

THE IMPACT OF THE UNITED STATES SANCTIONS ON INTERNATIONAL RELATIONS

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Abstract

This study aims to show the impact of the United States of America (the US) sanctions on international relations, principles of international law, and the countries targeted and not targeted by sanctions. Since sanctions are not issued by a legislative authority of the international community, which constitutes a clear violation of the principles of international law, they may lead to the US having an impact on those countries and issuing potential questions of neo-colonialism. Also, they can lead to creating alliances between countries that support sanctions and others that reject them, which may result in the collapse of world peace. The effects of the US sanctions go beyond the principles of personality and territoriality of law and affect the sovereign states recognized in international law, as well as the global economic and social system, and the rights of peoples in the sanctioned countries. These sanctions may question the legal principle that there is no crime or punishment without law.

Keywords

The United States, American sanctions, international law, sovereignty, international security, international alliances, public order

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Introduction

The US is the leading country in imposing sanctions on its opponents, whether they are countries, individuals, or entities. The US Congress issued a package of laws that included sanctions against some countries, including those directed at Russia¹ and other against North Korea, Cuba, China, Iran, Syria, and Sudan, for instance, Caesar's Law.² Those laws aimed to stop armament programs or combat terrorism and stop dealing with some countries; the sanctions affect the regulation of internal and external relations of countries.

The sanctions imposed by American legislation go beyond the principle of the territoriality of law. Their scope includes other countries that are members of the United Nations and are recognized by the international system as independent and sovereign countries, which entails recognition of their legal systems. International law governs the relationship between states; it is general and aims mainly to protect states and civilians.

However, most of the provisions of those laws passed by the US Congress deal with economic, financial, and banking sanctions that focus primarily on the economy of those countries. These sanctions undoubtedly affect the standard of living of individuals in those countries and create high levels of poverty. Thus, the law distances itself from its supposed goals of stability and welfare of societies and the creation of decent livelihoods for their members. It also constitutes the influence of the US over those countries and creates room for questioning potential colonialism and violation of the principles of international law.

The scope of those sanctions affects natural and legal persons, whether they are private or public utilities. Also, those who deal with countries that have imposed sanctions are subject to the same penalties.

Hence the importance of the topic of this paper, indicating the overlap between law and politics, and between the rules of public law and private law. These sanctions may contradict the general principles of law, for instance, the principle of the territoriality of the law and the personality of the law, and the principle of no crime or punishment except by a legal provision. The research paper answers the following questions:

1. Can a state impose its authority on another state, and what is the role of public international law in this regard?
2. What is the legal basis for the sanctions imposed by the US?
3. What is the impact of those laws relating to penalties on the internal public order?
4. Do sanctions affect the concept of sovereignty, and what is the legal basis for this effect?

¹ The US imposed a series of economic sanctions on Russia for many reasons, including launching cyber-attacks on American interests, interfering in the 2020 US elections, destabilizing the international community, in addition to the 2014 annexation of Crimea, the poisoning of opposition figure Alex Navalny, and allegations that Moscow paid rewards to Afghan militants for targeting soldiers. Among those sanctions are the expulsion of diplomats, the US Treasury, the ban on the purchase of Russian debt by US institutions, the ban on dealing with Russian technology companies, the freezing of the assets of all Russian companies operating in the United States, in addition to sanctions against Russian officials and individuals. Euronews 2021 <<https://arabic.euronews.com/2021/04/15/most-prominent-us-sanctions-on-russia>>.

² The US has begun activating a package of economic sanctions against the Syrian regime, its allies, and companies and individuals doing business with it. Emad Karkas, 2022. What is "Caesar's Law"? [online] The New Arab. Available at: <<https://www.alaraby.co.uk>>.

5. Do these sanctions create an international bloc composed of the sanctioned countries and others who issued and supported the sanctions?

The research questions will be discussed taking the analytical approach by addressing the impact of the US sanctions on the general principles of international law, and the impact of sanctions on international relations.

1. The Impact of the US Sanctions on the general principles of international law

The implicit concept of the term rule of law leads to democracy and the realization of human dignity. It requires a legislative authority subject to judicial oversight to ensure that the executive authority does not abuse its powers. On the international level, countries, as the most essential entities of international law, may not infringe on the rule of international law, which has been legislated over the years through international conventions and norms. The rule of law is that all persons, institutions, and entities, public and private, including the state itself, are equally accountable to the laws.

They are also subject to an independent judiciary and follow international rules and standards of justice and human rights. This principle also requires measures to be taken to ensure adherence to the principles of the rule of international law, equality, accountability, and fairness in applying the law to members of the international community and avoiding arbitrariness through transparency in the application of the law.

This paper argues that US sanctions are imposed internally outside the jurisdiction of the international community and the United Nations, which also has a direct impact on the sovereignty of the sanctioned state.

1.1 The Impact of the US Sanctions on the Internal Sovereignty of the Punished Country

The scope of application of sanctions issued by the United States applies to the US citizens and foreigners within the US, while abroad it includes all American natural and legal persons according to the principle of personality of law.

The subject area of application of sanctions mainly includes economic and military sanctions, including social sanctions. Society in any country needs good governance and a strict rule of law to enable its members to exercise their rights and freedoms in accordance with what is prescribed by law. When community members are unable to do so, they resort to defending their rights and freedoms through the justice system, represented by the judiciary, but they may face risks of weakness or inability to access it.³

Therefore, this study argues that the sanctions may indirectly support extremist groups to carry out actions that lead to social divisions, and at the same time exploit the political and security vacuum to achieve their ideological goals.

Sanctions may direct the media to the corruption of the authority officials who did not cooperate with the state that imposes the sanctions. Consequently, they draw attention to their mistakes by practicing corruption and nepotism. Instead of promoting inclusive democracy for all, they may exploit existing tensions or provoke new ones between ethnic, religious, and societal groups by favouring and marginalising the other. Thus, the social fabric of society is

³ About good governance, (2022). Retrieved December 20, 2022, from <https://www.ohchr.org/en/good-governance/about-good-governance>

likely to disintegrate, disillusionment with the government will increase, conflict will exacerbate, and there will be a breeding ground for terrorism.⁴

The definition of the rule of law has evolved, and the international community agreed at the United Nations on the practical definition of the rule of law as one of the principles of governance, and all legal and natural persons, public and private, including the state itself, are accountable to the laws, the principle of equality shall be applied on its basis, litigation shall be conducted independently, and it shall be consistent with the general principles of law. It is carried out according to measures consistent with the principles of justice, equality, and separation of powers.⁵

It is noticeable in this definition that it includes the basic element of the rule of law, which is the concept of the responsibility of all parties before the law, in addition to the elements that constitute the procedural aspect of the issuance, implementation, and application of the law. This is what achieves the aspect of transparency to reach justice.

The definition above has been criticised for including general concepts whose application is practically impossible. In addition, the censorship mechanisms represented by civil society organisations were not disclosed, popular censorship, and unofficial newspapers, are not recognised within the formal justice system. Undoubtedly, countries with the power to impose sanctions seek to put in place means of intervention through which to set it, such as protesting against the state to be punished for not achieving justice and equality or because of corruption. This is what brings the concept of sovereignty to the international sphere.

Next, the impact of US sanctions on the internationalization of sovereignty will be discussed. It is also not denied that US sanctions have implications for the internationalization of sovereignty. The relationship between international law and sovereignty is inseparable. Sovereignty is the starting point and source of international relations. Submission to international law does not contradict the concept of sovereignty, as it is in accordance with the will of the state itself. The state enjoys legal personality, works with international organizations, and concludes international and regional agreements.⁶

1.3 The Impact of the US Sanctions on the Internal System

As long as the sanctions issued by the American internal authority are applicable only to the citizens of the US and within its territory based on the principles of the personality of the law and the territoriality of law, it can make these sanctions have an effective international impact and expand their scope through bilateral and regional international agreements, the (NATO) Atlantic Alliance. They are sanctions of a military nature that could make US allies revolve around US policy in various global affairs. This can be seen in many of the positions of the European Union countries and in the usual coordination between them against the sanctioned countries in various fields.

Also, the strategic framework agreements concluded by the US with various countries aim to activate the effect of the sanctions issued by it towards countries that do not obey its orders. These agreements have an essential impact on domestic legal policy, in terms of the legal system on the one hand, and on the other hand, on trade relations, especially in those

⁴ Lianne McKay and Edited by Adewale Agade and Vivienne O'Connor. A Practical Guide Towards a Culture of the Rule of Law. United States Institute of Peace. Washington 1st. p.3 2015.

⁵ Above, Lianne McKay. p. 12.

⁶ Abdul Karim Alwan mediator in international law. The second book, House of Culture, 3rd edition, 2016. p. 24.

countries that are associated with the US with an alliance or a strategic framework agreement. Therefore, we deal with both matters in research and analysis through the following two issues.

1.3.1 The Effect of Sanctions on the Penal System

International law includes penalties like any other law, and these penalties are imposed on the punishing country and on anyone who does not abide by the penalties of international law. These penalties are as follows:

1. Sanctions Free of Coercion

These sanctions are represented by moral sanctions that are carried out through international conferences and organizations, as is the case with blaming Russia for its handling of the Ukraine crisis through the United Nations. Or, by severing diplomatic relations with the state to blame it for a specific position issued by it, so all political and economic relations will be suspended, as is the case with Syria and Iraq before 2003, and with Russia now, after launching the war on Ukraine. As for the financial sanctions, they are the result of the international responsibility and its obligation to compensate, as is the case in determining the compensation on Iraq as a result of its responsibility for the occupation of Kuwait and the resulting damages, in addition to the legal sanctions that led to the cancellation or suspension of international treaties. In addition to the disciplinary sanctions imposed by regional and international organizations, there are other sanctions such as the suspension of the state's membership in the organization or its expulsions from it, such as the suspension of Syria's membership of the League of Arab States, the suspension of aviation and the use of airports by the Civil Aviation Organisation on Russia as a result of its war on Ukraine.⁷

2. Sanctions Including Coercion

These sanctions include police actions and reprisals, which include military occupation, economic and military blockades, and coercive measures taken by the United Nations, especially by the Security Council, because of its mandatory status on the member states of that organization. The economic boycott is the most common and influential type of measure in contemporary history, which constitutes internal and external pressure on the boycotted state. The boycott may be imposed by individual countries or by international organizations. The most famous of them occurred in the 1990 Gulf crisis by the UN Security Council on Iraq and by regional organizations; these measures have consequences for Russia because of the Ukrainian crisis.⁸

The boycott aims to prevent economic dealings directly and indirectly with the boycotted state, with the intent of depriving its economy of dealing with the boycotted state, and the boycott is carried out through the international and regional offices of the boycott. Countries, institutions, and others who breach their commitment warn dealers of this breach to beware of dealing with them.⁹

The boycott's impact on the economy of countries prevents the flow of foreign capital into the country, which affects its balance of payments, on the one hand, and the competition of its

⁷ Gutterman, S. (2011, November 14). *Russia opposes Syria's suspension from Arab League*. Reuters. Retrieved December 20, 2022, from <https://www.reuters.com/article/uk-syria-russia-iran-idUKTRE7AD0J920111114>

⁸ Ninan Koshy, The United Nations and the Gulf Crisis. *Economic and Political Weekly*, 32(47), 2007, 3011–3020. <http://www.jstor.org/stable/4406094>.

⁹ A. M. Saltoun, Regulation of Foreign Boycotts. *The Business Lawyer*, 33(2), 1978, 559–603. <http://www.jstor.org/stable/40685850>.

exports in international markets on the other hand.¹⁰ The impact of the economic boycott has catastrophic humanitarian effects on various health, educational and humanitarian fields, which prompts sanctioned countries to adopt legislation to mitigate the effects, including preventing some industries that affect the supply of some commodities necessary for daily life. For instance, the confectionery industry and manufacture of luxury and other items which withdraw the raw materials required for daily life result in neglecting the businesses that were related to customs and taxes evasion in an attempt to provide the necessary goods and materials, and this leads to a change in the public order, as the works that were prohibited become permissible and vice versa. This effect of the Penal Code extends from mitigating or canceling penalties for some acts and tightening them in another aspect on other actions, such as the killing of a thief who sneaks into homes at night is taken as permissible, the thief of food supplies is severely punished.¹¹

1.2.2 The Impact of Sanctions on Commercial Relations

The application of sanctions may affect the commercial movement, but it is possible to overcome the difficulties that contractors may face from the stage of concluding the contract to the stage of implementation. Difficulties may be overcome due to the existence of methods known within the scope of international commercial law that facilitate commercial activity without considering it circumventing the law, by exploiting the characteristics of commercial activity that are characterized by confidentiality, confidence, and speed. However, difficulties may arise for the parties to the contract, and they can be avoided through:¹²

1. False names (or pseudonyms) or an apparent person and a hidden person, as the law prevails over the obvious situation over the real situation, the same is the case with fictitiousness that authorizes others to either take the real or fictitious situation according to the creditor's interest in claiming the right. The third party also can refer to the money of the apparent person at the time of dealing with them. It cannot be referred to the hidden money that was not entrusted to the apparent person to be invested in the commercial activity. Some of the jurists¹³ have taken the permissibility of recourse to the apparent and hidden situation, but this opinion has no basis in the law. Thus, it founds that the parties to the relationship, by using this method, protect themselves and their money from being exposed to any of the risks. However, this matter makes it difficult for third parties who are interested in being exposed to the contract to prove their claim.¹⁴
2. Also, most international trade deals are done under standard contracts, which often depend on a bill of lading issued to the orderer or bearer. Article 723 of the Iraqi Transport Law defines a bill of lading as "a document that establishes the contract of carriage and is considered evidence of the carrier's receipt of the object being transported, and gives its bearer the right to receive the object." Thus, in order to allow the movement of goods during the transportation process, where the goods are directed according to the instructions of the new owner of it, who is the bearer of the bond, this constitutes the difficulty of tracking the goods in terms of the

¹⁰ Essam Al-Attiyah, *International Law*, (Al-Sanhoury Library, Beirut: 2012), pp. 30-49.

¹¹ See Articles 440,441,442,443,444,445 of the Iraqi Penal Code No. 111 of 1969. Also, Article 117 of the Iraqi Military Penal Code No. 13 of 1940.

¹² Nidaa' Mawla, *The Impact of Caesar's Law on International Trade*, (The city of Science Journal, Baghdad: 2021), Volume 14, Issue 2, p.4.

¹³ Walid Ali Maher, *Commercial license contract*, (Center for Arab Studies, Egypt: 2018), pg 17

¹⁴ Abdullah bin Suleiman bin Abdulaziz. Virtual money. *Scientific Journal of Economics and Trade*. Ain Shams University No. 1, Yinler 2. 2. 2017 p. 3

consignee and its destination, as its destination may be determined in the port to change on the way.

As for contracts that are not subject to goods, such as services, the commercial papers and the principles on which they are based are means of overcoming any difficulty that the parties face in paying the consideration. It also constitutes the difficulty of not paying the consideration because it is an abstract right that deserves proper consideration even if the reason is not mentioned.

3. The parallel market or the so-called black market, the presentation of commercial contracts and the agreements they contain on the provisions of the commercial and civil laws in the application, does not constitute a source of the legal base in the strict sense. However, it constitutes a source of commitment to the fact contained in the agreement because the contract that includes the obligation to be implemented is not characterized by generality and abstraction. Therefore, the rules that govern the commercial market are not subject to the agreements concluded between the parties but instead have their own rules.
4. Dealing with companies that provide the required goods may result in a violation of laws and regulations and evasion of them, which leads to forgery of the certificate of origin or the so-called geographical location, and the consequent violation of the agreements of the World Trade Organization (the bolt agreement), to achieve the largest profits.
5. One of the difficulties that emerge from the application of sanctions is the emergence of means of fulfillment that may activate money laundering operations. For example, it may occur through bartering, delivering materials prohibited under the sanctions in exchange for oil, or purchasing lands to carry out tourism projects from illegal funds and transferring them to projects following the law.
6. These operations may be carried out by international forces, as companies and people of that state deal with the state on which sanctions are applied in cooperation with those international forces and find the control that violates international rules and norms, creating instability at all levels of the commercial aspect.
7. One of the difficulties that sanctions may eventually cause as a by-product in the commercial field is the emergence of a new type of economic terrorism, as it constitutes a kind of siege on some sectors that have a direct impact on people, in terms of health and living, such as transportation, treatment, and heating, which causes tremendous pressure on various social strata, and consequently has a negative impact on human rights.
8. In sum, violating the general principles of law in general and commercial law in particular, especially about freedom of trade and the free will of contractors, and the principle of trust and credit, by exercising political pressures to obtain economic gains and control over energy sources may lead to the demolition of international trade law. We are facing the fate of the Roman state historically, or the end of the institutions that govern this sector, which may lead to the collapse of trust and credit and the institutions on which it is based and represent a source of protection and control for them.¹⁵

¹⁵ Lord's call. *The Impact of Caesar's Law on International Trade* (The city of Science Journal, Baghdad: 2021) Volume 14, Issue 2, p.10

2. The Impact of the US Sanctions on International Relations

International law can impose its authority and control over international relations; the states are not absolute sovereignty as they are subject to its rules in their relations.¹⁶ Countries have relied on the option of sanctions in order to impose their policies, and this matter became more effective when the collective security system was established. The sanctions took many forms, including siege or military embargo, or sanctions of an economic nature. The United Nations have relied on a legal framework that regulates international sanctions to influence countries, and it constitutes an effective alternative to engaging in wars. The researchers support the principle of sanctions of moral nature to support international law and its effect in the absence of a deterrent force that imposes respect for the law on a global scale. Things have developed and taken a direction contrary to those principles, especially after the US followed the approach of the international police and imposed economic sanctions without the authorization of the Security Council. From here, it is necessary to discuss the impact of these sanctions on the relations of the sanctioned countries with other countries, and whether those countries supported the sanctions or not.

International sanctions are defined as “an appropriate response adopted by states individually or collectively against the perpetrator of an illegal incident at the international level, to ensure respect and implementation of a binding law or duty” which justifies sanctions such as an economic blockade imposed on states.¹⁷

It should be noted that both penalties, siege, and prohibition, are not imposed in the internal law because they are penalties of a collective nature, including towards those who did not commit an act punishable by law. In addition, the nature of the penalties affect the rights of individuals due to its direct impact on the lifestyle of food, clothing, and means of maintaining health. It clashes with the lives of individuals and their rights to a decent life and constitutes a system of human rights, as it raises the basis on which the punishment was imposed and the jurisdiction of the party that imposed it. This punishment lacks a definition of the actions that could constitute a penalty for its perpetration, which leads to the overlap of political and economic interests between the states that impose the punishment and those who support it in their policies, and the states that reject those sanctions, especially since the party imposing the sanctions is a party to the conflict. Hence, it is the judge and the executioner at the same time.

The United Nations has imposed sanctions based on Chapter VII of the United Nations Charter, allowing the Security Council to take the measures stipulated in Article 41 of the Charter in the use of force and what Article 42 refers to in cases of threats to international peace or aggression when the peaceful endeavours fail. However, the supposed threat cannot be proven by an authorized and specialized body in this matter, as there is no supervisory body that applies the penalties above, as it is subject to political considerations and the balance of power in the world.¹⁸ The general negative consequences are evident in the history of the application of these sanctions – of the ones imposed on Iraq, which resulted in the starvation as well of the people who were not engaged in any decision-making processes about the war; economic consequences in South Korea, Yemen, and worldwide present ones with the war in Ukraine.

¹⁶ Essam Al-Attiyah, *International Law*, (Al-Sanhoury Library, Beirut: 2012), 393.

¹⁷ Al-Hussein Al-Zawi, *Gulf Policy in International Relations*, Article published on You.10/15/2021

¹⁸ Ammar Koussa, *Evidence before international courts*, (House of Culture for Publishing and Distribution, Amman: 2020), pg. 121.

2.1 The Impact of Sanctions on the Relations between Sanctioned and Supportive Countries.

Sanctions are being imposed outside the United Nations to settle scores between the major powers, and this is what appears in the US policy with Russia, confronting China's economic power, the Iranian nuclear file, and sanctions against some South American countries. At the same time, the sanctions appear as a liberal policy that seeks to direct the perpetrator's behaviour to what is consistent with international values or push the perpetrator to adopt a specific domestic policy, or limit human rights violations. This is what we note in the relationship between the European Union and its support for American sanctions policy. Just to illustrate, in February 2021, 88 people from Belarus were punished for a year, including politicians and people in business by freezing the assets of seven organizations and banning citizens and companies of European Union countries. In addition to that, the sanctions on Russian personalities and entities were imposed by US President Joe Biden for the poisoning of the Russian opposition leader Alexei Navalny.¹⁹ The same applies to the war between Russia and Ukraine. This leads to a reaction of the sanctioning party against the countries assisting those who expect the punishment, thus losing the relations that would have led to a great individual benefit to them. In addition to losing their international prestige, those sanctioned countries may describe it as interfering with their internal affairs, or reciprocating with them, preventing personalities from traveling. Despite the controversy over the effectiveness of sanctions, it has become the preferred means for countries to express their positions, especially the US, which possesses strength and economic characteristics, most of which are related to the power of the dollar and the American economy in the global system.²⁰

When imposing penalties, there must be restrictions that specify the reasons, the entity, and the actions they are charged. Accordingly, the Committee on Economic, Social, and Cultural Rights has set the seventeenth session at the University of Minnesota with limitations in this regard, including:

1. When imposing sanctions, the provisions of the International Covenant on these rights or based on Chapter VII of the Charter of the United Nations must be taken into account, as they constitute the legal basis for imposing sanctions, legitimizing sanctions, their causes, and duration, and avoiding effects that may affect innocent people. The US failed to obtain the approval of the Security Council in the Russian-Ukrainian crisis because of Russia's veto; it has resorted to the General Assembly for recommendations and has already denounced.
2. The incident to be imposed on should be carefully examined and analyzed in a manner that confirms the proportionality of the punishment to it and it should be considered whether it is authoritative for its imposition.
3. Sensing the effects of sanctions in terms of health and education, which enhance the power of tyrannical groups, the emergence of the black market, and sudden profits for groups with suspicious activities.
4. A distinction must be made between the primary purpose of political and economic pressure on the authority to comply with international law and the population's suffering. Therefore, sanctions regimes include specific exceptions related to humanitarian situations; some have considered that the suffering of the population

¹⁹ US sanctions against officials and entities in Russia for poisoning opposition leader Navalny - BBC News Arabic, 2021

²⁰ Abdul Majeed Abu Ela, Al-Ahram Center for Political and Strategic Studies, 2021. See also. Adel Abdullah Hassan Al-Masadi. Judicial settlement of international border disputes. Dar Al-Nahda Al-Arabiya. Cairo. 1st edition 1997. p. 92.

- is part of the sanctions, which constitute additional pressure on the authority to submit to international law, without considering that it constitutes collective punishment for a party that is already suffering from various forces and reasons.
5. Although the committee that studies the objectives, reasons, arguments, and monitoring of imposing sanctions has no role in imposing sanctions, it is responsible for everyone's compliance with the application of sanctions. Therefore, it also monitors the conditions and methods of imposing sanctions.
 6. A United Nations mechanism was established to monitor and follow up on the impact of sanctions following principles and procedures based on respect for human rights and to identify goods and needs that emerge from sanctions for the requirements of those rights.
 7. The party that imposed the sanctions should be monitored and applied following the international covenant, and it should be held responsible for any harm that may affect innocent people.
 8. The commitment made by states derives from the obligation contained in the United Nations Charter to promote respect for human rights and that all members of the United Nations have signed the International Covenant except China and the US. The first paragraph of Article 2 of its states that states "on their own, through international assistance and cooperation, particularly at the economic and technical levels, and to the maximum of the available resources, shall take the necessary steps to ensure the progressive enjoyment of the rights recognized in this covenant, by all appropriate means."²¹ When the affected state is a party to the international covenant, other states must respect the relevant obligations.

However, if the sanctions are imposed on a country that is not a member of the covenant, then the same principles are applied to it. However, we note that the US and China are not parties to the international covenant. The one which imposes the sanctions is the US, depending on its international allies, which made Russia and China all allies to avoid the consequences of sanctions; these are often the ones which were subjected to those sanctions from the US.

2.2 The Impact of Sanctions on Countries that Reject Sanctions

Economic measures imposed by a country or international or regional organizations on a country or companies to commit aggressive acts that threaten world peace are a type of coercion. Economic sanctions may include restrictions on international trade, prohibition of certain types of weapons, food, medicine, and raw materials, and limiting exports and imports, pressuring it to change its policy in a particular field, or forcing it to make concessions in a specific area. Sanctions have become a foreign policy tool for major powers instead of military options that may have dire consequences.²²

Article 39 and Article 41 of the United Nations Charter represent the legal framework upon which the Security Council is imposing economic sanctions on the state to be punished. As a result, there are the humanitarian effects of the sanctions that affect the targeted but also the innocent ones and may violate the principles of international law and human rights. The United States has recently turned to more reasonable sanctions to get rid of some of the negative

²¹ Essam Al-Attiyah, 398, see also Dr. Abdul Karim Alwan, 30.

²² I. Bogdanova, "Chapter 2 The Legality of Unilateral Economic Sanctions under Public International Law", *In Unilateral Sanctions in International Law and the Enforcement of Human Rights*. Leiden, The Netherlands: Brill: 2022. | Nijhoff. doi: https://doi.org/10.1163/9789004507890_004.

effects it has had on the international level. Sanctions now target the political and military leaders responsible for the incidents for which the sanctions were imposed. These sanctions include travel bans, seizure of balances in international banks, or an arrest warrant issued by the International Tribunal on various charges.²³

Whatever those penalties may be, their effects extend to the relationship with other countries that are exporters or importers of particular goods which are directly or indirectly affected, and to avoid the challenges and changes it faces in the political and economic sphere. Therefore, strategic alternatives must be used to bridge the economic gap or remedy the financial, economic, or societal imbalance, exploiting the elements of strength or facing competitive situations, represented by strategic alliances, which are a solution that helps in the growth and development of areas that suffer from a specific crisis or weakness.²⁴ Countries affected by the sanctions have found ways to mitigate these effects through alliances that have led to positive effects for them in their various dealings, such as the preference in dealing and acquiring the goods they need.²⁵

2.2.1 International Alliances

International alliances are a tool to avoid the effects of sanctions imposed on a country, organizations, or bodies that affect the countries that deal with them, which led to the conclusion of those alliances with neighbouring countries or powerful countries, or those that achieve the interest in avoiding the effects incurred as a result of the imposed sanctions. The alliance constitutes protection and protection from these effects and even from the abuses or attacks that may occur.

International alliances are based on the common interests between the allied countries and the utilization of the resources of the allied countries to cover their needs. Moreover, the alliance secures collective security from expected or occurring attacks. Therefore, the alliance engagement is based on the state's interest in this agreement.

2.2.2 The Conditions of Alliance

The controls for working in the interest must be based on clear legal bases so that the alliance produces its effects in protecting and achieving the interests of the allied state, and this appears through the fulfilment of certain conditions:

1. Contemporary international alliances must consider the general order of the allied state without prejudice to its political, economic, and social principles. and find legitimate methods, and if the interest of the state conflicts with the interest of the alliance, the greatest harm shall be considered according to the rule "If two evils conflict, the greatest harm shall be taken into consideration by committing the lesser of them" and the rule "If two harms combined, bring down the smaller, the greater." It is the responsibility of the state to preserve its pillars.²⁶ If the interest conflicts with the harm and the benefit

²³ Abdul Majeed Abu Ela, Al-Ahram (Center for Political and Strategic Studies, 2021)

²⁴ Khawaldi Farid Bou Smina, The impact of strategic alliances on supporting technology capabilities, *Journal of the University of Abou El Bouaghi*, 2013, p. 2

²⁵ Noura Mawaddah Haddad, Strategic alliances in organizations as a mechanism to support their competitiveness, *Journal of Colle*, University Algeria, 2020.

²⁶ Mohamed Shaher Attia Al-Zeq, *Contemporary international alliances, the impact of interest in them*, Master's thesis. Islamic University, Palestine, 2020, pp. 50-63.

cannot be obtained except by committing the harm, and it cannot be repelled except by forfeiting the use, then here, preventing harm is more important than bringing benefits.²⁷

2. The availability of the conditions of the interest and its continuity as long as the alliance was established should be maintained; otherwise, the alliance end with the expiry of the interest, and the interest must be direct, status, and achieved. As for the potential interest, it is about to be confirmed so that it can be considered, and this is what transforms NATO's work through the media in the situation and notifying that Russia is on the verge of entering Ukrainian territory, which serves as its grounds of presence and arm the Ukrainian forces in preparation for their annexation to the alliance.
3. Availability of the agreement elements from the consent of the contracting parties, place of the oath, and reason within the legal controls of the existence and their validity, in addition to the achievement of international principles of observance of reciprocity and the condition of the most favoured nation, and all general principles of law.

2.2.3 Effects of Alliances

The establishment of alliances creates broad and overlapping groups based on dominant standards, institutions, networks, and mechanisms in the military, political and economic fields, which creates a large group of institutions, such as the United Nations and the World Trade Organisation, which have established records, rules, and standards.

What emerges from these groups and networks of dialogues and disagreements about the value of the international system for the US policy, and the difference between liberal economic systems and others, may show a kind of confusion in seeing the group of overlapping sub-systems resulting from those ramifications that lead to differences on the same level of complexity created by this intertwining of these organisations.

The current international system stemmed from the system of free trade and the regional organizations to which it was attached, and which has to do with freedom of navigation, the determination of regional and international waters following the United Nations Convention on the Sea Law, and the determination of the rights of states among them. Although the US did not sign this agreement, it abides by most of its provisions.²⁸

The solid-state may create the establishment of alliances in its entirety for serving its interests and be subject to its influence and follow its orders, and this can be seen concerning NATO, as it is being under the navigation of the US and it successfully pushes the war away from American lands, exposing the countries of Europe and the surrounding areas to danger.

The interests of the major powers did not stop at the military alliances but instead took on a broader scope with economic, social, and ideological dimensions, under the explanation of combating terrorism at the international level. It became one of the most critical topics for alliances; crimes have appeared under the name of crimes of international terrorism, and terrorist acts of various types and quantity, which led to it becoming a problem of contemporary life. Indeed, it has gone beyond being a phenomenon to the extent that it can be said that it is a fundamental shift in the structure of the international community. So, it was necessary to wage war against terrorism, which affected everyone without exception, regardless of the party that used it. In order to clarify the ambiguity of the term terrorism and to avoid its misuse and exploitation, it is necessary to agree on its concept, to combat it, which requires the mobilization

²⁷ Adel Abdullah Hassan Al-Masadi. *Judicial Settlement of International Border Disputes*, (Dar Al-Nahda Al-Arabiya, Cairo: 1997), 1st Edition p. 180. See also Ammar Kousa. p. 86.

²⁸ Michael J. Mazar, Miranda Pirate, Andrew Radin, and Astrid Stuth Cephalus, *Understanding the current international system*, (Rand Corporation, Santa Monica: 2016), pp. 21-22.

of international alliances to confront it. Especially after the September events regarding the World Trade Centre, the alliances resulted in many repercussions on the economic, financial, and intellectual levels, and resulted in the confronting terrorist acts. The war became legitimized based on the fight against terrorism.²⁹

Conclusion

It is necessary to define the criminal acts that require punishment and to determine the appropriate penalties, the authority authorized to impose them, and the guarantees of their application so that justice is achieved in the international community. Furthermore, the application of the rule of personal punishment should not affect others, especially innocent civilians, and there is the need to consider the humanitarian aspect that was afflicted by the US sanctions when they were applied to the targeted countries and affected directly and indirectly the civilians who thus lost confidence in international law.

International relations are affected by many economic, social, political, and military factors and everything that can be included in the concept of public order. Each country seeks to increase its political power by consolidating its sovereignty and by supporting it with international alliances as an alternative to armaments that drain its economic resources. Also, by finding means of weaponry and by concluding alliances or seeking to join them. An example of this is what Western European countries have achieved in alliance with the US to protect it from any nuclear attack by Russia, and this alliance is called the nuclear umbrella.

Among the most prominent international instability are international alliances that may make the state feel in danger and insecure, as they increase international tension and transfer conflict in times of war to different regions of the world. Actions in Iraq, the Arab Spring, the war in Afghanistan, in Ukraine are just a few testimonies to mention.

The sanctions imposed on states have led to negative results, changing the structure of collective security by reviewing their obligations to ensure the sharing of the risks incurred by them due to the sanctions and trying to mitigate their effects.

There is an imbalance in the application of the Universal Declaration of Human Rights, as sometimes blockades and economic sanctions are used to put pressure on governments by starving people, and sometimes collecting donations and aid are used to save people from hunger and the pandemic that affect them as a result of the sanctions. This leads to the emergence of hatred and phobia in the relations between people themselves; this is evident in many incidents that are a result of Islamophobia. There are at times, attacks on journalists and civil society organizations considered as spies as a result of the policies of their countries that seem hostile which in return comes as a result of the sanctions imposed on them.

The importance of punishment in the legal system, in general, is not denied, so it is safe to punish bad manners. The punishment and the destination for its imposition and the guarantees of this matter must be determined so that justice can be achieved. The rule of personal punishment must also be applied to not affect the innocent and the humanitarian aspects that have devastated a lot and changed the world order and people thus lost confidence in international law.

²⁹ Hassan Khater Maya, *The war on terrorism in the light of international law*, (Naif University Publishing House, 2015), p. 4.

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