



THE LEGALITY AND EFFECT OF WESTERN SANCTIONS ON RUSSIA UNDER INTERNATIONAL LAW

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ABSTRACT

This study examines the legal foundations, legitimacy, and effectiveness of Western sanctions imposed on Russia in response to its actions in Ukraine. It assesses these measures under international law, evaluating their compliance with principles governing economic coercion, state sovereignty, and lawful enforcement. Through doctrinal analysis, the study explores the sanctions' influence on Russia's foreign policy and military strategy. Findings suggest that while early sanctions induced considerable economic strain, Russia has adapted by diversifying its economy and deepening trade relations with non-sanctioning states. Though often framed as lawful countermeasures under international law, the actual effectiveness of these sanctions in constraining Russia's military ambitions remains contested. The study identifies key legal and policy considerations affecting the impact of sanctions, including proportionality, global economic interdependence, and the mitigating role of major powers such as China. Ultimately, this inquiry calls into question the long-term viability of both unilateral and multilateral sanctions as reliable instruments of coercive diplomacy within the framework of international law.



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Introduction

A sanction may be defined as a measure imposed to enforce compliance with laws or rules, which may be punitive (penalizing non-compliance) or incentivizing (rewarding compliance). One authoritative definition is provided by H.L.A. Hart, who describes sanctions as “the coercive measures that back up the rules of a legal system, typically in the form of punishments or penalties for violations.”¹ From an international law perspective, **sanctions** are measures imposed by states or international organizations to enforce compliance with legal norms, deter wrongful conduct, or influence the behavior of a target state without resorting to armed force. In this vein, Malcolm N. Shaw defines sanctions as “coercive measures, short of military force, imposed by states or international bodies, such as the United Nations, to ensure compliance with international law and maintain or restore international peace and security.”²

Sanctions manifest in various forms, including economic, diplomatic, military, and financial measures.³ Economic sanctions, such as trade restrictions and asset freezes, are the most commonly employed.⁴ Diplomatic sanctions, including the expulsion of diplomats and severance of diplomatic ties, are also frequently used.⁵ Military sanctions, such as arms embargoes, are less common due to their potential to escalate conflict.⁶ Economic sanctions, specifically, may be defined as deliberate restrictions on economic activity imposed by one international actor on another with a specified objective. Sanctions may be deployed to accomplish a variety of objectives, such as signalling disapproval to a target or third states, limiting specific conduct, coercing behavioral change,⁷ or pursuing a combination of these

1 H L A Hart, *The Concept of Law* (2nd edn, Clarendon Press 1994).

2 Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021).

3 Thomas J Biersteker, ‘Targeted Sanctions and Individual Human Rights’ (2010) 65 *International Journal* 99 <https://doi.org/10.1177/002070201006500107> accessed 21 February 2025.

4 Gary Hufbauer and others, *Economic Sanctions Reconsidered* (3rd edn, Columbia University Press 2009) 248.

5 Elena K Proukaki, *The Problem of Enforcement in International Law: Countermeasures, the Non-Injured State and the Idea of International Community* (Routledge 2011) 360.

6 Clifton T Morgan and others, ‘Economic Sanctions: Evolution, Consequences, and Challenges’ (2023) 37 *Journal of Economic Perspectives* 1, 30.

7 Francesco Giumelli, *Coercing, Constraining and Signalling: Explaining United Nations and European Union Sanctions after the Cold War* (ECPR Press 2011).



goals simultaneously.¹ Studies have shown that the negative economic effects of sanctions are not uniformly distributed; certain actors are more or less susceptible to their impact. While some sanctions may inadvertently strengthen target regimes (e.g., through a ‘rally-around-the-flag’ effect), others may inflict consequences ranging from minimal economic cost to severe economic collapse.² On the other hand, relatively modest effects are often observed at the systemic level, and sender states alongside third-party nations typically incur economic repercussions that range from low to medium severity.³

The imposition of economic sanctions by Western states against Russia in response to its actions in Ukraine has sparked a complex legal and geopolitical debate. Sanctions are widely regarded as instruments of coercive diplomacy, intended to deter aggressive behavior and compel compliance with international legal norms. However, their effectiveness in influencing state conduct remains contested. Russia’s annexation of Crimea in 2014 and its continued involvement in eastern Ukraine have severely strained relations with Western states, leading to a coordinated sanctions regime from the United States, the European Union, and their allies. These measures targeted key sectors of the Russian economy, including finance, energy, and defense, in an effort to curb Moscow’s capacity to sustain its military operations and assert regional dominance.⁴ Subsequently, Russia’s military intervention in Syria since 2015 further escalated tensions, resulting in additional economic restrictions.⁵

From an international legal perspective, sanctions exist within a complex framework governed by customary international law, treaty obligations, and the principle of state sovereignty. While proponents argue that unilateral sanctions may serve as legitimate countermeasures in response to states’ internationally wrongful acts,⁶ critics question their legality, particularly in light of principles enshrined in the United Nations Charter, including the prohibition on the threat or use of force (Article 2(4)) and respect for state sovereignty (Article 2(1)).⁷ The imposition of unilateral sanctions, particularly outside the scope of a UN Security Council resolution, raises concerns about their legal justification and their potential conflict with economic rights under international law.⁸

Furthermore, historical precedent suggests that sanctions regimes often fail to achieve their primary objectives and can generate unintended consequences, such as worsening humanitarian crises and escalating conflicts. The case of the Islamic Republic of Iran serves as a key example. The Trump administration’s decision to unilaterally withdraw from the Joint Comprehensive Plan of Action (JCPOA) in 2018 and re-impose strict sanctions on Iran’s financial and energy sectors was intended to curtail its nuclear program and force political concessions.⁹ However,

1 Omer Özgür and S Evgeniia, ‘Consequences of Economic Sanctions: The State of the Art and Paths Forward’ (2021) 23 *International Studies Review* 1646, 1649.

2 John S Park, ‘The Key to the North Korean Targeted Sanctions Puzzle’ (2014) 37 *Washington Quarterly* 199, 206.

3 Peter Egger and others, ‘Analysing the Effects of Economic Sanctions: Recent Theory, Data, and Quantification’ (2024) 32 *Review of International Economics* 1, 11.

4 Richard Nephew, *The Art of Sanctions: A View from the Field* (Columbia University Press 2018) 45.

5 Daniel Drezner, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War* (Princeton University Press 2023) 120.

6 Nigel D White, ‘The Legality of Economic Sanctions Under International Law’ (2020) 24 *Journal of Conflict & Security Law* 15.

7 Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI arts 2(1), 2(4).

8 Thomas Biersteker and others, *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (Cambridge University Press 2016) 79.

9 Suzanne Maloney, ‘Trump’s Iran Sanctions Are Failing’ (Brookings Institution, 15 July 2019) [https://www.brookings.edu/articles/trumps-](https://www.brookings.edu/articles/trumps-iran-sanctions-are-failing/)



instead of deterrence, these measures prompted Tehran to increase its uranium enrichment activities, heighten regional tensions, and inflict further economic hardship on ordinary Iranian citizens.¹ Similarly, the case of North Korea demonstrates how prolonged sanctions have failed to dismantle its nuclear weapons program, while concurrently exacerbating severe poverty and food insecurity within the country.²

The economic sanctions imposed against Iraq throughout the 1990s, following its invasion of Kuwait, resulted in devastating humanitarian consequences, particularly widespread malnutrition and a public health crisis.³ In Venezuela, U.S. sanctions targeting the state-owned oil industry have contributed to economic collapse, hyperinflation, and worsening living conditions, disproportionately affecting civilians while failing to achieve the stated objective of removing the Maduro regime.⁴ This study critically examines the impact of Western sanctions on Russia's foreign policy, assessing whether these measures have successfully influenced Moscow's strategic decisions and whether they conform to international legal standards. Central to this analysis is the question of intent versus outcome: Are these sanctions designed merely to constrain Russia's military and economic capacity, or are they meant to force substantive policy reversals? To what extent have they influenced Russia's engagements in Ukraine and Syria, and how has Moscow adapted its economic and diplomatic strategies to mitigate their effects? Furthermore, do these sanctions adhere to international legal norms, particularly the principles of necessity and proportionality, or do they raise broader legal and ethical concerns?

This research provides valuable perspectives on the wider discussion around the efficacy and legality of sanctions within international law and foreign policy. It questions the efficiency of both unilateral and multilateral sanctions as primary instruments of global governance as it examines the long-term effects of economic coercion. In order to shape future international legal frameworks and diplomatic tactics, it is imperative to comprehend the legal aspects and practical realities of sanctions, particularly as governments increasingly resort to economic measures in reaction to geopolitical crises.

1. Legal Framework for Sanction

The legality of sanctions under international law remains a highly contentious issue.⁵ This study investigates the legal framework governing sanctions, delving into their foundations in international law, various types of sanctions, and the procedural prerequisites for their lawful implementation. The UN Charter⁶ provides the primary legal basis for the imposition of sanctions.

Pursuant to Article 39, the Security Council is empowered to determine whether a threat to peace, a breach of peace, or an act of aggression exist; and recommend or decide what measures shall be taken in line with Articles 41 and 42 to preserve or restore international peace

[iran-sanctions-are-failing](#) accessed 31 March 2025.

1 Dina Esfandiary, 'The Failure of US Sanctions on Iran' (2021) 97 International Affairs 77.

2 Stephan Haggard and Marcus Noland, *Hard Target: Sanctions, Inducements, and the Case of North Korea* (Stanford University Press 2017) 133.

3 Joy Gordon, 'The UN Sanctions Regime and Its Impact on Iraq' (2004) 56 Middle East Journal 611.

4 Francisco Rodríguez, 'The Humanitarian Consequences of Economic Sanctions on Venezuela' (2020) 98 Foreign Affairs 32.

5 Julia Schmidt, 'The Legality of Unilateral Extra-territorial Sanctions under International Law' (2022) 27 Journal of Conflict and Security Law 53, 81.

6 Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI <http://www.unwebsite.com/charter> accessed 20 September 2024.



and security. The authority for implementing collective sanctions by the UN Member States is thus established through these provisions of the UN Charter. Article 103 of the UN Charter, in particular, stipulates that in the event of a conflict between the obligations of Members under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail. Reflecting this hierarchy of norms, several international trade agreements explicitly provide that nothing in the agreement shall be hindering any Member from fulfilling its obligations under the United Nations Charter in preserving international peace and security.¹

The legal basis for enforcing UN-mandated economic sanctions is generally uncontroversial in international law, even where these sanctions seem to conflict with a state's pre-existing international obligations. The primary international body vested with the competence to impose such sanctions is the Security Council;² however, other international organizations, such as the International Monetary Fund³ and the World Trade Organisation,⁴ also possess the authority to impose certain sanctions or authorize suspensions of obligations under specific circumstances. For sanctions to be considered lawful, certain procedural requirements must be met. The affected state must be notified and provided with a public justification for their imposition.⁵ The sanctions must also be periodically reviewed and renewed to ensure their continued necessity and proportionality in light of evolving circumstances.⁶

Despite potential compliance with these procedural obligations, substantive disputes regarding sanctions persist. The issues of unilateralism versus multilateralism, effectiveness, humanitarian impact, sovereignty, and jurisdictional disputes continue to be persistent sources of concern and friction.⁷ The International Court of Justice's (ICJ) decision in *Military and Paramilitary Activities in and against Nicaragua* illustrates the contentious nature of unilateral measures,⁸ while the application of provisional measures in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)* exemplifies the specific legal difficulties associated with implementing sanctions. In conclusion, the international sanctions regime is governed by a complicated and diverse set of legal rules. While the UN Charter and international human rights instruments offer a framework, the specifics of the types of sanctions and the procedural steps that must be taken are crucial in determining their legitimacy.⁹

1.1. Sanctions and the Principle of Non-Intervention

The principle of non-intervention is a fundamental tenet of international law, firmly enshrined in customary international law and Article 2(7) of the 1945 UN Charter, which explicitly prohibits

1 General Agreement on Tariffs and Trade (adopted 15 April 1994, entered into force 1 January 1995) 1867 UNTS 187 art 21.

2 Ibid, art 39.

3 Articles of Agreement of the International Monetary Fund (adopted 22 July 1944, entered into force 27 December 1945) 2 UNTS 39 art I.

4 Marrakesh Agreement Establishing the World Trade Organization (adopted 15 April 1994, entered into force 1 January 1995) 1867 UNTS 154 art 12.

5 Elena Katselli, *The Problem of Enforcement in International Law: Countermeasures, the Non-Injured State and the Idea of International Community* (Routledge 2011) 360.

6 *Nada v Switzerland* App no 1059308/ (ECtHR, 12 September 2012) para 117.

7 Larissa van den Herik, *International Sanctions: Between Law and Politics* (Oxford University Press 2017) 304.

8 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*(Merits) [1986] ICJ Rep 14.

9 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v United Arab Emirates)* (Judgment) [2019] ICJ Rep 1.

any form of direct or indirect interference by one state or a coalition of states in the internal or external affairs of another sovereign state. Closely linked to the principles of state sovereignty and the prohibition on the use of force, this principle has been a focal point of extensive legal scholarship and diplomatic discourse. However, the application of economic sanctions within this framework has sparked considerable debate, particularly regarding their legality and effectiveness as instruments of coercive diplomacy.

Jamnejad and Wood argue that unilateral intervention, including the imposition of economic sanctions, contravenes the *jus cogens* status of non-interference, highlighting that state sovereignty and the prohibition of force are peremptory norms in customary international law.¹ Their position finds considerable support in the jurisprudence of the ICJ, particularly in the *Nicaragua v. United States of America* case, where the Court ruled that U.S. economic and military interventions violated the principle of non-intervention.² The judgment emphasized that economic pressure, when applied to coerce a state's political choices, may constitute an unlawful form of intervention.

The debate extends to the legitimacy of unilateral sanctions within the broader framework of international law. While economic sanctions are often justified as countermeasures under the law of state responsibility, their unilateral imposition raises concerns regarding their compatibility with international legal norms. This position is reaffirmed in *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)*, in which the ICJ confirmed that economic coercion, like military force, could violate a state's sovereignty.³

Despite its general prohibition, international law does recognize exceptions to the principle of non-intervention. As alluded to in article 2(7), collective intervention is permitted under Chapter VII of the UN Charter when the Security Council determines that a situation threatens international peace and security.⁴ In such cases, the Council may impose sanctions, authorize military action, or mandate diplomatic measures. Historical precedents for this include the imposition of sanctions on Iraq after its invasion of Kuwait in 1990 and the ongoing sanctions on North Korea due to its nuclear weapons program.⁵ Additionally, the Security Council has authorized military interventions by regional organizations, such as NATO's 2011 intervention in Libya under Resolution 1973 (2011). The Council also frequently mandates UN Peacekeeping Operations and Special Political Missions as non-coercive means of conflict resolution.⁶

The evolving interpretation of sovereignty further complicates the legal debate surrounding sanctions. Traditionally defined as the absolute authority a state exercises within its territory, sovereignty has been increasingly viewed through the lens of global interdependence and a state's international obligations. This view aligns with the *Responsibility to Protect* (R2P) doctrine, which posits that sovereignty entails a responsibility to protect citizens from mass atrocities and that, in cases of manifest failure, this responsibility may shift to the international community, justifying international intervention. However, the selective and politicized application of R2P

1 Maziar Jamnejad and Michael Wood, 'The Principle of Non Intervention' (2009) 22 *Leiden Journal of International Law* 345, 248.

2 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* [1986] ICJ Rep 14.

3 *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)* [2005] ICJ Rep 168.

4 UN Charter, 1 UNTS XVI art 2(7).

5 UNSC Res 661 (6 August 1990) UN Doc S/RES/661.

6 UNSC Res 1973 (17 March 2011) UN Doc S/RES/1973.



has fuelled widespread scepticism, with critics arguing that it is often invoked as a pretext for politically motivated interventions.¹ Economic sanctions, in particular, exist in a legal gray area. Proponents argue that they serve as lawful countermeasures designed to uphold international legal order, while critics contend that they amount to economic coercion, disproportionately affecting civilian populations.² The unilateral sanctions imposed by the Trump administration on Iran following its withdrawal from the JCPOA in 2018 illustrate this dilemma.³ These sanctions devastated Iran's economy but failed to achieve their stated objective of halting Iran's nuclear program. Instead, Iran escalated its nuclear activities, underscoring the limitations of economic sanctions as a foreign policy tool. Similarly, Western sanctions on Venezuela have contributed to severe economic hardships and a humanitarian crisis without effecting a political transition.⁴ These cases raise pressing questions about the ethical and legal ramifications of sanctions, particularly their adverse impact on human rights and global economic stability.

In conclusion, while the principle of non-intervention remains a foundational element of the international law, the legal status of unilateral economic sanctions remains contested. As the international system evolves, so too must the legal frameworks governing sanctions. A more coherent and legally consistent approach is necessary- one that balances state sovereignty with accountability, ensures that any sanctions imposed comply with the principles of international law, and mitigates unintended humanitarian consequences. Addressing these challenges will require greater reliance on multilateral mechanisms and adherence to established legal norms to prevent sanctions from devolving into instruments of economic warfare rather than tools of lawful enforcement.

1.2. Sovereignty and the Principle of Non-Intervention

The principles of sovereignty and non-intervention are fundamental tenets of international law, enshrined in the UN Charter and customary international law. However, the increasing recourse to unilateral economic sanctions, particularly outside the framework of the UNSC, has provoked intense legal debates regarding their compatibility with these core principles. This analysis critically examines these tensions, exploring the legal basis for sovereignty, the principle of non-intervention, and the legitimacy of unilateral sanctions through authoritative academic discourse and relevant international jurisprudence.

1.2.1. The Legal Foundations of Sovereignty and Non-Intervention

The modern concept of state sovereignty is rooted in classical international law, first formally articulated in the Peace of Westphalia (1648). Sovereignty is conventionally divided into internal sovereignty, which pertains to a state's supreme authority within its borders, and external sovereignty, which safeguards a state's independence from foreign interference. The Permanent Court of International Justice (PCIJ) in the *S.S. Lotus Case* reaffirmed that "restrictions upon the

¹ Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge University Press 2011).

² Georges Abi-Saab, 'Economic Sanctions in International Law' (2001) 20 *Leiden Journal of International Law* 111.

³ Jahangir Amuzegar, 'Iran's Economy and the US Sanctions' (1997) 51 *Middle East Journal* 185 <http://www.jstor.org/stable/4329052> accessed 31 March 2025.

⁴ On humanitarian consequences of sanctions, see generally: V Yazdi-Feyzabadi and others, 'Direct and Indirect Effects of Economic Sanctions on Health: a Systematic Narrative Literature Review' (2024) 24 *BMC Public Health* 2242; F Rodríguez, 'The human consequences of economic sanctions' (2024) 51 *Journal of Economic Studies* 942.



independence of states cannot be presumed”.¹ This principle was later codified in Article 2(1) and implied in Article 2(7) of the UN Charter, affirming both the sovereign equality and the prohibition of interference in matters within a state’s domestic jurisdiction.² The ICJ has consistently upheld the principle of non-intervention. In the *Nicaragua v United States* case, the ICJ ruled that economic coercion, like military intervention, can violate state sovereignty when aimed at determining a state’s political choices.³ Similarly, in the *Democratic Republic of the Congo v. Uganda* case, the ICJ found Uganda’s involvement in Congolese affairs, including economic interference, to constitute a breach of the principles of sovereignty and non-intervention.⁴

1.2.2. Unilateral Sanctions and the Erosion of Sovereignty

The imposition of economic sanctions outside the UNSC framework presents a critical challenge to the principle of non-intervention. Unilateral sanctions- such as those imposed by the US or the EU without multilateral authorization- are often justified as lawful countermeasures under the Articles on State Responsibility.⁵ However, several legal scholars argue that such measures violate international law unless they conform to strict customary law requirements of proportionality and necessity.⁶ The effectiveness of such sanctions is also questioned, as empirical studies suggest that they often fail to achieve their intended political objectives while disproportionately harming civilian populations.⁷

1.2.3. The Responsibility to Protect (R2P) and the Sovereignty Debate

The evolution of sovereignty in modern international law has helped the emergence of the R2P doctrine, which asserts that state sovereignty entails concomitant obligations towards a state’s own population. According to this framework, when a state fails to prevent mass atrocities, the international community may assume a responsibility to intervene, including through the imposition of economic measures.⁸ However, scholars such as Anne Orford critique R2P as a doctrine that is often selectively applied to justify intervention in weaker states while simultaneously preserving the sovereignty of more powerful states.⁹ One of the major criticisms of R2P is its inconsistent and selective application. The interplay between sanctions regimes and the selective application of the R2P doctrine highlights significant challenges in international efforts to prevent mass atrocities. While R2P aims to ensure timely and decisive responses to humanitarian crises, its inconsistent application, which is often influenced by geopolitical interests, frequently undermines its legitimacy and effectiveness. Recent cases concerning *Sudan* and *Niger* exemplify these complexities.

1.3. When and How Sanctions can be used as an Exception in International Law

The principle of non-intervention, a fundamental tenet of international law, prohibits states from interfering in the internal affairs of other sovereign states. This principle is enshrined in Article

1 *The Case of the S.S. “Lotus” (France v Turkey)* (Judgment) PCIJ Rep Series A No 10, 18.

2 UN Charter, 1 UNTS XVI arts 2(1), 2(7).

3 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* [1986] ICJ Rep 14, 108.

4 *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)* [2005] ICJ Rep 168, 200.

5 ILC, ‘Draft Articles on Responsibility of States for Internationally Wrongful Acts’ (2001) UN Doc A/56/10 art 49.

6 Marco Bronckers and Jan Wouters, ‘Unilateral Sanctions in International Law’ (2017) 114 *American Journal of International Law* 48, 50.

7 Daniel Drezner, *The Sanctions Paradox: Economic Statecraft and International Relations* (Cambridge University Press 1999) 145.

8 ICISS, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (2001) 12.

9 Orford (n 38) 78.



2(4) of the UN Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any state.¹ However, despite this foundational rule, there are recognized exceptions, particularly under Chapter VII of the UN Charter, which grants the UNSC the authority to impose mandatory measures, including sanctions, to maintain or restore international peace and security.² Sanctions, as a form of coercive but non-military intervention, have become a crucial tool of international governance, especially when diplomatic negotiations fail and military intervention is deemed untenable or unjustifiable. While Article 41 of the UN Charter explicitly authorizes non-military measures such as economic embargoes, asset freezes, and travel restrictions, the effectiveness and fairness of sanctions regimes remain highly contested.³ The Security Council has frequently invoked its authority to impose economic and political restrictions on states that violate international peace and security, as exemplified in cases of Iraq, Libya, North Korea, and Iran.⁴ The use of sanctions as an exception to the principle of non-intervention is best illustrated through historical precedents where economic and diplomatic restrictions were employed in response to acts of aggression or breaches of international law

A contrasting case is Libya, which faced targeted sanctions under UNSC Resolution 748 in response to its involvement in the Lockerbie bombing in 1988.⁵ Unlike Iraq, Libya eventually complied with international demands, handing over the suspects for trial and resulting in the lifting of sanctions in 2003.⁶ These cases demonstrate the varying effectiveness of sanctions; while they succeeded in coercing Libya into compliance, the Iraq sanctions failed to achieve their intended political objectives and instead resulted in prolonged human suffering.⁷ Despite being legally justified under Article 41 of the UN Charter, the practical implementation of sanctions is often marred by accusations of selective application, unintended humanitarian consequences, and the influence of the political agendas of dominant global powers.⁸ For instance, while Iran has been subjected to extensive sanctions due to its nuclear program, other states with alleged human rights violations, such as Saudi Arabia in Yemen, have largely avoided similar UN-mandated restrictions arguably due to strategic alliances with Western members of the Security Council.⁹ The effectiveness of sanctions also depends on the resilience of the targeted state and the ability of its leadership to shift the economic burden onto its civilian population.¹⁰ In Venezuela, US-led sanctions have further exacerbated economic collapse and humanitarian distress, yet they have thus far proven ineffective in compelling meaningful political change or democratic reform.¹¹

These examples highlight the ethical dilemma of using economic coercion as a primary means of enforcing international law. The selective application of sanctions further undermines their legitimacy, raising the question of whether they serve as impartial mechanisms for

1 UN Charter, 1 UNTS XVI art 2(4).

2 UN Charter, 1 UNTS XVI ch VII.

3 UN Charter, 1 UNTS XVI art 41.

4 Christine Chinkin, 'The Legitimacy of Economic Sanctions as a Tool for Peace Enforcement' (2001) 10 *European Journal of International Law* 75.

5 UNSC Res 748 (31 March 1992) UN Doc S/RES/748.

6 UNSC Res 1506 (12 September 2003) UN Doc S/RES/1506.

7 David Cortright and George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s* (Lynne Rienner 2000).

8 Adam Roberts, 'Economic Sanctions and International Law' (2001) 13 *Ethics & International Affairs* 45.

9 Kenneth Katzman, *Iran Sanctions* (Congressional Research Service 2021).

10 Stephan Haggard and Marcus Noland, *Hard Target: Sanctions, Inducements, and the Case of North Korea* (Stanford University Press 2017).

11 Francisco Rodríguez, 'The Human Cost of Economic Sanctions' (2019) 5 *Journal of Economic Policy* 112.



maintaining global stability or as malleable instruments for enforcing the political will of powerful states.¹ One potential solution is the adoption of “smart sanctions,” which target specific political and military leaders rather than entire populations, thereby reducing collateral damage.² Additionally, some scholars and states advocate for the limitation of the veto power exercised by the Permanent Five (P5) members of the UNSC when proposed sanctions pertain to mass atrocities, arguing that the R2P doctrine should override narrow political considerations in cases of genocide, war crimes, ethnic cleansing, or crimes against humanity.³

1.4. International Cases Law and other Legal Developments

The UN and the ICJ have frequently emphasized the necessity of multilateral cooperation in the imposition of sanctions to avoid exacerbating humanitarian crises and undermining international law. UNSC Resolutions, such as Resolution 2526 (2020), have specifically called for a halt to the use of unilateral sanctions, particularly in light of their harmful effects during the COVID-19 pandemic.⁴ These sanctions, while often purportedly intended to enforce international law, have been critiqued for potentially impeding humanitarian aid and worsening conditions for vulnerable populations. Similarly, UNGA Resolution 75/233 (2020) reaffirmed the importance of multilateralism, condemning sanctions imposed by individual states without the authorization of the international community, especially when they conflict with the principles of sovereignty and collective security.⁵ In addition to the UN's stance on sanctions, the ICJ has adjudicated with several critical cases that address the legality and ethical concerns surrounding unilateral sanctions. Notably, in the *Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, the ICJ ruled against the unilateral freezing of Iranian assets by the United States, deeming it a violation of international law, though this case was more focused on diplomatic and consular rights than sanctions *per se*.⁶ Another significant, albeit indirect, contribution arises from *The Nuclear Tests (Australia v. France)*, wherein the ICJ touched upon the concept of state sovereignty and the legality of unilateral actions. While the case did not directly concern sanctions, it highlighted the tension between national sovereignty and binding international obligations- a tension that is fundamental to the broader discourse on the permissibility of unilateral sanctions.⁷ These rulings reflect an evolving body of international legal thought that questions the legitimacy of unilateral actions that circumvent established multilateral frameworks.

The Court of Justice of the European Union (CJEU) has also played a pivotal role in interpreting the legality of unilateral sanctions imposed by the European Union. In the landmark case *Kadi and Al Barakaat International Foundation v. Council of the European Union*, the CJEU underscored that even sanctions imposed under the auspices of the UNSC mandate must respect fundamental European human rights standards.⁸ This seminal decision illustrated the

1 Ian Johnstone, *The Power of Deliberation: International Law, Politics and Organizations* (Oxford University Press 2011).

2 Richard Nephew, *The Art of Sanctions: A View from the Field* (Columbia University Press 2017).

3 Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Brookings Institution Press 2008).

4 UNSC Res 2526 (5 June 2020) UN Doc S/RES/2526; UNGA Res 75/233 (21 December 2020) UN Doc A/RES/75/233.

5 UNGA Res 75/233 (21 December 2020) UN Doc A/RES/75/233.

6 *Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)* (Judgment) [1980] ICJ Rep 3.

7 *Nuclear Tests (Australia v. France)* (Judgment) [1974] ICJ Rep 253.

8 *Kadi and Al Barakaat International Foundation v. Council of the European Union* (C-40205/ P) EU:C:2008:461.



inherent tension between international obligations and domestic legal systems, particularly when sanctions affect individual rights and freedoms. Similarly, in *Greece v. Council*, the CJEU ruled that EU sanctions must comply with international law, specifically prohibiting actions that harm civilian populations or violate the principles of sovereignty and non-intervention.

The legal status of unilateral economic sanctions remains contested within international law. While the principles of sovereignty and non-intervention remain two cornerstones of the international legal order, the evolving landscape of global governance- marked by doctrines such as R2P- has challenged traditional conceptions of non-interference. However, in the absence of UNSC authorization under Chapter VII, unilateral sanctions often risk violating the very principles they claim to uphold. Consequently, a more coherent legal framework is necessary to ensure that restrictive economic measures do not devolve into instruments of economic warfare but rather function as tools of lawful enforcement that align with international legal norms.

2. Western Sanctions over Russia's Foreign Policy in Ukraine

The annexation of Crimea by Russia in 2014 and its ongoing involvement in eastern Ukraine have led to significant tensions between Russia and the West.¹ In response, The EU and the United States imposed sanctions targeting Russia's financial, energy, and defence sectors.² This section examines the impact of Western sanctions on Russian foreign policy towards Ukraine. The impact of sanctions on the Russian economy is controversial. According to Kholodilin & Netsunajev,³ Western sanctions have had a significant impact on Russia's economy, whereas Noah contends that two years of sanctions have only produced an insignificant effect.⁴ To Milov, sanctions restricted Russia's access to Western capital markets and limited the exports of sensitive technologies.⁵ The sanctions also froze the assets of Russian individuals and companies.⁶ According to the Centre for Economic Policy Research, sanctions reduced Russia's GDP by 1.5% in 2014 and 2.5% in 2015.⁷ Additionally, sanctions led to a decline in foreign investments,⁸ depreciation of rouble,⁹ and increased inflation.¹⁰ Notwithstanding these initial impacts, the Russian economy has shown resilience, with trade volume returning to pre-war levels,¹¹ and the country's current account surplus reaching all-time highs.¹²

1 John J Mearsheimer, 'Why the Ukraine Crisis Is the West's Fault: The Liberal Delusions That Provoked Putin' (2014) 93 Foreign Affairs 77, 85.

2 Paul J Cardwell and Erica Moret, 'The European Union, Sanctions, and Regional Leadership' (2022) 32 European Security 1, 21.

3 Anna Borozna and Veronika Kochtcheva, 'Annexation of Crimea: Western Sanctions and Russia's Response (2014–2021)' in *War by Other Means* (Palgrave Macmillan 2024) 41, 57.

4 Noah Berman, 'Two Years of War in Ukraine: Are Sanctions Against Russia Making a Difference?' (Council on Foreign Relations, 23 February 2024) <https://www.cfr.org/> accessed 25 September 2024.

5 Vladimir Milov, 'Beyond the Headlines: The Real Impact of Western Sanctions on Russia' (2023) 22 European View 1 <https://doi.org/10.1177/17816858231162460> accessed 25 September 2024.

6 Evsey Gurvich and Ilya Prilepskiy, 'The Impact of Financial Sanctions on the Russian Economy' (2015) 1 Russian Journal of Economics 359, 380.

7 Centre for Economic Policy Research, 'The Impact of Sanctions on the Russian Economy' (CEPR Discussion Paper No DP10571, 2015).

8 Shin-ichi Fukuda, 'Spillover Effects of Ruble's Turmoil on Foreign Exchange Markets after the Invasion of Ukraine' (2024) 57 Applied Economics 1, 5.

9 Ibid.

10 Emily Kilcrease, Jason Bartlett and Andrew Wong, 'Sanctions by the Numbers: Economic Measures against Russia Following Its 2022 Invasion of Ukraine' (Center for a New American Security, 16 June 2022) <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-economic-measures-against-russia-following-its-2022-invasion-of-ukraine> accessed 25 September 2024.

11 World Trade Organisation, *World Trade Statistic Review: Russia Merchandise Trade Volume Increased by 22% in 2021* (2022) <https://doi.org/10.30875/489e720b-en> accessed 25 September 2024.

12 Bank of Russia, *Annual Report* (2015) <www.worldbank.org> accessed 25 September 2024.

2.1. Factors Affecting the Limited Success of Western Sanctions

The Western response to Russia's full-scale invasion of Ukraine in February 2022 was unprecedented. The EU, G7, and NATO imposed sanctions, diplomatically isolated Russia, and provided substantial military aid to Ukraine, helping sustain the Zelensky government. Despite these efforts, Russia has maintained control over occupied Ukrainian regions, showing that these measures have not been sufficient to compel a withdrawal. This analysis identifies and examines three principal factors in this regard: domestic support, adaptation strategies and strategic hesitancy within Western capitals. We examine each perspective in the given sequence to evaluate their explanatory strength. While each viewpoint provides useful insights, none is entirely convincing on its own, and all three face challenges related to analysis and supporting evidence.

2.1.1. Public Support for Putin's Foreign Policy

A major impetus for the continued invasion of Ukraine appears to be domestic support in Russia. President Putin has framed sanctions as an attempt to undermine Russian sovereignty¹ and has used this rhetoric to rally domestic support. Recent surveys suggest that public support for Russia's foreign policy, particularly regarding Ukraine remains considerable. A significant majority of Russians, around 76%, reportedly continue to support the military operation in Ukraine, with 43% expressing strong support and 33% somewhat supporting it.² However, a significant proportion, around 41%, believe that the war has brought more harm than benefit to Russia, citing civilian and military casualties, economic deterioration, and international isolation as major concerns.³ Moreover, significant demographic differences in attitudes towards the war are evident. Younger Russians, particularly those under 25, are more sceptical about the war, with only 30% expressing unconditional support, compared to 56% of those aged 65 and above.⁴ It is also worth noting that support for the war is not necessarily synonymous with support for President Putin's leadership.

2.1.2. Russia's Adaptation Strategies to Sanctions

To mitigate the impact of sanctions, Russia has diversified its economy, reducing its dependence on Western markets. The World Bank notes that Russia has increased its trade volume with non-Western countries, including China and Turkey.⁵ Russia has also developed alternative financial systems, such as the Mir payment system.⁶ Enhanced cooperation with non-Western countries has also helped Russia adapt to the sanctions. Russia has mitigated the impact of Western sanctions on its foreign policy in Syria and Ukraine through strategic agreements with China. In the energy sector, a 30-year, \$400 billion gas supply deal signed in 2014 secured a major export route for Russian gas to China.⁷ The Eastern Siberia-Pacific Ocean (ESPO) Pipeline transports Russian oil to China at a capacity of 300,000 barrels per day.⁸ Financial cooperation has also been strengthened

1 'Foreign Minister Sergey Lavrov's Interview with RIA 24 TV on Current Foreign Policy Issues, Moscow' (28 December 2023).

2 Denis Volkov and Andrei Kolesnikov, 'The War in Ukraine: Russian Public Opinion' (Levada Center, 2022) <https://www.levada.ru/en/2022/06/28/the-war-in-ukraine-russian-public-opinion/> accessed 26 September 2024.

3 Robin Wollast and others, 'Russians' Attitudes towards the War in Ukraine' (2025) 55 *European Journal of Social Psychology* 119, 122.

4 Sarah W, 'Illiberalism and Public Opinion Junctures in Russia's War on Ukraine' (PONARS Eurasia, 21 June 2022) <https://www.ponarseurasia.org/illiberalism-and-public-opinion-junctures-in-russias-war-on-ukraine/> accessed 26 September 2024.

5 World Bank Group, *Russia Economic Report: Trade Strengthens Ahead of Ukraine Conflict* (March 2022).

6 Alexandra Prokopenko, 'Can the Digital Ruble Shield Russia from Western Sanctions?' (Carnegie Russia Eurasia Centre, 17 October 2024).

7 Jamie Robertson, 'Russia's President Vladimir Putin has signed a multi-billion dollar, 30-year gas deal with China' (*BBC News*, 21 May 2014) <https://www.bbc.com/news/world-asia-china-27498549> accessed 21 February 2025.

8 'ESPO Pipeline Transports over 73 Million Tonnes of Oil to China' (*TASS Russian News Agency*, 1 April 2022).



through the Russia-China Bilateral Currency Swap Agreement signed in 2020, which enables bilateral trade to be settled in local currencies (rubles and yuan), reducing dependence on the US dollar.¹ Russia's access to China's Cross-Border Interbank Payment System (CIPS) has also enabled Russian banks to conduct international transactions in yuan.² Russia's membership in the Asian Infrastructure Investment Bank (AIIB) provides alternative funding sources for Russian infrastructure projects. Joint military exercises, such as the 'Vostok-2018', demonstrate Russia and China's military cooperation and interoperability.³ Furthermore, Russia's sales of military equipment to China, including the S-400 air defence system, have helped maintain Russia's defence industry.⁴ Another specific action that helped Russia mitigate the effects of Western sanctions was the signing of a 150 billion yuan (approximately \$25 billion) currency swap agreement with China in 2014.⁵ This agreement allowed Russia to access Chinese yuan for international transactions. Additionally, major Chinese state-owned banks, such as the Bank of China and the Industrial and Commercial Bank of China, have provided significant financial support to Russian companies, helping them to bypass Western sanctions.⁶

2.1.3. Strategic Hesitancy in the Western Response

Rita and Mark argue that Western indecision in decisively countering Russia's invasion of Ukraine is deeply rooted in a sense of guilt and shame over past miscalculations regarding Russia's security concerns.⁷ The West's push for NATO expansion after the Cold War, particularly its overtures regarding Ukraine's membership, left Moscow feeling encircled. While Western leaders publicly dismiss claims that NATO provoked Russia, internal admissions suggest otherwise. Former US Defense Secretary Robert Gates, for instance, criticized the reckless approach of supporting Ukraine's NATO aspirations, describing it as an unnecessary provocation.⁸ Similarly, former US ambassador to Russia William J. Burns warned that encouraging Ukraine's NATO hopes would inevitably trigger Russian interference that subsequently materialized.⁹ This lingering guilt over NATO's missteps has fostered a half-hearted Western response to Russia's aggression. Despite repeatedly affirming Ukraine's sovereign right to join NATO, Western powers never fully committed to the process. Instead, they provided limited security assurances aid packages, defense partnerships, and vague promises without offering a concrete pathway to NATO membership.¹⁰ France, Germany, and even the US wavered in their stance, hesitant to directly challenge Russia. This inconsistency sent mixed signals to both Ukraine and Moscow, emboldening Putin while frustrating Kyiv.¹¹

1 'China's State Banks to Extend Billions in Loans to Sanctions-Hit Russian Firms' (*Reuters*, 12 March 2020).

2 Teddy Ng, 'Russia's Access to China's CIPS to Reduce Dependence on US Dollar' (*Sputnik News*, 16 December 2021).

3 'China's Defence Ministry hails Vostok-2022 military drills' (*TASS Russian News Agency*, 27 September 2022).

4 Franz-Stefan Gady, 'Second S-400 Regiment to China' (*The Diplomat*, 23 February 2020).

5 Ibid.

6 'China's State Banks Support Russian Companies in Bypassing Sanctions' (*Reuters*, 2020) <https://www.reuters.com/article/us-russia-china-sanctions-idUSKBN23Q2K5> accessed 21 February 2025.

7 Rita Floyd and Mark Webber, 'Making Amends: Emotions and the Western Response to Russia's Invasion of Ukraine' (2024) 100 *International Affairs* 1149 <https://doi.org/10.1093/ia/iaae074> accessed 1 April 2025.

8 Robert Gates, *Duty: Memoirs of a Secretary at War* (Knopf 2014) 286–290 <https://archive.org/details/dutymemoirsofsec0000gate> accessed 1 April 2025.

9 William J Burns, *The Back Channel: A Memoir of American Diplomacy and the Case for Its Renewal* (Random House 2019) 212.

10 NATO, 'Comprehensive Assistance Package for Ukraine' (NATO Official Documents, 2016).

11 US Department of State, 'Responses to Russia's Proposals on European Security' (January 2022).

Conclusion

The imposition of Western sanctions on Russia following its actions in Ukraine represents one of the most complex intersections of international law, geopolitics, and economic statecraft in recent history. This paper has examined the legitimacy and effectiveness of such sanctions within the framework of international legal principles, particularly focusing on the principle of state sovereignty, the prohibition on economic coercion, and lawful enforcement. Through doctrinal analysis, the study has highlighted both the legal ambiguities and the strategic considerations that have shaped the design and implementation of these sanctions regimes.

The findings suggest that while Western sanctions have been presented as lawful countermeasures intended to respond to a breach of international peace and Ukraine's territorial integrity, their legal foundation is not universally accepted. The recourse to unilateral sanctions, especially those enacted without the authorization of a United Nations Security Council resolution, raises questions concerning their conformity with the Charter-based principles of collective security and non-intervention. In international legal discourse, sanctions are generally considered lawful when they are proportionate, reversible, and aimed at restoring compliance with international obligations. However, unilateral sanctions frequently straddle a fine line between legal enforcement and power-based coercion, especially when enacted by major powers outside of a multilateral process.

Moreover, the analysis indicates that legitimacy in international law is not determined solely by formal legal authority but also by broader considerations of fairness, proportionality, and consistency. While many Western states have invoked international norms to justify punitive measures against Russia, critics argue that similar breaches by other states have not attracted comparable responses. This inconsistency may erode the normative authority of international law over time, suggesting that sanctions, to be truly effective, must not only be lawful but perceived as impartial and universally applicable.

On the matter of effectiveness, the study finds that sanctions have had measurable economic effects in the short term, particularly in the immediate aftermath of their imposition. These included capital outflows, currency depreciation, a decline in foreign direct investment, and significant disruption in key sectors such as finance, energy, and defense. However, over time, Russia has developed countermeasures that have reduced the effectiveness of these sanctions. These responses include diversification of trade partnerships, particularly with non-Western states such as China, India, and several states in the Global South; the development of alternative payment systems; and a degree of import substitution in critical industries.

The study also underscores the role of geopolitical alignment and strategic interests in shaping the impact of sanctions. While sanctions are theoretically designed to compel behavioral change through economic pressure, in practice they often consolidate political unity within the targeted state, especially when framed as manifestations of external aggression. In Russia's case, sanctions have arguably strengthened domestic narratives of resistance and sovereignty. An important insight from this study concerns the double-edged nature of sanctions in an interconnected global economy. While intended to harm the target state, sanctions often produce significant collateral consequences for third-party states, multinational corporations, and the



broader international economic system. The exclusion of Russia from global markets has, for example, contributed to energy market volatility, inflationary pressures, and supply chain disruptions that affect countries far beyond the immediate conflict zone. These unintended effects call for a more careful calibration of sanctions policies, balancing the imperative of international accountability with the economic welfare of the international community.

From a legal standpoint, the ongoing debate over the legitimacy of unilateral sanctions points to a need for clearer international norms and frameworks. The lack of a binding, universally accepted legal regime governing the use of sanctions contributes to divergent interpretations and practices, weakening the predictability and coherence of international law. Moving forward, there is an urgent need to refine the legal criteria for imposing sanctions, particularly those that bypass multilateral institutions, so as to enhance legal clarity and reinforce the legitimacy of enforcement measures.

Finally, while sanctions remain a vital instrument of international law and diplomacy, their long-term success hinges on several interrelated factors. These include the strength of their legal basis, the extent of international cooperation and legitimacy, their capacity to produce intended behavioral outcomes, and their ability to avoid disproportionate harm to civilian populations and global markets. The case of Western sanctions on Russia illustrates both the potential and the limitations of sanctions in an evolving global order. It reveals that sanctions, to be effective and lawful, must be more than expressions of geopolitical rivalry; they must be rooted in principles of justice, proportionality, and the collective interest of the international community.

Recommendations

The preceding analysis of Western sanctions against Russia highlights the limitations of coercive statecraft when deployed without parallel diplomatic, economic, and institutional strategies. The following recommendations offer a multidimensional framework to address current tensions and pave the way for more effective long-term strategies rooted in the principles of international law and geopolitical realism.

• Reinforcing Diplomatic Engagement

Open and sustained diplomatic dialogue is essential for de-escalating geopolitical tensions and fostering cooperative security arrangements. Western governments should consider reactivating bilateral and multilateral negotiation platforms, such as the Normandy Format and the Astana Process. These forums can serve as conduits for dialogue, trust-building, and compromise. Historical examples, such as the United States' diplomatic "reset" initiative with Russia under President Obama, underscore the potential value of proactive diplomacy in reshaping adversarial relationships and preventing conflict escalation.

• Promoting Economic Cooperation and Interdependence

Rather than isolating Russia entirely, economic strategies should also explore avenues for constructive engagement. Building trade partnerships, joint infrastructure projects, and energy cooperation can cultivate shared interests and mutual dependence. Although controversial, infrastructure initiatives like Nord Stream 2 pipeline demonstrate the potential for economic collaboration.



- **Enhancing People-to-People Diplomacy through Cultural Exchange**

Soft power tools, such as educational exchanges, tourism initiatives, and cultural programs, can play a transformative role in rebuilding mutual understanding between Russian and Western societies.

- **Developing Strategic Security Partnerships in Areas of Mutual Concern**

Selective security cooperation on issues of common interest can yield tangible benefits even amidst broader geopolitical discord. Russia and the West share concerns about global terrorism, nuclear proliferation, and cyber-security. Reengaging in areas of mutual interest, such as arms control agreements and counter-cyber operations, can reinforce shared security goals and reduce the potential for miscalculation.

- **Strengthening International Institutions and Governance Mechanisms**

International organizations remain pivotal in preserving legal norms, democratic values, and regional stability. Enhancing the roles of institutions such as the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe is imperative.

- **Sustaining Defensive Military Deterrence and Resilience**

The forward deployment of NATO forces in Eastern Europe and initiatives like the U.S. European Deterrence Initiative serve to reassure allies and deter potential aggression. These efforts should be complemented by cyber defense coordination and counter-disinformation strategies to confront emerging threats in hybrid warfare environments.

- **Prioritizing Humanitarian Response and Supporting Long-Term Recovery**

Addressing the human cost of conflict is essential to any comprehensive foreign policy approach. Ongoing humanitarian assistance for conflict-affected populations in Ukraine and Syria must remain a priority, with greater coordination through international bodies such as the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), ensuring that aid is delivered based on need alone and is insulated from geopolitical manipulation.



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