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INFORMATION WARFARE, ECONOMIC COERCION AND HUMAN RIGHTS: ELECTION INTERFERENCE AND THE SANCTIONS REGIMES ON IRAN AND NORTH KOREA

Mr. Nouman Mubarik[*1], Dr. Zahra Zafar[2], Dr. Muhammad Ahsan Abbas[3]

[*1]*(PhD Scholar, Department of International Relations, The Islamia University of Bahawalpur)*
[2,3]*(Lecturer, Department of International Relations, The Islamia University of Bahawalpur)*

[*1]nouman.mubarik@iub.edu.pk

Corresponding Author: *
Mr. Nouman Mubarik
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ABSTRACT

This article examines the human rights and legal implications of information warfare and economic coercion, the two non-kinetic ends of the spectrum of hybrid tactics. Adopting an interpretivist, qualitative multiple-case design, it applies a Hybrid Warfare Continuum and a Legal Response Matrix to three cases: Russian interference in the 2016 United States presidential election, and the sanctions regimes imposed on Iran and North Korea, the latter examined not as hybrid warfare but as the most fully documented instances of the human rights externalities of lawful economic coercion. The analysis confirms that human rights law, rather than International Humanitarian Law, is the primary body of law at these ends of the continuum, but shows that this centrality does not translate into adequate protection. In the information domain the gap is principally doctrinal: although attribution was comparatively well established, the wrongfulness of election interference under international law remained contested, and the response proceeded through domestic measures alone. In the economic domain the gap is principally implementational: formally lawful regimes produced severe civilian harm, through over-compliance by financial intermediaries in Iran and through over-broad design and slow exemptions in North Korea. The North Korean case further shows that multilateral Chapter VII authorization does not secure adequate human rights protection, so that formal legal security and human rights sufficiency do not move together. Five recommendations follow, concerning self-determination, over-compliance, ex ante proportionality assessment, standing monitoring, and safeguards for counter-disinformation measures.

Keywords:

Information warfare; election interference; economic sanctions; human rights; over-compliance; self-determination; hybrid warfare

1. INTRODUCTION

Hybrid warfare is understood here as a coordinated campaign, conducted by a state or by an actor operating with sufficient state sponsorship or toleration, that combines two or more of conventional or irregular military force, cyber operations, disinformation, and economic coercion in pursuit of a strategic objective. Much of the legal scholarship on hybrid warfare concentrates on its kinetic and cyber dimensions, where International Humanitarian Law (IHL), sovereignty doctrine and the law on the use of force are engaged. This article turns to the two non-kinetic ends of the spectrum, information warfare and economic coercion, where human rights law, rather than IHL or sovereignty and cyber law, functions as the

primary rather than secondary body of applicable law.

The article asks what the human rights and legal implications of information and economic warfare tactics are, and where existing protection is most in need of reform. It discusses the legal and human rights implications of disinformation and psychological operations, and their impact on freedom of expression and privacy; the impact of sanctions and embargoes on civilians' rights to resources, health, and livelihood; and two groups of case studies: Russian interference in the 2016 United States presidential election, and the sanctions regimes imposed on Iran and North Korea. The sanctions regimes are examined not as hybrid warfare — they are not, being responsive, counter-proliferation measures adopted by states and the Security Council — but as the most fully documented instances of a distinct legal problem: the human rights externalities of economic coercion that is lawful, or at least presumptively lawful, in itself. Because the same constraints would bind economic coercion used as an instrument of a hybrid campaign, these regimes are the best available test of how far human rights law protects civilian populations against it.

The analysis is guided by a proposition, in Yin's (2014) sense of a statement the case evidence can support, qualify or contradict: that information warfare and economic coercion create substantial and well-documented risks to human rights, and that the adequacy of protection depends more on the practical design and implementation of the legal response, and on the doctrinal characterization of the underlying conduct, than on the formal legal security of the measures adopted. It would be contradicted if the regime with the more secure formal legal basis produced markedly less civilian harm. Sections 2 to 4 set out the literature, framework and method; Sections 5 and 6 examine information warfare and economic coercion; Section 7 presents the cases; Section 8 compares them; Section 9 sets out recommendations; and Section 10 concludes.

2. Literature Review

The information warfare literature has documented both a technical and a doctrinal problem. Chesney and Citron (2019) show that synthetic media has produced a qualitatively new means of information warfare, while Benkler et al. (2018) find that domestic partisan media played a larger role in the disinformation surrounding the 2016 election than foreign influence operations, which worked chiefly by amplifying pre-existing domestic content and divisions. Doctrinally, whether foreign disinformation directed at an election meets the coercion element of the customary prohibition of intervention remains unsettled (Wheatley, 2020). Ohlin (2017, 2020) proposes an alternative basis of wrongfulness in the right of self-determination, building on Franck's (1992) argument for an emerging "democratic entitlement". Whether a state conducting an information operation from abroad owes obligations under the International Covenant on Civil and Political Rights to the foreign population it targets is itself contested (Milanovic, 2011).

The sanctions literature has moved from questions of effectiveness (Hufbauer et al., 2007) to questions of humanitarian impact. The Committee on Economic, Social and Cultural Rights has held that neither the sanctioning state nor the target state may treat sanctions as a reason to neglect the population's economic, social and cultural rights (UN Committee on Economic, Social and Cultural Rights, 1997). Kokabisaghi (2018) and Human Rights Watch (2019) document severe effects of sanctions on Iranians' right to health despite formal humanitarian exemptions, tracing them to over-compliance by financial institutions; Smith (2020) applies the just war criteria of effectiveness, necessity and proportionality to the UN sanctions on North Korea; and the Special Rapporteur on unilateral coercive measures has made over-compliance a central object of monitoring (Douhan, 2022). Multilateral sanctions authorized under Chapter VII rest on a more secure legal foundation than unilateral measures (Farrall, 2007).

These literatures have, however, developed largely in parallel. Comparatively little scholarship has asked whether the information and economic domains share a common structure, in which formal legal categories exist yet fail to deliver protection, or whether the character of the gap differs between them. Nor has the literature tested systematically whether

the more formally secure, multilateral sanctions regime produces less civilian harm than the unilateral one. This article addresses both questions through a common framework applied to three cases.

3. Analytical Framework

The framework rests on four features that recur in the literature on hybrid warfare (Cullen & Reichborn-Kjennerud, 2017; Galeotti, 2016; Hoffman, 2007; Reisinger & Golts, 2014): multiplicity of means, the combination of two or more instruments of coercion; deliberate ambiguity, the calibration of tactics to remain below thresholds that would trigger a clear legal or institutional response; actor complexity, a layered structure of state direction, sponsorship or toleration alongside non-state actors; and target diffusion, the direction of tactics at civilian populations, economies and democratic institutions rather than only military capacity.

The Hybrid Warfare Continuum arranges hybrid tactics along a single spectrum, ordered by the kinetic intensity of the instrument: Zone One, conventional or irregular military action; Zone Two, cyber operations; Zone Three, information operations; and Zone Four, economic coercion. Zone Three involves no kinetic force, and its harms are diffuse and cumulative rather than immediate and discrete. Zone Four differs from the other three zones in one important respect: conduct that is at least presumptively unlawful is typically involved in Zones One to Three, and the legal question is how clearly that unlawfulness can be established, whereas conduct that is presumptively lawful is typically involved in Zone Four, and the question is whether its implementation nonetheless produces effects violating other, independent obligations. The Legal Response Matrix asks, for each zone, whether a body of law applies formally, whether its application is settled, and whether it provides an adequate practical remedy. The Matrix assesses four bodies of law (IHL, sovereignty and cyber law, human rights law and the law governing economic coercion); because this article is concerned with Zones Three and Four, Table 1 sets out those two zones of the Continuum together with the provisional ratings of all four bodies of law within them. These ratings are derived from the literature reviewed in Section 2, not from the case analysis, so that the framework is tested against the cases in Sections 7 and 8 rather than fitted to them.

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Table 1 The Hybrid Warfare Continuum (Zones Three and Four) and Provisional Ratings of Four Bodies of Law

Continuum zone	Characteristic tactics	IHL	Sovereignty / cyber law	Human rights law	Economic coercion law
Zone Three: Information operations	Disinformation; propaganda; synthetic media; election interference	Weak	Contested	Contested	Weak
Zone Four: Economic coercion	Sanctions; trade and financial restrictions; embargoes	Weak	Weak	Settled but ineffective	Settled but ineffective

Note. The Continuum orders hybrid tactics by the kinetic intensity of the instrument across four zones; Zones One (conventional and irregular military action) and Two (cyber operations) are not examined in this article. Ratings are provisional assessments derived from the literature and reflect three questions: formal applicability, degree of settlement in law and state practice, and practical enforceability. "Contested" indicates formal applicability in principle with doctrine that remains unsettled; "Settled but ineffective" indicates settled doctrine whose practical protection is substantially undermined by implementation failures; "Weak" indicates that the body of law is engaged only indirectly or at the margins of the zone. In Zone Three, human rights law names the interests harmed, but whether the perpetrator state owes obligations to a foreign population is contested, and whether

disinformation meets the coercion element of the prohibition of intervention is unsettled. In Zone Four, the governing human rights standards are well developed, but their practical protection depends on design and implementation. A rating describes the protection the law affords against a tactic, not the lawfulness of the tactic itself. Sources: Chesney and Citron (2019); Milanovic (2011); UN Committee on Economic, Social and Cultural Rights (1997); Wheatley (2020).

Two features of Table 1 frame the analysis that follows. First, human rights law is the body of law most directly engaged in both zones, while IHL is rated Weak in each, reflecting a loosely inverse relationship between the two across the continuum: IHL's applicability declines from Zone One toward Zone Three, while human rights law gains centrality. Second, the ratings predict gaps of different character in the two zones: a doctrinal gap in Zone Three, where human rights law is Contested because the obligations of the perpetrator state remain unsettled, and an implementational gap in Zone Four, where the governing standards are Settled but ineffective. The case studies test that prediction.

4. Methodology

The study is qualitative and rests on an interpretivist epistemology and a constructivist ontology: the legal significance of an information operation or a sanctions regime is constructed as states, courts, international organizations and scholars characterize it as falling within, or outside, existing legal categories (Creswell & Poth, 2018; Crotty, 1998). The design is an exploratory multiple-case study (Yin, 2014). Cases were selected purposively for diversity of tactic, prominence in legal and policy commentary, and geographic spread across North America, the Middle East and East Asia: the 2016 United States election interference as the most extensively documented foreign information operation directed at an electoral process, and the Iran and North Korea sanctions regimes as a contrasting pair of unilateral and multilateral economic coercion whose humanitarian effects are well documented. Data are drawn from public secondary sources, including official investigations, indictments, Security Council and treaty-body documents, reports of the Special Rapporteur, non-governmental reports and scholarship. Each case follows the same protocol (factual background, implicated law, interpretive difficulties, relation to the framework), and the material was analyzed through qualitative content analysis and reflexive thematic analysis (Braun & Clarke, 2006, 2019), with trustworthiness addressed through triangulation across source types (Lincoln & Guba, 1985). Because the cases were selected for their salience and documentation, the findings are analytically rather than statistically generalizable (Geddes, 1990).

5. Information Warfare and Legal Concerns

5.1 Disinformation, Deepfakes, and the Erosion of Reliable Information

As Chesney and Citron (2019) show, the diminishing technical barriers to generating convincing synthetic media, so-called deepfakes, have produced a qualitatively new means of information warfare — one capable of creating video and audio evidence of events that never occurred, with a degree of realism sufficient to deceive even close observers. What matters most about this technology in the context of hybrid warfare is not merely its capacity to mislead individuals, but its broader effect on a population's ability to judge any mediated piece of information as authentic at all — the liar's dividend, whereby the mere possibility that information could be fabricated allows bad actors to dismiss authentic, damaging evidence as false. This bears directly on the target-diffusion feature of hybrid warfare: a disinformation campaign does not cause harm through a single, discrete event affecting a specific victim, but erodes, over time, an entire population's relationship to public information. The legal implication, according to Chesney and Citron (2019), is that existing legal frameworks built around discrete, individually identifiable harms — defamation, fraud, or specific electoral offenses — are poorly suited to address the diffuse, population-wide harm a sustained disinformation campaign produces.

Because content disseminated by a foreign hybrid actor typically travels through the same social media platforms, and is amplified by the same algorithmic and human dynamics, as domestically produced content, the legal task of

isolating and characterizing specifically foreign, state-attributable disinformation proves considerably more difficult than the technology alone would suggest. Benkler et al. (2018) demonstrate this empirically in the U.S. context. This entanglement between foreign hybrid tactics and domestic information dynamics is a further, specific expression of the actor-complexity feature, extending to the information domain the difficulty of disentangling distinct sources of hybrid conduct already familiar from the military and cyber contexts.

5.2 Freedom of Expression and Its Limits

Whatever legal action is taken regarding disinformation must first grapple with the reality that curbing the spread of false or misleading information necessarily implicates the right to freedom of expression, protected under Article 19 of the International Covenant on Civil and Political Rights (UN Human Rights Committee, 2011). This raises a genuine tension: an overly permissive legal environment allows disinformation to spread unchecked, while an overly restrictive one grants states — including precisely those states most likely to conduct hybrid disinformation operations against their neighbors — an expansive, and potentially abusive, power to censor legitimate expression under the guise of combating disinformation. Chesney and Citron (2019) draw a distinction between the right to freedom of expression — which shields even false statements from certain forms of legal sanction — and the more concrete harms that disinformation can inflict when deployed with intent to deceive and with demonstrable effect, whether to an individual's reputation, to the integrity of an electoral process, or to public safety. The appropriate legal response is therefore unlikely to take the form of a generalized power to regulate disinformation as such — a category too contested, and too easily turned against legitimate dissent — but should instead target particular, demonstrable harms, such as electoral interference or the malicious fabrication of evidence.

Even a harm-specific counter-disinformation power carries its own risk of misuse, since the domestic legal and institutional machinery any state relies on to combat foreign disinformation is also the machinery available to that state's own government. The harm of a legal framework that is too relaxed is that it will fail to counter sophisticated foreign disinformation; the harm of one that is too aggressive is that it will itself function as a form of information warfare. This tension cannot be resolved by international law or careful drafting alone; it also requires institutional safeguards — independent judicial review, transparency requirements, and sunset provisions — which domestic constitutional law is generally better positioned to supply.

5.3 Privacy and Psychological Operations

Another human rights dimension of information warfare concerns privacy, protected under Article 17 of the International Covenant on Civil and Political Rights. Contemporary information operations often depend on the mass collection and processing of personal data, enabling campaigns to be micro-targeted at the individuals or population segments assessed as most susceptible to a given message. The very data collection and profiling practices that enable targeted information operations may themselves violate privacy rights, independently of whether the resulting message is itself false (Milanovic, 2015; Office of the United Nations High Commissioner for Human Rights, 2014). An effective information operation thus typically combines a data-collection component with a content-dissemination component, each raising distinct human rights concerns that a legal response focused solely on the truth or falsity of content would fail to address. A hybrid actor need not build the data-gathering infrastructure itself; it need only gain access to tools already built into the advertising functionality of commercial platforms. This raises the open question of what the due diligence obligations of a platform's home state require of it — due diligence being an obligation of states, not of private companies — when the platform's infrastructure is exploited for hybrid information operations. The UN Guiding Principles on Business and Human Rights frame the question as a state duty to protect against abuse by business enterprises within its jurisdiction, alongside a corporate responsibility to respect human rights that is not itself a legal obligation under international law (UN Human Rights Council, 2011).

6. Economic Warfare and Human Rights Law

6.1 The Legal Structure of Economic Sanctions

Economic sanctions occupy a distinctive place within the Legal Response Matrix: unlike the other tactics examined, they are typically imposed by a state or international organization acting within, rather than outside, an established legal authority — whether the Security Council's Chapter VII powers or the domestic law of a particular state — although where such measures reach foreign persons through "secondary" sanctions, their jurisdictional basis is contested. The legal question is therefore not primarily whether sanctions are legally available at all, but whether a particular regime is designed and implemented in a manner that meets the human rights protection needs of the targeted state's civilian population.

This inquiry engages obligations under the International Covenant on Economic, Social and Cultural Rights, which protects the right to an adequate standard of living, including food and housing, under Article 11, and the right to the highest attainable standard of health under Article 12. These obligations do not prohibit sanctions, but require that a regime be designed with effective humanitarian exemptions, so as not to cause disproportionate harm to the civilian population's enjoyment of these rights (International Covenant on Economic, Social and Cultural Rights, 1966, arts. 11–12; UN Committee on Economic, Social and Cultural Rights, 1997). Two limits must be acknowledged. The United States, the sanctioning state in the Iranian case, has signed but not ratified the Covenant, and the extent to which Covenant obligations bind a sanctioning state in respect of the population of another state is contested; General Comment No. 8 addresses both the target state and the sanctioning parties, but its account of the latter's obligations is an authoritative interpretation rather than an undisputed rule (Milanovic, 2011; UN Committee on Economic, Social and Cultural Rights, 1997). Other legal bases have therefore carried part of the weight in practice: in Iran's case against the United States under the 1955 Treaty of Amity, the International Court of Justice ordered, as a provisional measure, that the United States remove impediments arising from its re-imposed measures to the free exportation to Iran of medicines and medical devices, foodstuffs and agricultural commodities, and goods necessary for the safety of civil aviation (*Alleged Violations of the 1955 Treaty of Amity*, 2018). The question in Zone Four is thus not whether the conduct itself is unlawful, but whether its human consequences are adequately mitigated.

6.2 The Gap Between Formal Exemptions and Practical Effect

The existence of a formal humanitarian exemption does not necessarily mean that exemption functions in practice. Kokabisaghi's (2018) systematic review records that the humanitarian exemption for food and medicine in the sanctions on Iran, though formally intended to shield Iranians' right to health, failed to do so in practice. Human Rights Watch (2019) documents how blanket restrictions on financial transactions, combined with banks' and companies' reluctance to risk sanctions-related liability — over-compliance — effectively blocked Iranians' access to essential medicines, notwithstanding a formal humanitarian carve-out. A sanctions regime's legal sufficiency therefore cannot be evaluated by examining its text alone.

Over-compliance reflects a causal mechanism distinctive to Zone Four. It arises because financial institutions and companies, confronted with an uncertain and shifting sanctions framework carrying broadly drafted penalties for even accidental breaches, rationally decide to avoid any transaction that could conceivably be connected to a sanctioned state — including transactions the regime expressly intends to exempt — rather than bear the cost of legal review, compliance infrastructure, and residual risk (Human Rights Watch, 2019). The real-world severity of a regime's humanitarian effect thus depends less its drafters than on the risk tolerance of a diffuse population of financial and commercial actors, whose conduct is neither centrally coordinated nor directly responsive to the sanctioning authority — a structural feature that makes over-compliance considerably harder to resolve through simple drafting fixes.

7. Case Studies

7.1 Election Interference: The 2016 US Presidential Election

Background

The investigation by the US Department of Justice Special Counsel found that Russia's Internet Research Agency ran a coordinated social media campaign — one the organization itself described internally as "information warfare" — aimed at inflaming political and social division within the United States and influencing the outcome of the 2016 presidential election. Concurrently, Russian military intelligence (the GRU) carried out cyber intrusions into the Democratic National Committee's systems and published the resulting material in a manner damaging to the Democratic presidential campaign (Mueller, 2019; Office of the Director of National Intelligence, 2017). This convergence of a Zone Three information operation and a Zone Two cyber operation illustrates the multiplicity-of-means feature with particular clarity, since the two components were coordinated to achieve a single strategic goal while implicating entirely separate bodies of law. The campaign was deliberately structured to reach as broad a cross-section of the American electorate as possible, positioning its accounts across both ends of the political spectrum and reinforcing pre-existing social divisions rather than advancing any single agenda — a diffuse, population-scale harm rather than a discrete harm to an identifiable victim.

The Search for an Appropriate Legal Framework

According to Ohlin (2017), the operation resists easy classification under the doctrinal categories international lawyers conventionally use: it does not constitute an armed attack triggering a right of self-defense, and applying the doctrine of intervention proves difficult, since intervention conventionally presupposes a specific object of coercion, whereas the object here is a diffuse mass of public opinion, indirectly influenced rather than directly coerced. Rather than concluding that the operation falls entirely outside international law's reach, Ohlin (2017, 2020) proposes a different doctrinal basis: the right of self-determination, understood as a people's right to freely determine its own political institutions and future, without external interference. On this view, foreign interference with an election's information environment violates self-determination in its own right, without any prior finding of unlawful intervention or an illegal use of force. Ohlin's (2020) book-length treatment situates the framework within a broader account of how self-determination has evolved since its origins as a decolonization concept — a trajectory Franck (1992) identified in arguing for an emerging "democratic entitlement" — into a principle guaranteeing a people the right to choose its government through free and fair elections. Foreign interference is wrongful not because it is likely to have changed the outcome — a question of causation that would be difficult to prove — but because it corrupts the process by which that outcome is reached: an injury to process, not to a specific, provable result. The framework thus offers what the Matrix suggests is needed in Zone Three: a doctrine whose applicability is direct rather than derivative, one that does not first have to classify the conduct as unlawful under an existing category.

Persistent Limits and the Legal Response in Practice

Ohlin's framework, though doctrinally novel, remains largely silent on enforcement. Even granting that foreign election interference violates self-determination, what remedy the law should provide — countermeasures, sanctions, or some other response — remains contested, and the domestic amplification of information warfare (Benkler et al., 2018) makes it difficult to determine whether an approach focused on foreign state conduct can address the full scope of the harm. The response in practice was conducted almost entirely through domestic and unilateral measures. In December 2016 the United States expelled thirty-five Russian officials and imposed sanctions on Russian intelligence services (Office of the Press Secretary [United States], 2016); in February 2018 a federal grand jury indicted the Internet Research Agency and thirteen Russian nationals (*United States v. Internet Research Agency LLC*, 2018); in March 2018 the Treasury designated the Agency and the GRU (US Department of the Treasury, 2018); and in July 2018 twelve GRU officers were indicted for the hacking and release operation (*United States v. Netyksho*,

2018). None of these measures rested on, or produced, a determination that the operation violated international law; each applied domestic law to conduct whose international characterization remained unsettled.

7.2 Economic Sanctions on Iran

Background

Sanctions targeting Iran's nuclear program have passed through two distinct phases. A multilateral regime, imposed by Security Council Resolutions 1737 (2006) through 1929 (2010) and reinforced by coordinated EU and US measures, remained in effect until its termination on January 16, 2016, pursuant to the Joint Comprehensive Plan of Action (JCPOA) and Resolution 2231 (UN Security Council, 2006, 2010, 2015). Following the United States' withdrawal from the JCPOA in May 2018, the US unilaterally reimposed sanctions by November 2018, launching the "maximum pressure" campaign examined here — a regime imposed by the United States alone, without UN or EU authorization. That regime operates substantially through secondary sanctions penalizing non-US persons, including foreign banks, for dealings with Iran, whose extraterritorial reach is contested and which the European Union opposed by updating its Blocking Statute in 2018 (Council of the European Union, 1996; European Commission, 2018). It is this secondary reach that drives much of the over-compliance by foreign banks documented below. (The original multilateral sanctions were themselves reimposed through the JCPOA's disputed "snapback" mechanism in September 2025, but the case study concerns the unilateral "maximum pressure" period.)

Human Rights Impact

Kokabisaghi's (2018) systematic review of studies on the impact of sanctions on Iranians' right to health concludes that the sanctions led to a significant decrease in the value of Iran's currency and significant increases in inflation and unemployment, to the extent that quality life-saving medicines became scarce because of sanctions on the banking and shipping industries, with the poor, those with chronic illnesses, women and children suffering most. Because the studies it reviews predate the November 2018 re-imposition, the review documents the mechanisms of harm under the earlier, partly multilateral regime; the evidence for the later period comes from Human Rights Watch (2019) and the Special Rapporteur (Douhan, 2022), which document the same mechanisms operating under the unilateral regime. Human Rights Watch (2019) documents the deaths of Iranian patients with epidermolysis bullosa, a serious skin condition requiring specialized dressings that became difficult to obtain because of banking restrictions, and reports that the Norwegian Refugee Council spent a year unsuccessfully searching for banks willing to transfer donor funds for its work assisting Afghan refugees in Iran — a purely humanitarian operation unconnected to Iran's nuclear program (Norwegian Refugee Council, 2019). The UN Special Rapporteur on the negative impact of unilateral coercive measures, following a visit to Iran in May 2022, expressed grave concern about the life-threatening effects of restrictions on specialized medicines and medical equipment, particularly for patients with rare diseases and people with disabilities, and found that over-compliance by financial institutions and third-party businesses was a significant and independent contributor to humanitarian harm, distinct from the formal terms of the sanctions themselves (Douhan, 2022). The gap between formal exemption and practical impact is thus recognized not merely in academic or advocacy commentary, but within the international human rights architecture itself.

Mapped onto the Matrix, the Iran sanctions illustrate the central challenge of Zone Four in its most vivid form. The sanctions are not, in formal terms, clearly unlawful: states retain a general prerogative to restrict their own nationals' economic transactions with another state, although the secondary measures stand on more contested jurisdictional ground and were the subject of provisional measures before the International Court of Justice (*Alleged Violations of the 1955 Treaty of Amity*, 2018). Yet their implementation has produced significant harm to Iran's civilian population, plausibly infringing the rights protected by the Covenant — precisely the outcome the formal humanitarian exemptions were designed to prevent.

7.3 Economic Sanctions on North Korea

Background

Since North Korea's first nuclear test in 2006, the Security Council has passed a series of increasingly comprehensive sanctions resolutions — a multilaterally authorized, Chapter VII regime that distinguishes this case sharply from the predominantly unilateral Iran sanctions. Following North Korea's 2016 nuclear tests, sanctions were substantially expanded through Resolutions 2270 and 2321, the latter of which Secretary-General Ban Ki-moon described as containing "the toughest and most comprehensive sanctions regime ever imposed by the Council" (UN Security Council, 2016), with further sanctions added in 2017 restricting North Korean access to fuel imports vital to its agricultural sector. United States sanctions against North Korea have a considerably longer independent history, dating back to 1950, and layer additional unilateral pressure on top of the multilateral regime.

Documented Humanitarian Effects

Smith's (2020) analysis of the UN regime, applying the just war criteria of effectiveness, necessity, and proportionality by analogy, finds that the 2018 collapse in North Korean agricultural production was substantially driven by the energy sanctions, which depleted the country's capacity to produce enough food — a food deficit affecting approximately a third of the country's 25 million people. Smith (2020) further argues that the expanded sanctions imposed since 2016 have failed to draw a sufficiently clear distinction between North Korea's military and civilian economic sectors, risking civilian harm disproportionate to the intended non-proliferation benefit — a framework loosely paralleling the IHL proportionality principle, applied by analogy to the economic domain. He concludes that the sanctions fail both the effectiveness criterion, since they were never likely to achieve denuclearization, and the proportionality criterion, since they placed the food security of millions at risk with little demonstrated non-proliferation benefit. Smith's attribution of the food deficit to sanctions must nonetheless be read alongside other causes: the Commission of Inquiry had already attributed chronic food insecurity principally to state policy before the sectoral sanctions were adopted (Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, 2014), and North Korea's own border closure from early 2020 further disrupted imports independently of the sanctions.

Because the regime was created as a non-proliferation rather than a human rights regime, it has no human-rights-specific terms attached to its imposition or removal, leaving the task of alleviating its humanitarian side-effects to the case-by-case grant of exemptions administered by the Security Council's sanctions committee (Human Rights Watch, 2018). The approval process has often been so time-consuming as to greatly hinder humanitarian organizations, a problem of procedural delay and over-broad design related to, but distinct from, the over-compliance reported in the Iranian case. The Panel of Experts reported that agricultural and medical items with no plausible military application were caught by broadly drafted prohibitions aimed at preventing the diversion of dual-use goods to the weapons program (Panel of Experts established pursuant to resolution 1874 (2009), 2019); the committee later revised its exemption procedure (UN Security Council, 2020).

Multilateral Authorization

Because the regime is imposed pursuant to Chapter VII authorization, its formal legality is far more readily resolved in the affirmative: the Security Council possesses the Charter authority to impose binding measures in response to a threat to international peace and security (UN Charter, 1945, arts. 39, 41). This formal legality does not, however, answer the human rights question: as Smith's (2020) analysis shows, a regime can be formally authorized under the Charter and still fail a human rights-based proportionality test. This forecloses the tempting but oversimplified conclusion that the greater legal and institutional legitimacy of a multilaterally authorized regime is by itself sufficient to ensure adequate human rights protection for the affected population.

8. Comparative Observations

Table 2 compares the three cases against the ratings set out in Table 1.

Table 2 Comparing the Information and Economic Warfare Case Studies

Dimension	2016 US election interference	Iran sanctions	North Korea sanctions
Continuum zone	Zone Three (with Zone Two component)	Zone Four (responsive measure)	Zone Four (responsive measure)
Nature of conduct / legal basis	Hybrid actor's conduct (no legal basis); met by US expulsions, sanctions and indictments	Responsive measure: unilateral US "maximum pressure" (2018–), incl. secondary sanctions; UNSC regime (res. 1737–1929) terminated 2016, reinstated by disputed snapback 2025	Responsive measure: UNSC Chapter VII regime, plus US unilateral measures
Primary rights engaged	Self-determination; expression; privacy	Right to health; adequate standard of living	Right to food; adequate standard of living
Central difficulty	Doctrinal characterization	Over-compliance by intermediaries	Design failure; slow exemptions
Formal legality	Wrongfulness contested (characterization)	Primary measures generally lawful; secondary reach contested	Lawful (Chapter VII authorized)

Note. The election-interference column describes the conduct of a hybrid actor; the sanctions columns describe responsive measures adopted by states and the Security Council, which are not treated here as hybrid warfare and are examined for their human rights externalities. The columns are compared for the character of the legal problem each presents, not as equivalent forms of conduct. UNSC = UN Security Council. Sources: Section 7.

The cases confirm the inverse relationship between IHL and human rights law across the continuum, and yield three further observations. First, the election interference case shows that the central legal challenge in Zone Three is primarily doctrinal rather than factual: attribution in the 2016 case was comparatively well established by official investigation, yet the wrongfulness of the conduct under international law remained contested, and the principal scholarly response — Ohlin's self-determination framework — has not been adopted in state practice. The remedial gap compounds the doctrinal one.

Second, the Iran and North Korea cases show that Zone Four's central challenge is not one of formal legality but of practical implementation: both regimes can be justified as formally lawful, yet both have resulted in documented and widespread civilian harm. The mechanism of harm differs. In the Iranian case, over-compliance predominates: the risk-averse behavior of private financial intermediaries erodes a nominally adequate exemption regime. In the North Korean case, harm is dominated by a more direct design failure — the broad, under-differentiated targeting of dual-use goods and energy products integral to civilian agricultural production — compounded by a slow exemption process. The two cases therefore demand different regulatory responses.

Third, the comparison shows that multilateral, UN-authorized sanctions are not immune from these human rights concerns: even when a regime rests on the strongest available legal basis for economic coercion, it can still produce severe civilian harm if it is not designed to distinguish effectively between military and civilian economic impact (Smith, 2020). No linear relationship therefore holds between formal legal security and human rights sufficiency across the continuum. A Zone Four measure may be more formally secure than a Zone One or Zone Two tactic, and yet still produce severe

civilian harm. This finding supports the guiding proposition: the regime with the more secure legal basis did not produce markedly less civilian harm, and in both domains the adequacy of protection turned on design, implementation and doctrinal characterization rather than on formal legality.

9. Legal and Policy Recommendations

The cases point toward five recommendations. First, the doctrinal gap concerning the wrongfulness of information warfare should be addressed through further elaboration of the self-determination framework Ohlin (2017, 2020) proposes. This could proceed through state practice and opinio juris expressly adopting collective political self-determination as a distinct basis for characterizing information warfare's wrongfulness, reducing reliance on the more problematic doctrines of sovereignty and intervention, ideally through a coordinated multilateral statement of the kind already shown to be feasible in the context of cyber-attack attribution.

Second, the gap between formal humanitarian exemptions and their actual use requires reform targeted specifically at over-compliance, which Human Rights Watch (2019) and the Special Rapporteur (Douhan, 2022) identify as a key independent driver of humanitarian harm. Standardized, pre-cleared categories of transactions for common humanitarian goods could serve as a safe-harbor arrangement, reducing the legal uncertainty whose case-by-case character currently motivates risk-averse institutions to avoid exempt transactions altogether. Resolution 2664 (2022), which established a standing humanitarian exemption across nearly all UN sanctions regimes, points in this direction, but does not reach unilateral measures (UN Security Council, 2022).

Third, a stricter, ex ante proportionality test, drawing on the proportionality analogy Smith (2020) proposes, should be incorporated into sanctions regimes, both unilateral and multilateral, assessing the likely impact on the civilian population's rights to health, food, and an adequate standard of living before a regime is expanded, rather than only retrospectively. This assessment could draw on the human rights impact assessment methodology Kokabisaghi (2018) applied retrospectively to Iran, rescaled for prospective use.

Fourth, there should be an independent, standing mechanism to monitor, on a continuing basis, the human cost a sanctions regime is generating. The mandate of the Special Rapporteur on unilateral coercive measures offers a workable foundation; the reform proposed here would extend that largely advisory mandate so as to make documented humanitarian harm a more reliable driver of concrete exemption reform.

Fifth, because counter-disinformation measures carry the risk of repurposing against legitimate domestic expression, documented in South and Southeast Asia (Mahapatra et al., 2024), any domestic measure adopted in response to foreign information operations should be provided by law, confined to specific and demonstrable harms, and subject to independent judicial review and periodic legislative reauthorization, in line with the three-part test of Article 19(3) of the International Covenant on Civil and Political Rights (UN Human Rights Committee, 2011).

10. Conclusion

This article has shown that at the informational and economic ends of the hybrid warfare spectrum, human rights law becomes the primary body of applicable law, but that its centrality does not translate into adequate protection. The character of the gap differs between the two domains. In the information domain it is principally doctrinal: the 2016 election interference was comparatively well attributed, yet its wrongfulness under international law remained contested, and the response proceeded through domestic measures alone. In the economic domain it is principally implementational: the governing standards are comparatively settled, but over-compliance in the Iranian case and over-broad design and procedural delay in the North Korean case produced severe civilian harm despite formal humanitarian exemptions. The North Korean case shows, moreover, that formal legal security and human rights sufficiency are analytically independent questions that do not necessarily move together — a finding of particular importance for how reform efforts should be prioritized. The analysis is limited by its reliance

on secondary sources and by a purposive selection of well-documented cases, which shows how and why protection fails but not how widespread the pattern is. Future research might extend the framework to information operations and sanctions regimes in other regions, including South Asia, and to the growing use of synthetic media in electoral contexts.

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