INTERNATIONAL LEGAL SANCTIONS AS A TOOL FOR ENSURING PEACE AND SECURITY

The article explains the author's view of "international legal sanctions" and their features as an instrument for ensuring international law and order, peace and security. Using the example of international legal sanctions imposed on international law and order violators, the author examines the current threats that have become the basis for imposing sanctions on countries that violate international law and order and security. The author also examines the effectiveness of international legal sanctions and the degree of achievement of the desired goal.

It is determined that each case of application of international legal sanctions has its specific features, given that the achievement of their purpose depends on a significant number of conditions, circumstances and factors. The author suggests ways to improve the implementation of sanctions mechanisms to avoid the possibility of the aggressor country circumventing them with the help of other subjects of international law and international financial and industrial groups.

Keywords: international legal sanctions; international legal order, peace and security; international law; national interests.

Statement of the problem. Since the beginning of the full-scale invasion of Ukraine by the Russian Federation, the international security architecture, which had been developed over decades, has been distorted. In the context of a full-scale war in the centre of Europe, given its clear motives and the aggressor's goals, the European community has found itself in a state of fear and uncertainty about the likelihood of the spread of hostilities to its territory. It raised the question of restoring peace, international law, order and security, and coexistence based on the principles of international legal relations and democratic values.

Since the beginning of its military aggression against Ukraine, the Russian Federation has deliberately violated the universally recognised principles and norms of international law and the UN Charter. The task of this global international organisation, as set out in Article One of the United Nations Charter, to maintain international peace and security and, to this end, to take effective collective measures to prevent and remove threats to the peace, suppress acts of aggression or other breaches of the peace, has been neglected, including by the UN itself, due to the existing gaps in its ability to make decisions and influence the violator of peace and international security. Therefore, this war should prompt a review of the instruments for maintaining peace and security worldwide.

Reacting to the state of international legal relations, in particular to the aggressive policy of some states, other countries can use not only the mechanisms defined by the UN. In particular, states, individually or as part of a coalition of states and international organisations, can take appropriate measures in response to violations of international law, including punishing the offender and taking preventive measures to maintain international law and order and de-escalate aggressive behaviour.

Despite a significant number of available mechanisms at the disposal of the international community and international organisations about violators of international law and order, peace and
security, today, one of the levers of influence of the civilised world community, forcing them to stop their illegal and aggressive intentions and actions, restoring international law and order and peace, is the introduction of sanctions restrictions to return to a state of compliance with the norms and principles of international law, peace and security.

Nowadays, sanctions are one of the instruments of international policy to ensure international law, order, and security. They are an alternative to influencing a violator of international legal relations before using military force. International legal sanctions negatively affect the state to which they are applied. Their purpose may be to prevent actions and policies, encourage them to change, and stop actions that negatively affect peace and security, and thus international legal relations and the rule of law.

International legal sanctions significantly impact geopolitical processes, particularly international cooperation and partnerships, including the formation of military and political alliances by countries that have already been subject to international sanctions or are likely to be subject to them. In addition, they are a means of securing the country's national interests or coalition of countries that initiated them. This, in turn, causes tension in the international arena and undermines civilised and diplomatic relations.

In the context of the civilised world's reaction to the military aggression of the Russian Federation against Ukraine, sanctions are currently the most important tool of pressure on the aggressor to force it to peace, restore the territorial integrity of our country, and respect for Ukraine's independence, sovereignty and national interests.

Analysis of recent research and publications.

The issues of international security policy, as well as the place and role of international legal mechanisms for regulating the international legal order, have been studied by domestic scholars, namely: M. Baimuratov, M. Buromenskyi, V. Butkevych, O. Butkevych, V. Vasylenko, M. Mykievych, I. Nursulaev, Y. Hobby, K. Flissak, O. Shpakovych and others. To date, systematic and comprehensive dissertation studies have been carried out on the problems of applying international legal sanctions as an instrument for maintaining international law and order, peace and security. In particular, Y. V. Malyshева studied the legal nature of targeted sanctions of the UN Security Council, the importance of targeted coercive measures in ensuring international peace and security [8].

R. A. Abdulayeев studied the theoretical and practical aspects of international law regulation of the European Union sanctions institution and identified the peculiarities of its practical application [4]. In turn, Y. I. Gorda carried out a comprehensive scientific and theoretical analysis of international economic sanctions as a component of the mechanism for applying the public policy clause in private international law, establishing the grounds for its application in the context of international economic sanctions through the prism of the doctrine of law and with a projection to national, foreign judicial and arbitration practice [6].

For the most part, international legal sanctions are considered one of the most common means of achieving political or economic goals. However, the academic and expert community is divided on the effectiveness of sanctions in maintaining international law and order, peace and security. The history of their introduction shows cases where sanctions have led to changes in the country's behaviour, as well as those that have failed to deliver the desired results due to various circumstances. Therefore, the purpose of this article is to study the impact of the effectiveness of sanctions mechanisms on the state against which they were applied, the degree to which they achieved their goals, and to outline measures to improve the effectiveness of sanctions mechanisms as an instrument for maintaining peace, international order and security.

Summary of the main material. Today, the doctrine of international law does not have a generally accepted definition of the terms "international legal sanctions", "international sanctions" and "sanctions". The UN Charter does not mention the term "sanctions" but uses the concept of "coercive actions". However, scholars and experts in the field of international law have their views on the definition of these concepts. In particular, N. Yakymchuk defines sanctions as legal measures of immediate response to violations of law of various kinds, from encroachment on state sovereignty to committing a crime of an international nature, which are temporary and are applied primarily through coercive measures implemented with the use of constitutional, financial, administrative, economic, criminal procedure, executive, economic procedure and other branches of law [1]. In his turn, Y. Sedliar outlined the definition of international sanctions as unilateral or collective coercive non-military actions (diplomatic, trade, economic, financial, cultural) initiated and applied against one or more states in order to force them to change their foreign policy
behaviour and to comply with their obligations to maintain international peace and security [2, p.15].

Researcher V. A. Vedekal believes that in public international law, the concept of "sanctions" is associated not with types of liability, but with coercive measures [3]. R. A. Abdullayev considers sanctions as coercive measures against the offending state, which occur if such a state refuses to voluntarily bear international legal responsibility or did not bear it in full [4, p. 35].

There are also other approaches to the definition of the concepts under consideration, based on which we can draw our conclusions that international legal sanctions are restrictive measures applied by states, a coalition of states or international governmental organisations to influence the intentional unlawful behaviour of a violator of international law, to restore international law and order, peace and security or to prevent violations of international legal norms without the use of military force. Sanctions may be applied to achieve various goals, including political, economic, and military (unauthorised proliferation of weapons; development of nuclear weapons and prohibited weapons), restoration of international law and order, and restoration of human rights.

A characteristic feature of modern international relations is that sanctions are coming to the forefront of international politics and are replacing traditional diplomacy. At the same time, sanctions are being given protectionist, de-globalisation and regulatory features, serving geopolitics and primarily affecting the economy. Sanctions are increasingly acting as protective measures and tools to promote the national interests of specific states, i.e., they are acquiring purely protectionist characteristics in achieving competitive advantages [5].

International legal sanctions are always a manifestation of the powers of subjects of international law, expressed in the forms inherent in these powers and determined by the nature of coercive measures, namely in the form of political (severance of diplomatic relations, termination of membership or expulsion from the UN and other international organisations), economic (full or partial interruption of economic relations) and military sanctions. The application of international legal sanctions always takes place independently and contrary to the will of the offending entity. It is an external reaction caused by an act of will of subjects of international law aimed at forcing the offending entity to fulfil the obligations arising from its responsibility. It is the exercise of the rights of subjects of international law, which aims to enforce protective international legal relations through sanctioning international legal relations [6, p. 20].

Sanctions may be applied to a violator of international law and order, security and peace through economic and financial restrictions, bans on export-import commodity relations, trade, exchange of technologies, etc. Considering the objectives of international legal sanctions, it should be noted that, according to I. S. Nurullayev, certain types of measures can serve different purposes, namely: (a) to compel the cessation of an offence or change the behaviour that leads to a violation of international law; (b) to restrict access to resources necessary for engaging in certain activities; or (c) to signal a violation or to inform the violator of the position on misconduct and to stigmatise the violator [7].

There is a practice of applying international legal sanctions to the offender by the initiating country, a coalition of countries or international organisations. For the most part, different types of restrictions are imposed on the country that violates international relations simultaneously or gradually.

Economic and financial sanctions are applied to diplomatic relations, exclusion from international organisations or restrictions on participation in their work, termination of cooperation in various industries, etc. This combination creates a more comprehensive policy towards a country that violates the international legal order and increases the effectiveness of its application and the likelihood of achieving the desired goal.

The effectiveness of sanctions as an instrument of influence on international law and order violators and security and peace is currently under debate. Most scholars and experts point to shortcomings in the application of sanctions in international relations that are causally related to their introduction, including uncertainty of the ultimate goal to be achieved, the means (types of international legal sanctions) by which the goal will be achieved; damage to the national interests of the country or coalition of countries initiating the imposition of restrictions on the offending country, as well as the causal link to the damage to the national interests of third parties, which in turn may adversely affect international relations; globalisation processes that influence decisions on the types, scope and timing of the application of sanctions mechanisms, etc. Along with the question of the effectiveness of sanctions,
Y. Malysheva draws attention to the consequences for the country to which they were applied. Among them, she highlights the severe humanitarian challenges of applying comprehensive sanctions (in particular, against Iraq), the inability to achieve the purpose for which they were imposed, the deterioration of the economy of third countries due to the termination of economic cooperation with the sanctioned state; and the growth of crime in the territory of the sanctioned state and neighbouring states [8, p. 6].

In our opinion, today, the factors that influence the application of international legal sanctions to a violator of international legal relations are the national and economic interests of the country that imposes them, as well as the definition of the goals to be achieved with the help of this means of influence. The complexity of the effectiveness of sanctions lies in the situational uncertainty of measuring their effectiveness at the stage of their introduction due to a significant number of factors that can have both positive and negative effects on the country under sanctions. It makes it possible to manipulate the topic of the effectiveness of sanctions, which often occurs in the political sphere, in particular in the practice of sanctions against the Russian Federation for its longstanding aggressive foreign policy and, to a large extent, for the outbreak of an undeclared war against Ukraine in February 2022.

Today, there is a diverse experience of the effects of international legal sanctions on violators of international legal relations. Some of them will be discussed in this paper. In particular, sanctions against the DPRK were imposed by the UN in 2006 for the development and testing of a nuclear missile programme, covering a wide range of industries - from military products to strict export and import controls, financial and trade restrictions. In addition, the United States, Japan, South Korea, the European Union, and Australia have imposed sanctions on the DPRK. However, this did not stop the dominant regime from developing nuclear weapons and constantly improving them and increasing their range, nor did it create conditions for changing the DPRK's policy in international relations and relations between citizens and the state.

The first sanctions against Iran were imposed by the United States in 1979 after the Islamic Revolution, and in 2006, the UN adopted six resolutions for developing a nuclear programme. The United States also imposed sanctions. The EU, Japan, Canada, Australia, South Korea, Israel, and the United States joined the sanctions, which prohibit the export of nuclear, missile, and a significant part of military products, foreign direct investment in Iran's oil and gas and petrochemical industries, export of refined products, as well as any contacts with banks and insurance companies, financial transactions, and cooperation with Iran's navy. The sanctions imposed on Iran have led to a decline in the economy and protests against the current government. However, this does not prevent Islamic fundamentalists from building up their military capabilities and pursuing an aggressive foreign policy [9].

However, there are examples of international legal sanctions against aggressor countries that led to the overthrow and change of their ruling regime, as well as the collapse of the state. In particular, sanctions were imposed on Saddam Hussein's regime in Iraq in 1990 because of its military invasion of neighbouring Kuwait. It should be noted that Saddam Hussein's regime was overthrown as a result of defeat in the Gulf War. However, the pressure of sanctions against the state remained until May 2003, when the Hussein regime had already ceased to exist due to a new military operation by Western allies [9].

The application of international legal sanctions against the former state of Yugoslavia was one of the factors that led to its collapse. The sanctions regime against the former state of Yugoslavia was one of the factors that led to its collapse. The sanctions regime against the former state of Yugoslavia, established by the UN Security Council Resolution No. 1160 of 30.03.99, imposed a ban on the supply of arms and military equipment to that country, economic restrictions of the European Union in the financial sphere, a ban on exports to Yugoslavia of goods, services, technologies and equipment that could be used to restore facilities damaged by the bombing, and personal sanctions against individuals. Combined with the military confrontation, the pressure of sanctions led to the breakup of Yugoslavia into separate state entities.

Unfortunately, we cannot ignore the experience that is being formed with the participation of Ukraine. In response to the unprecedented and unprovoked military attack by the Russian Federation on Ukraine, the countries of the civilised world, without the involvement of the UN, have already imposed twelve packages of restrictive sanctions aimed at undermining the Kremlin's ability to finance the war. According to the global sanctions tracking database Castellum, since the end of February 2022, more than 9.1 thousand restrictions have been imposed on Russia, and 11.8 thousand in total since 2014, when Russia occupied Crimea and part of the territory in the East. Today,
Sanctions are the most effective tool of influence on the aggressor country by the civilised world community. However, despite the significant negative consequences for the Russian economy, a significant limitation of financial and industrial capabilities, and increased international isolation, Russia's policy towards the war with Ukraine has not changed. The leadership of the Russian Federation is stepping up its aggressive rhetoric not only against Ukraine but also against Western countries that help Ukraine defend its territorial integrity and preserve its sovereignty.

The above examples show that each case of international legal sanctions is unique and different from the others due to different conditions of their application by the initiators and circumstances that affect the aggressor country in connection with their implementation. In addition, the countries under pressure either adapt to the challenges posed by sanctions in advance or gradually and, therefore, seek ways to minimise their effects and circumvent them. In particular, Iran shares with the Russian Federation its experience of circumventing sanctions through a network of front companies, foreign banks and international financial companies [11]. Therefore, under international pressure to circumvent sanctions, aggressor countries ask for cooperation in various fields and industries, share their experience, and involve other countries that take a neutral position, allowing them to support dictatorial regimes and build up their military and industrial potential. As a result, the purpose of the sanctions restrictions has yet to be fully achieved. In this regard, new ways of international cooperation should be developed to implement international legal sanctions mechanisms and bring to international legal responsibility, including the imposition of sanctions on countries and entities that directly or indirectly facilitate the circumvention of sanctions by aggressor countries.

**Conclusions and Prospects for Further Research.** Despite the existing differences in views on the effectiveness of international legal sanctions to ensure peace and security in the world, the institution of international legal sanctions plays a significant role in international politics. It is a means of influencing violators of the international legal order. However, the political significance of sanctions depends on the country's national, economic, political, and other interests, the coalition of countries or international organisations that impose them, and the influence of the country to which they are applied.

Sanctions are a means of responding to violations of international law. Today, no systematic regulation defines the type of unlawful act that violates international law, order and peace and the degree of responsibility the offender should bear. Each example of the application of international legal sanctions is distinctive in its circumstances, conditions, goals, and consequences and, therefore, has no features similar to other cases.

The effectiveness of international legal sanctions against a country that violates international order and security depends on many factors, including the goals they are intended to achieve, the resilience of the actors to circumstances that may cause restrictions in world politics, economy, financial, industrial and other spheres, as well as the ability of the target state to counteract the measures imposed, to impose its vision of the international legal order and security on the world community, to create stable or situational alliances with other countries subject to sanctions or those countries that declare neutrality in international relations in order to levelling international legal norms, to create an alternative vector of international legal relations and international legal order. Today, we are talking about the formation of the so-called "axis of evil" of Russia, Iran, the DPRK, and countries that politically support them, including Belarus, China, and Hungary. The application of the sanctions mechanism requires close cooperation between the countries that impose them and other states and international organisations, including the imposition of liability on those countries, international organisations, financial groups, etc. that facilitate the circumvention of the prohibitions and restrictions imposed by the sanctions.

Russia's war against Ukraine will prompt the world to revise international security, which should be based on the ability of the world community to anticipate and timely resolve emerging problems through diplomacy based on the principles of sovereign equality of states, equality and determination of peoples, and non-use of force or threat of force. One of the first steps in revising international security should be a fundamental change in the organisation's activities, whose declared purpose is to maintain and strengthen peace and international security and to develop cooperation between the world's states.

In our future research, we will attempt to study the impact of globalisation on the application of international legal sanctions to maintain international law and order, peace, and security.
References


