covenant, which concerns the right to the enjoyment of the highest attainable standard of health, is most clearly implicated in the discussion of United States sanctions. According to General Comment No. 14 issued in 2000 by the Committee on Economic, Social and Cultural Rights, states must refrain from imposing sanctions that restrict the supply of medicine and medical equipment. Paragraph 41 of that general comment explicitly states that even during conflict or sanctions, states must ensure access to goods and services essential for health. Although the United States claims that humanitarian items are exempt from sanctions, in practice bureaucratic complexities, the fear of international banks regarding United States penalties, and the blocking of financial channels have effectively made the import of medicines for patients with special conditions, such as epidermolysis bullosa and hemophilia, impossible. This situation demonstrates a violation of United States obligations regarding the right to health, because the executive policies of that country, namely withdrawal from the JCPOA, have prevented the Iranian state from using the maximum of its available resources to ensure public health (14).

Regional Human Rights Instruments

The examination of regional instruments, especially the European Convention on Human Rights and the American Convention on Human Rights, helps to clarify the universality of the obligations breached by the United States. Although the United States is not a party to the European Convention, its European allies, namely the three European parties to the JCPOA, are bound by that instrument. The European Court of Human Rights has emphasized in numerous judgments that member states cannot disregard their obligations regarding the fundamental rights of individuals by relying on the decisions of other organizations or external pressures, such as United States sanctions. Europe's inaction in the face of United States secondary sanctions and its inability to operationalize the INSTEX mechanism may be regarded as a form of indirect participation in the violation of property rights, as reflected in the First Protocol to the European Convention, of Iranian citizens and traders. On the other hand, in the Inter-American human rights system, to which the United States is connected through the American Declaration of the Rights and Duties of Man, the Inter-American Commission has repeatedly emphasized that unilateral economic measures must not destroy fundamental livelihood rights. A comparison of these instruments shows that the hard core of human rights, such as the rights to life, health, and an adequate standard of living, is protected in all legal systems against indiscriminate sanctions, and the United States' withdrawal from the JCPOA is not only inconsistent with the two United Nations covenants but also conflicts with the spirit governing all regional instruments, which place human dignity above political considerations (15).

Legal Consequences of the United States' Withdrawal from the JCPOA for Human Rights

The Impact of Sanctions on the Right to Health: Access to Medicine and Health Services

The withdrawal of the United States from the JCPOA and the restoration of the secondary sanctions regime created fundamental legal challenges in relation to Article 12 of the International Covenant on Economic, Social and Cultural Rights. This article requires states parties to recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Although the United States has consistently claimed that humanitarian items such as medicine and medical equipment are exempt from sanctions, a realistic and legal analysis shows that the structure of financial and banking sanctions after 2018 effectively rendered these exemptions ineffective. The phenomenon of over-compliance or excessive caution by international banks, resulting from fear of heavy penalties imposed by the United States Treasury Department, led to the blocking of financial channels for the purchase of medicine. From the perspective of international law, when a state, with knowledge of the dependence of another country's health system on the import of specialized medicines, blocks financial arteries, this may be assessed as a violation of the United States' obligation not to interfere with access to health. The Committee on Economic, Social and Cultural Rights states in General Comment No. 14 that sanctions must in no way obstruct the supply of essential medicines. The legal argument here is based on responsibility arising from harmful conduct; that is, by withdrawing from an agreement that guaranteed the removal of banking obstacles, the United States became one of the principal causes of disruption in the supply chain of medicine for patients with special conditions, such as those with epidermolysis bullosa, hemophilia, and cancer, in Iran, and this action may be in serious conflict with the requirements of Article 12(2) (16).

In addition to physical access to medicine, sanctions have also targeted health service infrastructure, which constitutes a direct violation of Article 12(2) of the Covenant concerning the improvement of environmental hygiene

and the prevention of diseases. The deterioration of medical equipment and the inability to import spare parts for diagnostic and therapeutic devices due to dual-use restrictions and currency barriers have reduced the capacity of the national health system to respond to public needs. The International Court of Justice, in its 2018 provisional measures order in the case concerning alleged violations of the Treaty of Amity, explicitly required the United States to remove obstacles to the export of pharmaceutical and medical items, an order that was disregarded through the continuation of the maximum pressure policy. Legal scholars maintain that creating obstacles to medical scientific exchanges and access to new therapeutic technologies is a clear example of the violation of extraterritorial human rights obligations. In fact, unilateral sanctions, by imposing medical isolation, have reduced the right to health from a legal obligation to a tool of political bargaining, which is in clear contradiction with the fundamental principles of human rights, according to which health is a precondition for life and is non-negotiable (17).

The Impact of Sanctions on the Right to an Adequate Standard of Living: Food, Livelihood, and Poverty

Article 11 of the International Covenant on Economic, Social and Cultural Rights guarantees the right of everyone to an adequate standard of living, including adequate food, clothing, and housing. The United States' withdrawal from the JCPOA and the imposition of oil and banking sanctions, by targeting Iran's macroeconomy, directly affected the livelihoods of ordinary citizens. The currency restrictions imposed as a result of United States sanctions led to uncontrolled inflation and a decline in household purchasing power. From a legal perspective, the maximum pressure policy, designed to exert maximum economic pressure, ignored the distinction between state and people and resulted in a form of collective punishment. The Committee on Economic, Social and Cultural Rights emphasized in General Comment No. 12 that access to food must not be subject to political measures. Nevertheless, disruption in the import of livestock inputs and essential goods due to problems in financial transactions has endangered the food security of vulnerable groups. The legal responsibility of the United States here arises from the violation of the principle of no harm in international law and the disregard of obligations under the United Nations Charter to promote higher standards of living (18).

Poverty resulting from sanctions is not merely an economic consequence; it is a human rights challenge that undermines human dignity. When sanctions lead to factory closures and widespread unemployment, the rights to work and social security, recognized in Articles 6 and 9 of the Economic Covenant, are violated, directly affecting the right to an adequate standard of living. Legal analysts argue that although the target state, Iran, has the primary duty to ensure welfare, the sanctioning state, the United States, also has negative obligations and must not take measures that deprive the target state of its ability to fulfill its human rights obligations. Withdrawal from the JCPOA, as a unilateral coercive act, severely limited the capacities of the Iranian state to reduce poverty and provide adequate housing and food. This action constitutes a breach of erga omnes international obligations, because poverty imposed by foreign political decisions amounts to depriving human beings of their basic economic rights without any trial or crime having been committed, which is inconsistent with the essence of human rights, which emphasizes the empowerment of individuals (19).

The Indirect Impact of Sanctions on the Right to Life and Preventable Deaths

The right to life, as the highest and most fundamental human right, is recognized in Article 6 of the International Covenant on Civil and Political Rights, and no derogation from it is permissible even in emergencies. In the context of sanctions following withdrawal from the JCPOA, the concept of violation of the right to life has moved beyond

extrajudicial executions and includes preventable deaths resulting from shortages of medicine, medical equipment, and accidents caused by the deterioration of transport fleets. The Human Rights Committee, in General Comment No. 36 in 2018, provided an expanded interpretation of the right to life and considered states obligated to provide the necessary conditions for a life with dignity and to refrain from measures that indirectly but foreseeably lead to the death of individuals (12). The deaths of patients with special conditions in Iran due to lack of access to specialized dressings or vital medicines, the import of which has been halted because of the United States banking blockade, may, under certain expanded human rights interpretations, be discussed under the concept of arbitrary deprivation of life. A meaningful and legally arguable relationship may be drawn between the United States' withdrawal from the JCPOA and the increased risk of mortality among patients, because these deaths would have been preventable had the United States complied with its JCPOA commitments and kept financial channels open (20).

In addition to the health sector, the sanctions on spare parts for civilian aircraft, which were reinstated after withdrawal from the JCPOA, constitute a serious threat to the right to life of air passengers. Under the principles of international law, measures that endanger the lives of civilians lack legal validity. Human rights analysts maintain that United States responsibility for these silent deaths or this structural violence remains in place. Although the United States may not have had a direct intention to kill individuals, under the principle of knowledge of consequences in international law, when a state applies a policy that it knows will certainly endanger human life, it bears responsibility for its consequences. Therefore, withdrawal from the JCPOA and the imposition of indiscriminate sanctions, by creating deadly living conditions for vulnerable groups, may be analyzed as a serious violation of the requirements of Article 6 of the Covenant. This constitutes a violation of the Civil and Political Covenant and gives rise to the international responsibility of the United States (21).

International Responsibility of the United States from the Perspective of Human Rights

The Occurrence of an Internationally Wrongful Act: The Constituent Elements of Responsibility

To establish the international responsibility of the United States for human rights violations arising from withdrawal from the JCPOA, the first step is to align the conduct of that state with the constituent elements of an internationally wrongful act under the 2001 International Law Commission Draft Articles. Under Article 2 of the Draft Articles, the existence of a wrongful act requires the combination of two elements: attribution to the state and breach of an international obligation. With respect to the material element, namely the existence of conduct, the unilateral withdrawal of the United States from the Joint Comprehensive Plan of Action in May 2018 and the subsequent issuance of presidential executive orders restoring secondary sanctions constitute a specific and verifiable positive act. Although the United States argues that withdrawal from the JCPOA was merely a sovereign political decision to protect national security, under international law the domestic characterization of an act does not prevent it from being wrongful at the international level. The imposition of extraterritorial sanctions whose effects directly target the life and health of Iranian citizens goes beyond a political decision and becomes an objective harmful intervention that satisfies the material element of responsibility (22).

In the second step, the element of attribution to the state faces the least legal difficulty in this case. The decision to withdraw from the JCPOA and reimpose sanctions was taken directly by the then President of the United States and implemented by the Department of the Treasury. Under Article 4 of the International Law Commission Draft

Articles, the conduct of any state organ exercising legislative, executive, or judicial functions is considered conduct of the state. Therefore, the argument advanced by some United States jurists that private companies and international banks refrained from engaging with Iran because of their own risk-avoidance policies, and that the United States did not directly prevent the delivery of medicine, is not persuasive from the perspective of the law of state responsibility. The environment of intimidation and heavy penalties that led to the severance of vital channels is directly rooted in laws and regulations adopted by Congress and executive orders issued by the White House, and the causal chain between the acts of United States state organs and the occurrence of harm in Iran has not been broken. Consequently, all humanitarian consequences arising from these decisions are attributable to the United States (23).

The third and most important element is the breach of a human rights obligation. A wrongful act is complete when conduct attributable to the state is inconsistent with that state's obligations. As discussed in the previous section with reference to the two covenants, the United States is bound to respect Article 6 of the International Covenant on Civil and Political Rights, namely the right to life, and Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. Human rights obligations have an erga omnes character, and states cannot violate fundamental human rights obligations even by resorting to countermeasures under international law. Prominent human rights scholars argue that the imposition of indiscriminate sanctions that make no distinction between military targets and the basic needs of civilians violates the obligation to respect human rights. The International Court of Justice has also emphasized in its case law that human rights obligations are not suspendable, even in times of armed conflict or emergency, except in legally specified cases. Therefore, withdrawal from the JCPOA, which resulted in the widespread deprivation of the Iranian people from access to medicine and food, may be analyzed as a breach of an international obligation by the United States (24).

The Possibility of Invoking State Responsibility

After establishing the occurrence of a wrongful act, the principal challenge emerges at the stage of invoking responsibility and obtaining reparation. The most important legal obstacle in this path is the issue of jurisdiction and the absence of a compulsory judicial body with general jurisdiction in international law. Although the International Court of Justice is the highest judicial body, its jurisdiction is based on the consent of states. The Islamic Republic of Iran, in order to bring a claim against United States sanctions, had to rely on the 1955 Treaty of Amity, because the JCPOA itself lacked a binding judicial dispute settlement mechanism and referred only to a political Joint Commission. The legal challenge is that the United States, by withdrawing from the Optional Protocol to the Vienna Convention and terminating the Treaty of Amity, attempted to eliminate the Court's jurisdictional basis. Nevertheless, in its 2018 provisional measures order, the Court found that it had prima facie jurisdiction, at least with respect to events prior to the termination. However, the inherent limitation is that in this case the Court addresses only violations of the commercial provisions of the Treaty of Amity, and human rights violations, such as violations of the rights to life and health, are not directly the subject of the claim unless interpreted as collateral effects of the violation of freedom of trade (25).

In addition to structural obstacles, the challenge of proving causation in human rights claims arising from sanctions is highly complex. In the international legal system, the claimant state, Iran, must prove that the harm suffered, for example the deaths of patients, was the direct and predominant result of the act of the respondent state, namely United States sanctions. Lawyers for sanctioning states usually attempt to break the chain of

causation and deny their international responsibility by raising defenses related to internal factors, administrative corruption, or inefficiency in the distribution network of the target country. However, the reports of the United Nations Special Rapporteur on unilateral coercive measures, Alena Douhan, as an impartial international document, confirm that the intensity and breadth of United States secondary sanctions are such that even under the best domestic management, it would not be possible to provide medical and food necessities. These reports may be invoked before international courts as strong indicia of the effectiveness of sanctions in violating human rights (26).

Finally, from the perspective of the theoretical analysis of competent institutions, although the Security Council is effectively paralyzed because of the United States veto, alternative human rights mechanisms have potential capacities. The Human Rights Committee, which monitors the Civil and Political Covenant, can exert normative pressure on the United States through the periodic reporting system and the issuance of interpretative views. Although the United States has consistently rejected the extraterritorial scope of the Covenant, global public opinion and the case law of regional human rights bodies, even where the United States is not a party to them, are contributing to customary practice and helping consolidate the principle that effective economic control, such as control over SWIFT and the dollar, also creates a form of functional jurisdiction that gives rise to responsibility. Therefore, the available legal pathway is to move from the traditional doctrine of responsibility based on territorial jurisdiction toward a doctrine of responsibility based on power and control in the age of globalization. This approach may serve in future analyses as one of the theoretical bases for invoking United States responsibility before international courts or national courts of states exercising universal jurisdiction (27).

Conclusion

The legal analysis of the unilateral withdrawal of the United States from the Joint Comprehensive Plan of Action and the restoration of the secondary sanctions regime shows that this conduct can be described as more than a mere political breach of promise and may be analyzed as a broad violation of fundamental human rights obligations in the international sphere. The findings of this study show that the action of the United States government in May 2018 created a clear rupture in the legal order established by Security Council Resolution 2231 and produced consequences that directly affected the life and health of Iranian citizens. Contrary to the United States' claim that withdrawal from the JCPOA was purely security-oriented and political in nature, the legal nature of this action, due to its coercive and extraterritorial effects on the civilian population, entered the domain of international human rights law and activated the international responsibility of that state. A careful examination of the provisions of international instruments shows that the use of economic tools to exert political pressure, when it leads to depriving a nation of basic biological needs, lacks any legal legitimacy and clearly conflicts with both the spirit and text of the United Nations Charter.

In response to the main research question concerning the legal consequences of the United States' withdrawal from the JCPOA from the perspective of international human rights law, it may be argued that this action led to the violation of the obligations to respect and protect contained in the two international human rights covenants. The research hypothesis concerning the responsibility of the United States because of violations of extraterritorial human rights obligations is confirmed by relying on the theory of effective economic control. Although the United States has consistently limited the scope of the two covenants to territory under its judicial jurisdiction, contemporary international case law and the interpretative views of treaty-monitoring bodies interpret jurisdiction not merely on the basis of geography, but on the basis of the power to exert influence. When the decisions of the United States

Department of the Treasury, through the Office of Foreign Assets Control, are capable of blocking the vital arteries of medicine and food imports to Iran, that state effectively exercises control over the human rights situation of the Iranian people and is therefore responsible for its consequences. Accordingly, the creation of banking and financial obstacles that effectively make access to humanitarian items impossible may be analyzed as a breach of international obligations, and the argument of humanitarian exemptions does not remove this responsibility because of their practical ineffectiveness in the shadow of fear among global banks.

A precise examination of the violated legal provisions shows that withdrawal from the JCPOA and the return of sanctions specifically violated Article 12 of the International Covenant on Economic, Social and Cultural Rights, concerning the right to the enjoyment of the highest attainable standard of health. The Committee on Economic, Social and Cultural Rights states in General Comment No. 14 that states must refrain from imposing sanctions that restrict access to health goods and services. In addition, Article 11 of this Covenant, concerning the right to an adequate standard of living and food security, has been infringed because of inflation resulting from currency shocks and disruption in supply chains. At a deeper and more dangerous level, documented reports show that shortages of vital medicines for patients with special conditions may, within the framework of an expanded interpretation of Article 6 of the Covenant, be analyzed as a situation that seriously increases the risk of violating the right to life. According to General Comment No. 36 of the Human Rights Committee, the right to life is a fundamental right that is not derogable even in emergencies, and states are obligated to refrain from any action that directly or indirectly creates the risk of arbitrary deprivation of life.

From the perspective of diagnosing the deficiencies of international legal mechanisms, this study concludes that the current structure of international enforcement mechanisms faces a serious gap in confronting the unilateralism of major economic powers. The absence of compulsory jurisdiction in the International Court of Justice for adjudicating human rights claims and the political structure of the Security Council have limited the possibility of effective remedies. Nevertheless, the consolidation of the doctrine of extraterritorial human rights obligations in legal scholarship and influential soft-law instruments such as the Maastricht Principles has opened a new avenue for holding sanctioning states accountable. The international community must move toward reforming mechanisms so that economic sanctions are not treated as an unsupervised weapon of war. The requirement to conduct human rights impact assessments before imposing any sanctions and the establishment of compensation mechanisms for victims of smart sanctions are urgent necessities for the development of contemporary international law.

Ultimately, it may be concluded that the United States' withdrawal from the JCPOA is analyzable within the doctrine of abuse of rights in international law. Although states have the sovereign right to choose their trading partners, this right cannot be used as a pretext for destroying the economic and social infrastructure of another nation. The international responsibility of the United States in this case has a composite character: on the one hand, the breach of JCPOA-related obligations as reflected in a Security Council resolution, and on the other hand, the breach of erga omnes human rights obligations. A return to the rule of law in the international sphere requires that unilateral sanctions capable of violating fundamental human rights be recognized as internationally wrongful acts, and in legal literature, such measures may be regarded as giving rise to obligations of cessation, guarantees of non-repetition, and reparation. Undoubtedly, the distinction between political objectives and the human rights of citizens is a red line, crossing which undermines the legitimacy of any international measure.

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Authors' Contributions

All authors equally contributed to this study.

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Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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