

UNIVERSITY OF PÉCS



Thesis Summary

***Economic Sanctions as Public Authority:
A Structural Approach to Human Rights Obligations in
International Law***

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1. Introduction

Economic sanctions are in a dual position in contemporary international law. On the one hand, these measures are recognized as legitimate instruments of foreign policy or responses to threats to international peace and security; on the other hand, practical experience shows that they can have far-reaching and structural effects on the living conditions of civilian populations and on the enjoyment of fundamental rights.

Nevertheless, dominant analyses continue to examine sanctions mainly through the lens of their political efficiency, strategic objectives, or general legitimacy. These approaches, while useful for understanding the political functioning of sanctions, are limited in explaining their legal consequences, particularly with regard to the relationship between sanctions and the human rights obligations of states towards the individuals affected by these measures.

This limitation is largely due to the fact that existing analyses conceptualize sanctions mainly as forms of “influence” or “pressure,” without being able to explain precisely how they affect the practical conditions under which human rights are enjoyed.

This study departs from these analytical frameworks and reformulates the problem of sanctions at a different level. The starting point of this thesis is not an assessment of the effectiveness of sanctions, but a determination of their legal nature. The central question is what kind of power these measures represent in the international legal system and what consequences this has for the obligations and responsibilities of states.

In this regard, the study develops a conceptual framework capable of explaining this relationship in a manner that allows its implications for the analysis of human rights obligations to be understood coherently.

2. Research Problem

The problem addressed by this research stems from an analytical discontinuity in contemporary international law: the gap between the way power is exercised in the context of transnational structures and the existing legal frameworks for attributing obligations and responsibilities.

In the classical framework, the exercise of authority is largely linked to territory and physical control, and concepts such as jurisdiction and responsibility have also been shaped on this basis. However, in the context of contemporary structural transformations, power is increasingly exercised through non-territorial mechanisms. In these circumstances, forms of the exercise of power have emerged whose effects appear beyond territorial borders, without being easily captured by traditional criteria.

Economic sanctions are a clear example of this development. These measures are accompanied by mechanisms in practice whose effects on access to resources, services, and opportunities extend beyond direct interactions in a way that can affect the conditions for the enjoyment of

fundamental rights. However, existing legal frameworks still rely mainly on territorial criteria or physical control. The result of this situation is the emergence of a gap between the reality of the exercise of power and the mechanisms of legal accountability, particularly in cases where the consequences of these measures on the enjoyment of human rights appear outside the territory of states.

The existing literature, in particular through theories of extraterritorial obligations, has made attempts to fill this gap. However, these approaches either tend to expand the scope of jurisdiction too much, or remain within traditional frameworks and are unable to explain new forms of power.

Accordingly, the main problem of this research is formulated as follows: How can the relationship between new forms of power exercised in the context of transnational structures and the legal obligations of states be analyzed in a way that is both consistent with the structural realities of the contemporary international system and avoids the unlimited expansion of responsibility?

This formulation indicates that existing conceptual frameworks are insufficient and that a disciplined rethinking of their underlying assumptions is required, particularly in relation to human rights obligations.

3. Aims and Objectives

This research aims to reconstruct the legal analysis framework of economic sanctions in contemporary international law. Its main goal is to provide a coherent framework that can explain the relationship between new forms of the exercise of power and the legal obligations of states in a way that is compatible with the contemporary international system.

At a conceptual level, this research seeks to redefine how the legal nature of sanctions is understood. Specifically, it aims to formulate an analytical criterion to distinguish between different forms of the exercise of power and to examine the conditions under which these measures go beyond the level of influence, thereby allowing this form of power to be analyzed within a legal framework.

At a legal level, the research aims to reconstruct the relationship between the exercise of authority and human rights obligations. In this regard, the research examines how, without fundamentally rewriting existing concepts of international law, a basis for activating extraterritorial human rights obligations can be provided by reinterpreting concepts such as jurisdiction, due diligence, and foreseeability.

At the analytical level, the research seeks to present a model that can explain the complexity of causal relationships in the context of economic sanctions while preventing the uncontrolled expansion of responsibility. This requires rethinking the way the relationship between action and consequence is conceptualized in this area.

Finally, this research attempts to formulate its theoretical implications as practical standards, so that ex ante assessment of human rights impacts, due diligence in policy design, and the possibility of policy review can be understood as elements of an implementation framework.

4. Research Questions

The main question of this research is formulated as follows:

Under what circumstances can economic sanctions be analyzed as forms of the exercise of public authority, and what consequences does this have for the analysis of states' human rights obligations in the extraterritorial dimension?

To answer this question, the research focuses on four analytical axes:

First, how can one distinguish between different forms of economic power, and what criteria can be formulated within the framework of international law to identify this distinction?

Second, under what circumstances can the exercise of this type of power form the basis for the establishment of a legal relationship between the state and individuals outside its territory, and how should the concept of jurisdiction be reinterpreted in this context?

Third, how can one analyze the relationship between sanctions and their consequences for the enjoyment of fundamental rights within a framework that preserves the possibility of legal attribution?

Fourth, under what conditions does the exercise of this form of authority lead to the activation of human rights obligations, and what normative criteria can be applied to determine the limits of these obligations?

Finally, this research examines the applicability of the proposed framework to the analysis of real cases.

5. Research Hypotheses

This research is based on a central hypothesis which is further elaborated through supporting hypotheses:

The main hypothesis is that economic sanctions, when they regulate access to critical infrastructure through binding frameworks, lead to a rearrangement of the conditions of possibility of action and, in this way, act as a form of regulatory authority. In such circumstances, this rearrangement predictably affects the enjoyment of fundamental rights and can lead to the activation of states' human rights obligations in the extraterritorial dimension.

Accordingly, several supporting hypotheses are put forward to explain the different dimensions of this relationship:

First, the activation of these obligations requires a reinterpretation of the concept of jurisdiction, such that control over the conditions of the enjoyment of rights is taken as the basis for analysis.

Second, the relationship between sanctions and their human rights consequences should be analyzed in a non-linear manner, based on their effective role in shaping the outcome.

Third, the obligations arising from this form of the exercise of authority are behavioral in nature and can be formulated in terms of standards based on due diligence and assessment.

Fourth, the scope of these obligations remains subject to specific normative constraints, thereby preventing the unlimited expansion of responsibility.

6. Methodology

This research uses a combined methodology that combines elements of legal doctrinal analysis and conceptual analysis with an applied approach.

At the first level, a doctrinal analysis of international law sources, including case law, international instruments, and academic literature, is used to identify existing frameworks.

At the second level, a conceptual analysis is used to reinterpret key concepts such as authority, jurisdiction, and causality.

At the third level, an analytical model is formulated to identify this type of exercise of power.

Finally, a comparative case study focusing on Iran and Russia is used to evaluate the applicability of the model.

This combination of methods enables the research to move beyond purely theoretical analysis and to provide a coherent framework for legal analysis.

7. Literature Positioning

The legal analysis of economic sanctions in the international law literature is mainly structured around three main frameworks, each of which covers part of the issue but fails to provide a coherent explanation of the relationship between these measures and human rights obligations.

First, the sanctions literature analyzes these measures mainly as foreign policy instruments or mechanisms of economic pressure. This approach focuses on the objectives, political legitimacy, and effectiveness of sanctions. While analytically effective at the political level, this approach remains limited from a legal perspective, as it does not adequately account for the legal consequences of these measures.

Second, in the field of international human rights, the extraterritorial obligations literature has attempted to expand the scope of state obligations beyond territorial boundaries. Although

these approaches represent an important step towards identifying non-territorial forms of the exercise of power, they face two challenges: either they move towards an over-expansion of the concept of jurisdiction, or they remain dependent on traditional criteria and thus face difficulty in explaining certain complex forms of power.

Third, in the field of international responsibility law, analyses are largely based on linear models of causality that assume a direct relationship between the act of the state and the harmful outcome. This approach faces limitations in addressing complex causal chains.

As a result, the existing literature faces a common shortcoming: the lack of an analytical framework that can explain the relationship between different forms of the exercise of power and their human rights consequences simultaneously and coherently. This gap becomes more prominent in the context of structural changes in the international system.

In response to this gap, the present study seeks to provide a conceptual framework capable of linking these areas.

In this sense, the position of this research lies not in the direct continuation of any single approach, but at an intermediate level aimed at their integration. It seeks to formulate a coherent analytical framework for understanding this relationship.

8. Findings

The findings of this study show that existing international law frameworks for the analysis of economic sanctions face fundamental limitations and require conceptual restructuring. The analysis demonstrates that economic sanctions, in some circumstances, are not simply instruments of political or economic pressure, but rather lead to a rearrangement of the conditions of possibility of action. In this situation, what changes is not simply behavior, but the scope of possible actions, which shifts the analysis of sanctions from the level of influence to the level of the exercise of authority and directly affects the conditions of the enjoyment of fundamental rights.

The study further demonstrates that this type of authority can only be identified in the presence of three conditions: a binding framework, a structural and predictable effect, and an effective causal role in the formation of the outcome. These elements allow for the distinction between ordinary interaction and the exercise of authority, while at the same time preventing the analysis from being expanded in an uncontrolled manner.

At the legal level, the findings indicate that relying solely on territorial criteria to determine the scope of obligations is not sufficient, and the concept of jurisdiction can be reinterpreted so as to encompass control over the conditions under which rights are exercised.

Furthermore, the relationship between sanctions and their human rights consequences should be understood through cumulative causality and based on the criterion of “effective participation”, in such a way that the structural role of the state in creating foreseeable limitations on the enjoyment of rights is both attributable and capable of legal assessment.

The findings further indicate that the obligations arising from this form of authority are behavioral in nature and are formulated through standards such as due diligence, ex ante assessment, and policy review. At the same time, this analysis remains subject to limitations such as peremptory norms, obligations erga omnes, and the principle of proportionality, which prevent an unlimited extension of responsibility.

Finally, the examination of the cases of Iran and Russia shows that this framework is capable of application in concrete cases and can coherently explain how the human rights consequences of sanctions are produced.

9. Contributions

This study contributes to the development of knowledge in contemporary international law on several levels. Its first achievement is to shift the level of analysis of sanctions from instruments of foreign policy to forms of the exercise of public authority. This analytical shift allows the relationship between sanctions and legal obligations to be analyzed based on the nature of power and its consequences for the enjoyment of human rights.

Second, by formulating the concept of “regulatory authority” and transforming it into an analytical model based on specific criteria, this study provides an analytical framework for identifying new forms of the exercise of power that could not be analyzed in traditional frameworks. This model plays both a distinguishing and a limiting role.

Third, by introducing the concept of “functional jurisdiction,” this research provides a middle ground between restrictive and expansive approaches in the extraterritorial obligations literature, and enables a disciplined analysis of human rights obligations in the context of extraterritorial the exercise of power, especially where the effects of these forms of power affect individuals outside the territory of states.

Fourth, by redefining causation in terms of “effective causal participation,” this research provides a framework that is consistent with the structural realities of complex transnational relations while at the same time preventing the uncontrolled attribution of responsibility.

Finally, by translating theoretical findings into practical standards, including ex ante assessment of impacts and obligations grounded in due diligence, this research connects theoretical analysis to the level of legal decision-making, enabling this framework to be used within existing human rights monitoring mechanisms, including at the level of international institutions.

10. Chapter Overview

This thesis is organized into eight chapters, gradually moving from conceptual analysis to legal analysis and then to applied assessment, with a continuous focus on the effects of sanctions on human rights.

The first chapter is dedicated to reconstructing the concept of “authority” in public international law and provides the conceptual basis for the analysis by distinguishing between power, influence, and authority. In this chapter, the concept of “regulatory authority” is introduced as the main theoretical framework and serves as the basis for examining how this form of authority can be assessed within existing human rights obligations and institutional mechanisms.

The second chapter reviews the concept of jurisdiction in international human rights and, by providing a functional interpretation of jurisdiction, explains the basis for activating extraterritorial human rights obligations. Within this framework, the role of positive obligations and the principle of due diligence in dealing with the foreseeable effects of sanctions is examined, with particular attention paid to how these effects impact vulnerable groups, including children.

Chapter three is devoted to the issue of causality in international responsibility law. Moving beyond linear models, it presents the “cumulative causality” approach and the “effective participation” criterion for analyzing the link between sanctions and their human rights consequences and clarifies the conditions under which these consequences may be attributed within a disciplined framework.

Chapter four examines the normative limits of the exercise of sanctioning authority, analyzing the role of peremptory norms, obligations erga omnes, and the principle of proportionality as legal constraints on the effects of sanctions on fundamental rights, and shows how these constraints are intensified in cases where the rights of vulnerable groups are at risk.

Chapter five addresses the requirements for ex ante assessment of the human rights effects of sanctions and examines the possibility of institutionalizing this assessment, including through international monitoring mechanisms, within the framework of existing obligations. It also explains its link to due diligence obligations and transparency requirements in the decision-making process.

Chapter six presents the “regulatory authority” model in a coherent manner and explains the relationship between the exercise of regulatory authority, the redefinition of the conditions of possibility of action, and the activation of human rights obligations, and situates the position of this model in the overall structure of international law.

Chapter seven tests the proposed model in practice using two case studies of Iran and Russia and assesses its effectiveness in analyzing the structural effects of sanctions on human rights, especially in the case of vulnerable groups, including children.

Finally, Chapter eight is dedicated to summarizing the findings and explaining the theoretical and legal implications of the research, and considers its implications for the development of monitoring frameworks, including the role of international institutions within the framework

of existing human rights monitoring mechanisms in assessing and monitoring the human rights impacts of sanctions.

List of Publications

1. Sanaz Noori, “Economic Sanctions, Air Pollution, and the Right to Health under International Human Rights Law”, *Petita: Jurnal Kajian Ilmu Hukum dan Syariah*, 11(1) (2026), DOI: <https://doi.org/10.22373/petita.v11i1.1133>.
2. Sanaz Noori, “Sanctions and the Right to Health: Structural and Foreseeable Constraints”, *International Journal of Law and Politics Studies* (2026, forthcoming).
3. Sanaz Noori, “Economic Sanctions and the Limits of Human Rights Obligations: Assessing Foreseeable Harm under International Law”, in: *Proceedings of the International Scientific Conference “Society of the Future – Interdisciplinary Development Scenarios”*, Radom Academy of Economics, Poland, ISBN: 978-83-68387-16-2, e-ISBN: 978-83-68387-17-9 (2026, forthcoming).
4. Sanaz Noori, “The Human Rights Crisis in Iran’s Protest”, conference presentation, PhD Conference, University of Pécs, 1 December 2022.
5. Sanaz Noori, “Digital Society’s Role in Iranian Protests”, conference presentation, PhD Conference, University of Szeged, 14 December 2022.
6. Sanaz Noori, “Western Legal Theory’s Influence on Islamic Legal Theory Regarding Human Rights”, conference presentation, PhD Conference “The Peculiarities of Jurisprudence”, Széchenyi István University, Győr, 16 December 2022.