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Article

The Legal Philosophy of International Sanctions

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Abstract: Aiming to weaken individuals who breach international law and so create incentives for negotiation and attain intenational cooperation, the philosophy underlying international sanctions (IS) seeks to protect international peace and security by means of both particular and general deterrence, therefore strengthening the sovereignty of this law. Realizing this objective, however, is difficult for various reasons, including political manipulation of this philosophy,which has eroded respect for international law and international justice among international community members. Its success is also more complicated by its lack of influence on economically strong countries, its adverse consequences on human rights, the question of veto power in the Security Council, and the difficulties in applying this philosophy connected to the equal sovereignty of states. Thus, this philosophy has not created systems to offset the seriousness of international sanctions (IS) with their detrimental influence on fundamental human rights. This has led to regular criticism. Therefore, along with enhancing the judicial role of international judicial bodies to reflect a balance between safeguarding international peace and security and guaranteeing the enforcement of international law in its most vital domains.

Keywords— Philosophy,international sanctions, human rights, international justice,flexible sanctions.

INTRODUCTION

The legal philosophy of punishment within a state aims ultimately to preserve public order and social harmony by means of justice and the supremacy of the law over all people. Though its severity may vary, this philosophy is not about punishment per se; rather, it is about protecting society from criminals and attaining particular deterrence for people committing different offenses so they do not repeat them. It also acts as general deterrence for the other members of the international community to stop them from carrying out comparable crimes.It also seeks to change and rehabilitate offenders for their reintegration into society. Therefore,one may say that the penal philosophy serves to protect the international community.

Regarding the legal philosophy of punishment inside the state itself, it is based on justice and fairness, therefore balancing the degree and character of the crime with the kind of punishment. Generally speaking, the kinds of punishments are:corporal punishment like hard labor or the death penalty; deprivation of liberty in the form of several kinds of imprisonment; financial punishment through fines and monetary compensations; reformative punishment via public service work. This internal philosophy differs from the philosophy of punishment in the international community in many respects.

At the level of penal philosophy, the domestic punishment of a state differs from international punishment in terms of its legal basis, the issuing authority, the executing authority, and the legitimacy of the punishment.The legal basis of the philosophy of punishment inside the state covers all penal rules included inside the state's legal framework.! Enforcing these laws falls to the executive branch;their implementation lies with the court system. By contrast, the philosophy of international punishment is founded on international law including the United Nations Charter,international humanitarian law (IHL), human rights law (HRL),and several other international treaties that mandate international punishment.Bodies such as the Security Council, the International Court of Justice (ICJ),the ICC,or several specialized ICCs hold the power to implement these laws. States or international coalitions might penalize certain nations; the

international community is in charge of carrying out international penalties.

Though, given the equal sovereignty of nations, it is impossible to apply punishment systems to states in the same manner as those used for individuals inside a state. Thus, the international community enforces this via several mechanisms suited to the kind of the legal infractions done by the states in issue.Included among these tools are: economic sanctions, personal financial.

sanctions, diplomatic sanctions, military sanctions, judicial sanctions, media sanctions, and international sports sanctions. Generally speaking, the United Nations may impose such sanctions via the Security Council for legitimacy reasons or, exceptionally, by individual2 or collective states.3

Because the basic philosophy of international punitive law is the enforcement of respect for international law across all its spheres, especially those pertaining to preserving international peace and security, this philosophy seeks to attain international justice by means of punishment. Through the idea of particular international deterrence, this puts pressure on countries to return to the road of international legitimacy, therefore generating an impression among other countries of the need to respect international legitimacy to stop the spread of defiance inside the international community. This is called general international deterrence.

Sometimes,international sanctions (IS) can be applied in an illegitimate context to further the political goals of particular countries. Theseapplications consist of influencing particular sovereign political choices of some governments or applying pressure to alter ruling ones.4 In such situations, the United States being first, these sanctions can be viewed in light of the double standards used by powerful, influential countries. The reality, however, has shown the sad situation of people under these sanctions where governments and their political choices could stay the same but people suffer from terrible humanitarian conditions in terms of living standards, health,education,and services.

Should we judge the legal philosophy of international punishment by means of an evaluation of the lived reality, therefore determining its correctness or its departure from it? Is it also feasible to create another legal philosophy that pressures an illegitimate government with illegal activities without compromising the most basic human rights?

Research Objectives

1. Examining the legal framework of "IS"
2. To investigate the idea of the legal philosophy underlying conventional and smart"IS"
3. In many instances, the United States imposes unilateral economic sanctions against certain countries without consulting the United Nations.
4. An example of this would be the international economic and diplomatic sanctions imposed by the Gulf Cooperation Council (GCC) on the State of Qatar.
5. Before the 1990 invasion of Iraq, the U.S. administration of President George H. W. Bush referred to some nations, including North Korea, Iran, and Iraq, as "rogue states." This phrase was used to describe how these nations deviated from international legal norms, including the United Nations Charter, IHL, and the rules of UN agencies and organizations, such as the International Atomic Energy Agency (IAEA).
6. To investigate how international and individual sanctions affect international law.
7. To evaluate the consistency of“"IS"with the legal tenets of human rights

Research Methodologies

- The analytical approach“"IS"'regarded as the apex of methods in legal research. This study will examine the goals of the legal philosophy of IS,both conventional and smart, and offer recommendations for the several issues confronting the mechanisms of this philosophy.
- This will involve describing the character of traditional and smart IS, as well as the description of international policies that are repressive or violate international law.
- Comparative Method: This will compare the effects of smart sanctions with those of traditional IS in their many forms on targeted nations.
- Examining the lived reality of nations targeted by“IS”using an inductive approach will help to evaluate the benefits and drawbacks of the results,particularly in the area of human rights.
- This will entail a temporal, numerical, and qualitative count of the nations targeted by IS,particularly economic ones.

Research Methodology

I have adopted a methodology with four main pillars:

- The Legal Basis for“IS”
- The Objectives of the Legal Philosophy of “IS”
- Types of“IS”
- Evaluation of the Philosophy of“IS”

THE FIRST TOPIC:The Legal Basis for International Sanctions (IS)

Scholars have disagreed on a comprehensive definition of “IS”(Ronzitti,2016,p. 09) in terms of both form and substance. Somne have considered them as

precautionary measures aimed at safeguarding international peace and security,while others have defined them as follows:⟦^''⟧acollection of political and economic choices that are essential to the diplomatic actions that regional organizations and multilateral nations take against states and entities in order to preserve international law (Hufbauer, Schott, Elliott, & Oegg, Economic Sanctions Reconsidered, 2007, p. 05), safeguard national securiy interests,and fend off threats to global peace and security. International economic,commercial, diplomatic, and other preventative punitive measures are mostly temporarily imposed as part of these choices; they are removed when no new threats materialize (Cortright & Lopez, 2000,p. 12)."

Under the United Nations Charter, the organization is the only body authorized by international law to impose""IS"on states and organizations when it deems them necessary for specific deterrence against threats to international peace and security, in addition to generaI deterrence. In the realm of specific deterrence,the responsibility to carry out this role has been entrusted to:

- The United Nations Security Council (UNSC).
- The International Court of Justice (ICJ), which is empowered to punish states responsible for international crimes.
- The United Nations created the ICC with the express purpose of prosecuting those who commit transnational crimes.
- Targeted states have established special international criminal tribunals to try those guilty of international crimes.

Some international organizations, including global sports federations, might also apply international penalties on particular countries for breaking their rules. On the other hand, especially when other countries agree with them, states can safeguard their national security by applying individual or collective sanctions against particular nations. Furthermore, international blocs like the European Union could apply such sanctions on specific nations, including economic,sports, diplomatic, and semi-military sanctions, based on the different kinds of "IS" the EU has placed on Russia following its occupation of Ukraine.

From the standpoint of international legal legitimacy,any international action or behavior performed by members of the international community-whether states, organizations, or judicial bodies-must be based on an international legal basis. International actions and choices derive legitimacy from this basis. The legal foundation of the concept of international punishment is the origin from which its legitimacy springs. On the other hand, some""IS"could be illegal and could be contested in front of the International Court of Justice (ICJ).

The legal foundations of "IS" include the United Nations Charter, Security Council resolutions, IHL, HRL, ICJ and ICC rulings, special international criminal tribunal rulings, international treaties, and even customary international law.

First requirement: The United Nations Charter

Chapter VII (United Nations, 2025)5 of the United Nations Charter provides the legal basis for"IS".According to Article 39 of this chapter, the Security Council

5-Chapter VII of the United Nations Charter

Article 39: The Security Council will decide whether an act of aggression, a breach of the peace,or a threat to peace has taken place. In keeping with Articles 41 and 42, it shall recommend or decide on the actions to be taken to preserve or restore international peace and security. Is empowered by the UN, acting on behalf of the global community, to determine whether there is a threat to global peace and security and to hold the responsible international party accountable. The Security Council may then recommend or pass resolutions on a number of measures it deems appropriate,depending on the nature of the threat. There is no explicit or implicit reference to "IS" in this Charter; rather, these measures are seen as preventative measures intended to preserve international peace and security.

The Security Council, as an international authority (Salim, 2008, p. 10), may carry out any""IS"it considers suitable under Article 41 of the same chapter both as particular deterrence for the state endangering international peace and security and as general deterrence for the rest of the international community.Should the intended goal of the precautionary""IS"not be met or the threat to international peace and security continue or worsen, Article 42 of this chapter gives the Security Council the power to act militarily.

Second requirement: Security Council Resolutions

Fifteen members make up the UNSC; five of them are permanent members with veto power6: France, the United Kingdom, China, Russia, and the United States.Remaining ten non-permanent members are spread out geographically: three seats for African countries, two for Asian countries, two for Latin American and Caribbean countries, two for Western European countries, and one for Eastern European countries. Elected by the United Nations General Assembly (UNGA)for a two-year term. To keep continuity and balance in the Security Council,half of the non-permanent members are replaced every year. Given no permanent members with veto power object,"IS" may only be legally imposed by a Security Council resolution passed with majority member approval7.

The Security Council's imposition of "IS" follows four stages: First, in line with Article 39 of Chapter VII of the United Nations Charter, the country in question

and the type of threat its activities pose to international peace and security are specified. Then, following Article 41, the Council members choose the suitable non-military penalties to fit the kind of the danger.8 Provided no permanent

Article 41: The Security Council has the authority to make decisions and implement them without resorting to military action. It may request that the United Nations' members take these actions, which could involve severing diplomatic ties and a partial or total suspension of economic and transportation ties (such as rail, sea, air,postal, and telecommunication services).

Article 42: Should the Security Council believe the Article 41 provisions would be insufficient or have shown failure, it may act via air, sea, or land forces as required to preserve or restore international peace and security. Such activities could involve protests, blockades, and other operations carried out by United Nations member states' air,sea, or land forces.

6Many scholars have criticized the UNSC for its use of the veto power, arguing that it negatively impacts the respect for IHL and HRL.

7-Nine members out of fifteen members. member uses its veto, at least nine of the fifteen vote to adopt a sanction resolution following this. At last, a monitoring committee tracks the execution of the resolution, therefore ensuring its compliance. Though their success is mostly dependent on the attainment of justice inside the international society,these choices bind all United Nations member states.

Third requirement: International Humanitarian Law (IHL)

Derived from the 1949 Geneva Conventions and the Additional Protocols, IHL applied in armed conflicts fits the final aim ofimposing"IS""(Hufbauer,Schott,& Elliott, 2007): the preservation of international peace and security. IHL's philosophy is to safeguard civilians and fighters who are no longer involved in hostilities during armed conflicts; one of the goals of "IS" is also to safeguard human rights.

Because it governs the legal framework for international crimes that justify international punishment in the case of armed conflicts, IHL is also a source of IS. By defining the type of these crimes, establishing the temporal and spatial frameworks, and specifying the required penalties-such as genocide,premeditated murder, torture, targeting civilians, child recruitment,and crimes against humanity in general-it serves as the international constitution for prosecuting offenders worldwide. With the possibility of punishing nations that breach the provisions and rules of this law, the concept of universal jurisdiction lets this law pursue offenders at the worldwide level.

The legal basis for the creation of the ICC and special international criminal tribunals has been IHL. The ICJ, therefore, bases its rulings on punishing countries breaching IHL as well as people accountable for such breaches. The ICC and special international criminal tribunals, likewise, base their punitive judgments against offenders in the targeted state on the legal principles of IHL.

Fourth requirement: International Treaties

International treaties create legal responsibilities between signing and ratifying countries, therefore providing legal foundation for "IS". Should a country violate these commitments, the others could punish them under the applicable international treaty controlling such sanctions. Among such treaties are the Treaty on the Non-Proliferation of nuclear weapons, which bans nuclear testing, and the Chemical Weapons Convention, which creates legal responsibilities to ban the manufacture and trade of chemical weapons. As seen in the instances of North Korea and Iran, these treaties offer the legal basis for implementing"1S"against states breaching them. International customs can even be a legal foundation for “IS” since they are a source of international law.

Fifth requirement: The International Court of Justice

As a United Nations body, the ICJ has among its main responsibilities guaranteeing world peace and security, following the Security Council (Elliott,1998). When states decide to bring their case to the ICJ, it also acts as a legal advisory body in conflicts between them. It offers legal advice to the Security Council or the UNGA. It also decides on the legality of “IS”imposed outside the United Nations' system when a state impacted by these sanctions files a complaint. Should they breach international law, the ICJ may rule against the countries applying“"IS".A real-world illustration of this is the one in which Iran disputed thevalidity of U.S. sanctions in 2018, claiming they violated international treaties. In the matter of Nicaragua v. United States, the ICJ decided that U.S. imposed"IS"were illegal since they breached international law terms10. The court might also ask for the alteration or suspension of these sanctions pending complete handling of the case. Examining the legality of “IS”in line with international law-especially when they are imposed outside UNSC framework-helps us to draw a conclusion on the relationship between the ICJ and the philosophy of“"IS".The court also provides advisory opinions that judge the legitimacy of sanctions in relation to international law.

Sixth requirement: International Criminal Courts

Judicial institutions focusing on deciding offenses violating international lawll,ICCs are Among these courts are several temporary special criminal tribunals12and the ICC13. Aiming to attain international justice and strengthen the rule of international law, the legal philosophy underlying

these courts in the domain of

9- States may impose unilateral international sanctions without resorting to the UNSC. An example of this is the U.S. sanctions against Iran. Additionally, international sanctions can be imposed by a group of states or an international organization, such as the sanctions imposed by the Gulf Cooperation Council (GCC) against Qatar,and the international sanctions imposed by the European Union against Libya.

10_ Iran based its objection on the 1955 Treaty of Amity, Economic Relations, and Consular Rights signed with the United States. Indeed, the International Court of Justice accepted Iran's claim and issued provisional measures in favor of Iran.

11. These crimes include: crimesof aggression by one state against another, crimes against human rights, and crimes falling under the umbrella of IHL.

12- The headquarters of the latter is in The Hague, Netherlands, and it is responsible for prosecuting individuals,not states.

13_The following are examples of special criminal tribunals:

- The United Nations created the International CriminalTribunal (ICT) for the former Yugoslavia (ICTY) in 1993 to bring war crimes cases against those involved in the former Yugoslavia's conflicts.
- ICT for Rwanda: Established in 1994 to prosecute those responsible for the genocide in Rwanda.
- A court set up to punish those accountable for war crimes and crimes against humanity committed during the Sierra Leone Civil War,the Special Court for Sierra Leone (SCSL).
- A court set up to punish those accountable for the murder of former Lebanese Prime Minister Rafik Hariri and related offenses,the Special Tribunal for Lebanon (STL).

international punishment seeks to deter people and governments from breaking international law. This helps to maintain world security and peace. Though,despite these goals, this ideology struggles with issues including the politicization of these courts by major powers and, in many instances, their decisions are not carried out because of insufficient international cooperation or flat-out refusal to cooperate.

THE SECOND TOPIC: Objectives of the Legal Philosophy of International Punishments

The legal philosophy underlying international punishments serves legitimate and good goals. In line with the ethical values of these punishments (Amstutz, 2013,p. Chapter 10) as described in Chapter VII of the United Nations Charter,one of its main objectives is to prevent the use of military force. A state, an international coalition, or UNSC could use this philosophy as a mechanism of precautionary international pressure to urge people and governments to alter their conduct in line with international law.Among the main goals of this philosophy are:

First requirement: Protection of International Peace and Security

This legal theory is used to apply international pressure meant to stop people,governments, or organizations endangering world security from carrying on their activities. It is applied to limit the growth of events like military aggression, terrorism, or any arms programs that could compromise world peace and security.14 History has shown that a basic spark of insecurity can set off catastrophic wars, therefore it is imperative to stop any conflict from intensifying.

Second requirement: General and Specific Deterrence

This legal theory is used to discourage people, governments, and organizations by means of particular deterrence,15 such as discouraging occupying states from holding territories of other countries, preventing states from implementing programs for manufacturing nuclear or chemical weapons, discouraging states

14- This is achieved through the imposition of international sanctions that prevent members of the international community from supplying the state threatening international peace and security with programs, knowledge,technology,raw materials, or any form of cooperation in the military sector.

15- Naturally, we are addressing the topic of international pressures within the framework of international law,that is, within the context of international justice and legitimacy under the umbrella of the United Nations,the Security Council, and all its agencies. However, in the context of illegitimacy, we find the Israeli entity unlawfully occupying Palestine, continuing to expand settlements, committing massacres and ethnic cleansing,and developing a program for the production of internationally banned weapons, including chemical, nuclear,phosphorous, and biological weapons. It has also refused to implement the United Nations resolutions of 1967concerning the borders of the State of Palestine, and has consistently rejected all international rulings issued by the International Court of Justice. Despite all this, no international pressure is exerted on it, and many resolutions put forward by the Security Council are vetoed by the United States, illustrating that the Israeli entity is not subject to international law. that support or host terrorist activities, and, in general, discouraging states from acting or participating in activities that violate the peremptory norms of international law in all its spheres. In the end, particular deterrence acts as a general deterrent to the rest of the international community, therefore

stopping others from following the same illegal route.
Third requirement: Reform and Behavioral Change
This legal theory is also used to force members of the international community who act in ways that violate international law to change their policies and practices. The international community is forced to protect oppressed populations from their own governments by enacting international political or economic sanctions against these governments and powerful individuals who are directly responsible for the appalling or disastrous humanitarian conditions,especially in the area of human rights.

Fourth requirement: Achieving International Justice
This legal theory is applied to pressure people or governments violating international law in its whole o in particular domains, therefore strengthening the supremacy of international law and guaranteeing responsibility for their deeds. This then promotes the quest of international justice.

Fifth requirement: Promoting Human Rights
In accordance with the rules of IHL, this legal theory is also used to advance human rights by pursuing those who violate those rights, whether in times of peace or armed conflict. Travel restrictions, asset freezes, and in some circumstances,requests for prosecution before the ICC or special international criminal tribunals are examples of sanctions.
Sixth requirement: Achieving International Cooperation
Especially when it is legitimate and consistent with international law, this legal philosophy is also applied to foster a spirit of solidarity and international cooperation. This happens when the United Nations or an international group imposes sanctions collectively.

Seventh requirement: Creating Negotiation Incentives
This legal theory is also applied to generate negotiating motivations. Often,governments that breach peremptory norms of international law decline to sit at the negotiating table with another state, an international bloc, or a UN envoy,even if their actions breach international law. But, such governments are forced to negotiate if they suffer major economic and social consequences.

Eighth requirement:Discouraging Funding of Illegal Activities.
This legal theory is also applied to discourage the financing of actions opposing the peremptory standards of international law. Sometimes the only way for the world to fight events like the growth of terrorism, drug trafficking, human trafficking, or government repression by some countries is through "IS".Sanctions are applied to the government itself and people as a way to handle these problems.

Ninth requirement: Weakening Systems that Violate International Law This legal theory is also used to undermine governments breaking international law, particularly those that reject human rights or continue with terrorist international policies. This is especially true when such governments ignore international criticism and are economically and politically strong via their global political and economic ties. In such situations, the international community works to cut these ties and so undermine the ruling regime, therefore forcing it to change its illegal path. This might also help to create civil society pressure groups in the targeted country.

Tenth requirement: Encouraging Civil Society and Peaceful Opposition
This legal theory is also applied to reduce the political power of governments breaking international law. Particularly in the social sector-including public services like healthcare, education, employment, social security, and retirement-this weakening shows in many different ways. This dynamic gives civil society more power and freedom to claim its rights by means of peaceful protests, which could either topple repressive governments or compel them to abandon their path of violating international law, particularly human rights.

THE THIRD TOPIC: Types of International Sanctions
"IS" are measures and precautionary actions taken by a state, an international bloc, or an international organization against individuals, entties,or states violating international law in one or more of its domains. Their goal is to pressure them in many areas-especially political, economic, security, and social-so they will change their illegal activities and conduct. Once their specified time runs out or via their annulment by the imposing state,international bloc, organization, or judicial body that first imposed them, these sanctions could be lifted (Roger Matthews; John Binns,2025).

These sanctions come in several forms:
First requirement: Economic Sanctions
An instrument for pressuring a targeted state to accomplish political,economic,or social goals within that state is the imposition of international economic sanctions. These sanctions cover every facet of the targeted state's economy, both at home and abroad. Among the most common types of economic sanctions are:

First section: Commercial Sanctions
Commercial sanctions could be relative, including the ban or limitation of the import or export of particular

commodities. These can be the prohibition of advanced technologies or weapons, certain semi-finished or finished products,or the ban on particular raw materials. They can also be total, as in the case of individual "IS", which call for the cutting of all economic ties. Usually, this happens when diplomatic ties are cut.

Second section:Prohibition of Economic Aid

Often, economically strong countries help those less so. Economically strong countries might, however, stop their financial support if the governments of these poorer countries turn oppressive, fight human rights, or act illegally under international law. Moreover, they could urge the world to impose equivalent sanctions as a way of pushing the rogue stateto follow international law.

Third section:Economic Blockade

A total embargo on all economic activities with the targeted state defines an economic blockade. Usually, these are applied to countries like North Korea that ignore international law and the United Nations and continue their nuclear program endangering world peace and security.

Fourth section: Investment Ban

Most nations want to draw foreign capital to boost their economies, thus they might urge their investors to put money into particular states. Targeted nations,on the other hand, could suffer economic penalties in the shape of a total investment ban or a ban on foreign companies investing in particular industries.Such a ban's goal is to weaken the economy of the nation, therefore driving it to change its political path.

Fifth section:Banking Restrictions

These sanctions aim to weaken the operations and monetary policy of the state subject to sanctions by prohibiting financial institutions-including central banks, public and private banks, or even mixed banks-from interacting with many financial institutions of the state. When the United Nations imposes these sanctions first, they are most successful; when economic blocs, like the European Union, impose them, they are moderately successful; when a single nation imposes them, as with the sanctions the United States placed on certain nations,they are less effective or weak.

Second requirement: Personal Financial Sanctions

As a kind of pressure, personal financial sanctions are placed on powerful people inside corrupt governments breaking international law, especially human rights. These people endanger international peace and security as well as the people. Such sanctions consist of freezing their financial accounts in several international banks, freezing their assets-both real estate and movable properties abroad-barring financial transactions with these targeted people, and imposing fines taken from their foreign accounts as recompense for the victims of their illegal activities. Furthermore, regardless of the bank's profitability,these people are not allowed financial services from banks.

First section: Diplomatic Sanctions

Usually, one country, an international bloc, or a group of countries imposes diplomatic sanctions to push the targeted country to undo the reasons of these sanctions.Whether this intervention is legal under internationa law or is an action outside its legal framework, these sanctions are often employed to prevent intensifying international conflicts that could maybe result in military intervention (Walzer, 2006). Regardless, statements of condemnation and denunciation are among the most powerful indicators of the possible movement toward targeted diplomatic sanctions against the activities of a state infringing international law, common international agreements, or even international diplomatic normns. This kind of punishment is exemplified by:

Second section:Restricting Visas and Regular Movements.

One or more countries at various levels apply limiting policies on visas and normal movements against a targeted state. These policies could involve stopping government officials from traveling, denying visas to politicalleaders and diplomats, and drastically lowering the number of visas available to people.

Third section: Suspending Diplomatic Cooperation

A state or group of states may halt their diplomatic cooperation with a targeted state.Apart from stopping formal dialogues and consultations,this suspension could cover diplomatic agreements and other domains or it could involve officially freezing all kinds of bilateral or multilateral talks.

Fourth section: Freezing Membership

A targeted state's membership in international governmental organizations and blocs may be frozen, for example, as an example of an absolute suspension. For example, Egypt's ratification of theCamp David peace deal with Israel resulted in the suspension of its membership in the Arab League. Likewise, after the civil war broke out, Syria's membership was suspended. Additionally, this freezing may be partial, for example, prohibiting the state from attending official meetings of governmentaI organizations and international conferences.

Fifth section:Diplomatic Expulsion

If it is shown that the person is engaged in activities

violating international diplomatic law, or if the diplomat is considered undesirable by the government or the people, states may expel any diplomat from their territory. In such situations, the diplomat has to depart the nation with an official justification forwarded to their home state.

Sixth section: Severing Diplomatic Relations:
Often, diplomatic ties between countries are cut to force the intended state to rethink the justifications for this severance. Usually done in stages, this procedure involves calling the targeted state's ambassador to convey the state's condemnation of the targeted state's activities. With the ambassador and diplomats' expulsion, the process could lead to the withdrawal of diplomatic personnel from the targeted state. In the end, both sides could close their embassies and consulates.

Third requirement: Military Sanctions
Major military powers, international coalitions, or the international community through a UNSC resolution can also impose military sanctions as a form of pressure on targeted states that violate international law, especially human rights and humanitarian law, and endanger world peace and security. Among these penalties are:

First section1:Indirect Military Sanctions
All kinds of military punishment save for direct intervention-such as freezing all kinds of military cooperation, including joint training and exercises,cooperation agreements, and freezing all arms deals-fall under this category.The targeted country could also be kicked out of military alliances it formerly belonged to.

Second section:Indirect Military Intervention
Supporting opposition groups or supporting the state in conflict with it militarically could constitute indirect military intervention against a targeted state under IS. The military assistance given by the United States and European Union members to Ukraine following Russia's military incursion is one such example. Imposing a no-fly zone over the targeted state would be another kind of indirect military intervention, therefore barring its planes from operating in the airspace of particular nations.

Third section: Military-Oriented Economic Sanctions

Such sanctions are meant to discourage the targeted countries, which break international law, from more increasing their military might in a manner that endangers world peace and security. Among these penalties are bans on exporting technologies used to create weapons, limits on arms manufacturers,and bans on exporting raw materials or semi-processed materials used to create weaponry.

Fourth section: Military Sanctions on Individuals
Military leaders and senior officials are subject to these sanctions,which include freezing their foreign assets,limiting their travel, or calling for their prosecution before the ICC or other special international criminal tribunals. Military attaches at embassies could also be expelled. These penalties are meant to weaken the morale of the military commanders of the aimed-at country.

Fifth section: Court Sanctions
Imposed on states and people for breaches of international law in general, IHL,or HRL, judicial sanctions are those set by international judicial bodies including the ICJ, the ICC, and special international criminal tribunals. From criminal, civil, political, diplomatic, to even economic sanctions, the kinds of decisions made by these sanctions can vary.16

Sixth section:Media Sanctions
States breaking international law might use the media to promote and publicize their illegal activities, including human rights violations. International powers with the capacity to regulate media and the internet, such the United States, or international coalitions like the European Union, may impose media sanctions in reaction. When carried out by the United Nations, these sanctions are most successful and show themselves in the following forms:

- Prohibiting media outlets from broadcasting internationally,putting them on blacklists to stop foreign transactions, and maybe fining their operators.
- Personal sanctions, such as banning all media accounts on social media sites that spread the state's policies, are imposed on prominent journalists who work together to promote those policies.
- Preventing these channels from airing on international television networks or satellites, as well as blocking websites on social media and search engines.
- Using search engine filters to limit international access to media material connected to the targeted country.

16. The types of international sanctions have been previously explained; however, it is important to distinguish between legitimate and illegitimate sanctions. Sometimes, illegitimate sanctions are implemented through legitimate mechanisms.

Seventh section: International Sports Sanctions
Global sports organizations like the World Anti-Doping Agency (WADA), the International Olympic Committee (IOC), and the Fédération International de

Football Association (FIFA) impose these sanctions on athletes, teams,clubs,federations,and Olympic committees.

- Sanctions for athletes could be permanent or temporary suspensions, title and medal withdrawals, fines for activities or conduct violating international law or the rules of these worldwide sports organizations.
- Sanctions for teams or clubs could include bans on participating in international competitions, prohibitions on signing foreign athletes, or required matches without spectators.
- Sanctions for Olympic committees and federations could include cancelling their membership in international federations and Olympic committees and forbidding them to hold international championships in several sports.

THE FOURTH TOPIC: Evaluation of the Philosophy of International Sanctions

This part will assess the philosophy of"IS",emphasizing its theoretical framework in both its legitimate and illegitimate forms, whether imposed by the United Nations, an international governmental organization, a regional bloc, or unilateally. I will also discuss the practical difficulties of this philosophy and the critiques aimed at it, therefore offering other options. Moreover, I will underline what certain academics have said about the character of this philosophy in practice, especially with regard to the prospect of justifying unlawful penalties (Kelsen,1970,p.25).

First requirement: Real-World Challenges to the Philosophy of International Sanctions

Some international law experts believe that the theory of international punitive measures against states and organizations, as well as other members of the international community, is weak and ineffectual (Ghodoosi,2015),with serious practical issues plaguing its underlying principles. UNSC, the ICJ, the ICC,special ICCs, and even the individual sanctions imposed by a state, organization,or international bloc against a targeted country-whether they are deemed illegitimate or justified by national security concerns-all exhibit these difficulties. The difficulty might even go as far as assessing how strong and cohesive the economy and society of the targeted state are.

Among these challenges are the following:

- The complicity of certain states, economic actors, or multinational corporations revives parallel international economic relations by means of low prices of goods, commodities, resources, and wealth in the state under international economic sanctions.
- Major world powers' political use of "IS" undermines the respect of the international community for international law and global justice.
- Though the ICC is independent,17it has no global power to guarantee the implementation of its rulings.
- The legal philosophy of prosecution in the ICC presents another difficulty: it permits one member state to file a case against another state,even if the latter is not a member,18 provided it has committed crimes against IHL.19 The legal philosophy of prosecution in the ICC presents another difficulty: it lets one member state file a case against another state even if the latter is not a member provided it has committed crimes against IHL. This is founded on the philosophy of referral, whereby the member state relinquishes its right to prosecute people in another state to the ICC. Non-member countries, including the United States, have rejected this idea.
    - U.S. dominance as the world's strongest military power and second strongest economically has not exempted it from influencing international courts.
    - The issue of U.S. national security, where it can object to decisions made by the ICC as one of the UN bodies, or the decisions of the ICJ,if it deems them to be contrary to its political or economic interests,either international or domestic. The United States views them as a danger to its national security. The same is true for Israel, which the United States views as part of its national security.
    - The same holds true for Israel, which the United States views as part of its national security. Implementing "IS" in regard to sovereignty, as the United Nations Charter specifies the equality of sovereignty among all

17- Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17,1998,the Rome Statute of the International Criminal Court.

18-On December 29,2023,South Africa, as a member of the International Criminal Court,filed a genocide case against the Israeli entity, arguing that it is not a member of the Court.

19. The most serious crimes of concern to the international community as a whole within the Court's jurisdiction under Article 5 are: genocide, crimes against humanity, war crimes, and the crime of aggression.

nations, presents a challenge. This brings up the question of the power to carry out“"IS"resulting from the rulings of the ICC and the ICJ.Conversely,the United States does not believe it has equal sovereignty with other nations either implicitly or explicitly; it usually sees itself as having greater sovereignty because of its military might, a perspective not held by China or Russia.

- The enforcement of many of the ICJ's rulings is

weakened by the United States' decision to withdraw from membership in the Court and claim it is not bound by its rulings,despite being the largest nation in the world.
- The issue of the United States' contempt for the ICC's judges, which goes so far as to threaten sanctions against them, puts pressure on them to take action against those who violate IHIL.
- The problem of non-permanent Security Council members' discontent with one permanent member's use of the veto power, which results in the freezing of legitimate "IS" decisions against targeted states. Scholars,researchers, and politicians demand that an alternative global system be considered in place of the United Nations and its various bodies as a result of this discontent, which develops into discontent with the UN Security Council's legal voting system.
- The difficulty of not being able to locate tools to offset the severity of "IS"with the detrimental effect on fundamental human rights.

Second requirement: Criticisms of the Philosophy of International Sanctions

Often, the world criticizes big nations, particularly the United States, for applying unilateral sanctions on specific countries because of their lack of worldwide legitimacy. The United States, though, sees these sanctions as legitimate if they endanger world peace and security. Moreover, the U.S.defends its one-sided strategy when the Security Council neglects to handle these concerns because a permanent member blocks the implementation of these sanctions by exercising veto authority (Abedin, 2022).

Particularly in relation to international economic relations, the philosophy of "IS" is inerwoven with the domestic economies of the targeted countries.20Sanctions might disturb many production chains depending on imported raw materials;local product export cessation causes production company bankruptcy and worker layoffs. This then leads to a significant lack of hard currencies. All

20_ The effectiveness of international sanctions on the targeted state is closely related to the source of the sanctions. When the United Nations is the source, the sanctions are typically more powerful than those imposed by a regional or international bloc. They are weakest when imposed by a single state.

of these terrible circumstances affect the people socially and in terms of human rights. When famines, malnutrition, and child mortality arise with no efficient action to stop them, these sanctions may even cross ethical boundaries as the philosophical viewpoint behind international economic sanctions is often to incite popular movements and revolutions to overthrow ruling regimes without resorting to military intervention, therefore ignoring the terrible humanitarian conditions of the people. Iraq and Somalia are two nations whose populations suffered from this punitive ethical barbarism; in both cases, even the importation of medication was banned.

Nonetheless, a few of the primary objections to the theory behind "IS" include:
- Sometimes, especially with economic sanctions, the international community does not come together to carry out "IS" because it lacks a sense of international justice under which these sanctions are applied.
- Major world powers, especially the United States, often do not adhere to international law concerning these sanctions.
- The pressure major powers put on international judicial systems21 in charge of imposing "IS" often results in the politicization of such decisions, therefore undermining the credibility of these institutions.
- The politicization of international dispute cases that do not necessarily call for international punishment, such as the economic sanctions imposed on Iraq despite its adherence to international law.

The politicization of United Nations agencies, including the International Atomic Energy Agency, which occasionally publishes false reports like the one on Iraq having weapons of mass destruction.

Third requirement: Alternative Solutions to the Philosophy of International Sanctions

"IS" imposed outside the framework of UNSC may develop into a worldwide punitive campaign that seriously affects international economic relations and has effects for the living conditions of societies. Sanctions the European Union and United States placed on Russia following its invasion of Ukraine are one such illustration. This campaign resulted in the diplomatic activities of these nations,urging most of the globe to willingly cut economic links with Russia and quickly freeze its financial assets, therefore producing a scenario akin to a worldwide economic war. These actions did not stop Russia from its goals or force it to leave,though. Rather, they helped to considerably raise energy prices

21- For example, the International Court of Justice (ICJ) has the authority to issue international sanctions against states that violate international law. On the other hand, the International Criminal Court (ICC) can issue international sanctions against individuals from states targeted by international sanctions.

and the prices of strategic food commodities like wheat, corn, and rice, which endangered the economic expansion of many nations, both rich and poor.

Drawing on this, other options to "IS" have to be carried out (Köchler,1998,pp.63-84), including smart sanctions, flexible sanctions, and strengthening the judicial function of the ICJ in carrying out

international economic sanctions.

First section:Smart International Economic Sanctions

Instead of applying them to the whole targeted nation, the philosophy of smart international economic sanctions emphasizes targeting particular people and the kind of sanctions imposed on them, so offering a counter to conventional sanctions. The aim is to limit the harm and stop it from impacting the whole population. While the philosophy of targeting seeks to pressure powerful government officials complicit in policies violating international law with the aim of forcing them to reverse such policies, the philosophy of generalization usually harms human rights more. This philosophy also has the potential to paralyze and dishearten the activities of sectors connected to breaches of international law. Thus, the greater the international community works in applying this idea, the higher the success rate. Ideally, smart economic sanctions should be imposed by the United Nations or by global economic blocs such the European Union or the BRICS group.

Targeting people on a financial level-freezing their foreign assets, stopping their financial transactions, and banning financial dealings with institutions they own-is one of the main policies of this philosophy. These people might be prohibited from traveling in terms of mobility, and systems should be in place to track and arrest them should they depart their country. Legal entities they own,connected to breaches of international law, can also be blacklisted, therefore barring their ability to create any international ties and levying penalties forthe benefit of the victims. Public government departments engaged in activities that breach international law or that support the government in carrying out policies opposite to it should also be focused. Freezing imports and exports connected to these industries would help. At the technological level as well, all kinds of technological cooperation supporting the growth of these industries-especially those connected to internationally banned weapons endangering world peace and security-should be forbidden.

Second section:Flexible International Economic Sanctions

Because it allows for flexibility in controlling the level of enforcement, whether through tightening or easing, the concept of flexible international economic sanctions is of excellent quality. These are international economic sanctions imposed on a targeted state or entity by a state, a group of states, or an organization. The strategy is distinguished by its gradual implementation and wisdom of adaptation, which are suited to the behavior of the intended state. The targeted state's entire international economic relationship may be covered by this flexibility, or it may concentrate on particular areas involving transgressions of international law. Since the ultimate goal is to return the targeted state to a path of respecting international law without adversely affecting human rights, the wisdom of this philosophy lies in the fact that the state or states imposing the sanctions do not aim to achieve specific objectives in all areas of the targeted state's domains, whether political, economic, or social.

The following are some essential elements of the flexible international economic sanctions philosophy:

- Sectoral Flexibility: The idea of flexible international economic sanctions allows for the targeting of particular industries, such as the military,media, energy, and arms manufacturing, without applying to the whole economy.
- Temporal Flexibility: The philosophy may set time limits for the sanctions, such as enforcing them for a set amount of time and then suspending them after that time has passed. The suspension can be either complete or partial, depending on the degree of response, since even a partial suspension encourages constructive change.

Outstanding Flexibility: The flexible international economic sanctions concept does not target the targeted state's entire international economic relations or all of its domestic economic sectors. Human rights issues,especially those pertaining to food and health, are typically exempt.Additionally, this extraordinary adaptability serves as a catalyst for the targeted state to modify its conduct in accordance with international law.

Gradual Flexibility: Flexible international economic sanctions are implemented using a gradual framework that corresponds with the degree of response of the targeted state to international law criteria. This gradual strategy also acts as a motivating element for the targeted state to change its behavior in line with international law.

- The philosophy of flexible international economic sanctions can be modified to impact new economic sectors while exempting sectors that were formerly sanctioned. The wisdom of this change is in finding the industries that really promote breaches of international law. Moreover, the concept of adaptation increases public awareness and holds leaders accountable to follow international law criteria.

The concept of international economic sanctions is smartly programmed with flexibility by means of research centers and professionals specializing in many areas: political,economic,cultural,social, military,and security. With the option to change them,these professionals examine the state of the targeted country and confirm whether the objectives of these sanctions are being met. These experts and centers evaluate the effect in relation to the results of the responses.

Third section: Strengthening the Judicial Role of the International Court of Justice in Economic Sanctions

Growing its participation in handling the sanctions imposed by states or international organizations against specific countries strengthens the judicial function of the ICJ in the field of international economic sanctions. This enhancement is important in settling international conflicts resulting from these sanctions. The significance of this improvement is in the respect of the international community for international law, as the ICJ symbolizes international justice and the defense of the rights of states and people, especially human rights. This guarantees international legitimacy by matching the degree of international economic sanctions with the seriousness of the targeted state's breach of international law, therefore avoiding abuses by the sanctioning state.Though some "IS" are justified, their unclear philosophy has drawn criticism from many angles (Kociolek-Peksa & Peksa, 2017, pp. 73-92). Among these
vagueness are:

- Double Standards: Sanctions are applied unevenly and reflect international politics rather than unadulterated legal values.
- International economic sanctions, such as economic blockades, usually harm the people of the targeted state more than the government.
- Some countries break international law in defiance of the sanctions,which calls into question the efficacy of sanctions as a deterrent instrument.

CONCLUSION

Decisions of UNSC, the ICJ, the ICC,special international criminal tribunals, as well as international organizations and coalitions such as the European Union,based on international law in its written and customary sources across many domains,provide the legal basis for legitimate""ISagainst states or individuals.States' domestic laws for safeguarding their national security also provide this basis. Sanctions, though, can be contested in front of the ICJ if they are found. illegal.

The aims of the legal philosophy of "IS" are to safeguard international peace and security by means of general and particular deterrence of people, states, or entities endangering world security and breaching international law. This is meant to change the world by weakening systems that violate international law and supporting civil society and peaceful opposition to reject the policies of the ruling regime, therefore attaining international justice. It also aims to dissuade the funding of unlawful activities, so generating motivations for negotiation and promoting international cooperation to strengthen the supremacy of international law,especially human rights.

Among the most important penalties are international economic ones, which act as a means of pressure on a government to fulfill political, economic,or social objectives inside that government. These sanctions include commercial sanctions, the banning of economic assistance, economic blockades, investment bans, and banking restrictions; they impact the economy of the targeted state both domestically and internationally. Following these are personal financial sanctions placed on powerful people in corrupt governments breaching international law, especially human rights, as a means of applying pressure.These people endanger international peace and security as well as the people.Such sanctions could involve freezing their financial assets in international banks, freezing their control over foreign real estate and movable property,banning financial transactions with these targeted people, and imposing penalties on their foreign accounts in compensation for the victims of their illegal activities. Global banks are also forbidden from offering financial services to these people, therefore excluding any profit from such dealings.Military sanctions can also be applied indirectly by freezing all arms sales and all kinds of military cooperation, including joint training exercises and maneuvers. The no-fly zone could stop the targeted country's planes flying in the airspace of particular nations. It could also be kicked out of military alliances it formerly belonged to. Military-related economic sanctions could also be applied,such as prohibiting the export of technological developments utilized for weapon manufacture and limiting arms-producing enterprises. Military leaders and high-ranking officials may also face personal sanctions, such as asset freezes, travel bans, or calls for prosecution before the ICJ or international criminal tribunals. To undermine the morale of the military leadership in the targeted country, military attaches stationed in embassies may also be expelled To pressure the targeted state into reversing the causes of these sanctions, one state, an international bloc, or a group of states could impose diplomatic sanctions. Usually starting with declarations of condemnation and denunciation of the violating country's actions against international law or shared international agreements, these sanctions Diplomatic sanctions might involve limiting visas and regular travel, halting diplomatic cooperation, freezing international body membership, expelling diplomats, and perhaps even cutting diplomatic ties.Media sanctions could also include blocking media sources from international broadcasting, blacklisting them to stop international transactions, and fining their operators. There might also be bans on satellite or international television network broadcasting, as well as website blocking via social media and internet search engines. Moreover, personal penalties could

be placed on reporters who support the policies of the targeted state, including blocking all media accounts across social media platforms, therefore restricting international communication about the policies of the targeted state.

The philosophy of "IS", however, confronts many practical issues in spite of this, including the political use of "IS" by the major world powers,which undermines the respect of the international community for international law and global justice. International economic sanctions also tend to have little effect on economically strong countries or those more socially cohesive. Moreover, the involvement of particular countries, economic players, or multinational corporations can occasionally enable parallel international economic ties to thrive. The national security issues of the United States pose another difficulty since it may disagree with choices made by the ICJ or ICC on the basis of its national security.

Another problem is applying""ISwith regard to sovereignty. Implicitly and openly, the United States does not believe its military power gives it equal sovereignty with other countries, a view not held by China or Russia. The United States has therefore ignored ICC members and even threatened sanctions against its judges. Furthermore, the unhappiness of non-permanent Security Council members with the veto power used by one of the permanent members causes international sanction decisions against targeted countries to be frozen,even if they are legitimate. Moreover, this approach has not created systems to offset the seriousness of international penalties with their detrimental effect on even the most fundamental human rights.

On this basis, the philosophy of "IS" has sometimes been attacked for the failure of major world powers to follow international law in relation to these sanctions, in addition to pressuring international judicial bodies involved in issuing these sanctions, with the aim of politicizing them, which undermines their credibility. This is combined with the politicization of UN-affiliated organizations, such as the International Atomic Energy Agency, and the politicization of international conflicts not calling for〖^''〗IS^''.Consequently,the international community sometimes declines to work with"IS",' especially economic ones, because of a lack of perceived international justice in their use.Consequently, smart sanctions, flexible sanctions, and enhancing the judicial function of the ICJ in enforcing international economic sanctions are among the other options to “IS” that have to be carried out. The legal philosophy of “IS”should reflect a balance between protecting international peace and security and achieving justice among members of the international community, so upholding international law in all its domains.

REFERENCES

1. Abedin, S. (2022, 02 10). International Sanctions: The Dilemma of Humanization. Retrieved from Al-Ahram Center for Political and Strategic Studies:https://acpss.ahram.org.eg/News/17396.aspx
2. Amstutz, M. R. (2013). International Ethics: Concepts Theories and Cases in Global Politics.Lanham:Rowman and Littlefield Publishers Inc.
3. Cortright, D., & Lopez, G. A. (2000). The Sanctions Decade: Assessing UN Strategies in the 1990s.Boulder Colorado:Lynne Rienner Publishers.
4. Elliott, K. A. (1998). The Sanctions Glass: Half Full or Completely Empty.International Security,23(1).
5. Ghodoosi, F. (2015). The Sanctions Theory: A Frail Paradigm for International Law. Harvard International Law Journal Online.Retrieved from https://ssrn.com/abstract=2584743
6. Hufbauer, G. C., Schott, J. J., & Elliott, K. A. (2007). Economic Sanctions Reconsidered (3rd ed.).Washington DC:Peterson Institute for International Economics.
7. Hufbauer, G. C., Schott, J. J., Elliott, K. A., & Oegg, B. (2007). Economic Sanctions Reconsidered (3rd edition ed.). Washington DC: Peterson Institute for International Economics.
8.
9. Kelsen,H.(1970).Pure Theory of Law. Berkeley Los Angeles: University of California Press.
10. Köchler, H. (1998). The Principles of International Law and Human Rights. In H. Köchler,Democracy and the International Rule of Law Propositions for an Alternative World Order.Vienna New York: Springer.
11. Kociolek-Peksa, A., & Peksa, W. (2017). Multidimensional and Equivocal: The Theoretical and Philosophical Issues of Legal Sanctions. International and Comparative Law Review.doi:10.2478/iclr2018-0016
12. Roger Matthews ; John Binns. (2025, 01 20). International Sanctions: An Introduction. Retrieved from LexisNexis: https://www.lexisnexis.co.uk/legal/guidance/international-sanctions-an-introduction
13. Ronzitti, N. (2016). Sanctions as Instruments of Coercive Diplomacy: An International Law Perspective. In N. Ronzitti, Coercive Diplomacy Sanctions and International Law. The Hague: TMC Asser Press.
14. Salim,A.G.(2008). The Future of International Sanctions at the United Nations (1st ed.). Cairo: Dar Al-Nahda Al-Arabia.
15. United Nations. (2025). Chapter 7 of the United Nations Charter. Retrieved 02 20, 2025, from https://www.un.org/ar/about-us/un-charter/chapter-7
16. Walzer, M. (2006). Just and Unjust Wars: A Moral Argument with Historical Illustrations (4th ed.).New York: Basic Books.