

## History of Economic Sanctions in International Law

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### Abstract

*The History of Economic Sanctions in International Law: exploring the use of economic pressure measures as a tool of foreign policy from ancient times to the present day. The article examines the evolution of the legal framework of sanctions, their effectiveness, and their impact on international relations. Particular attention is paid to the role of international organizations (League of Nations, UN) and key judicial decisions that have shaped the legality and legal implications of sanctions. The article also discusses contemporary challenges and trends in the field of sanctions, including issues of human rights compliance and humanitarian consequences.*

**Keywords:** economic sanctions, international law, history of international relations, League of Nations, UN, legal consequences, effectiveness of sanctions.

### Аннотация

История экономических санкций в международном праве: применение экономических мер давления как инструмента внешней политики с древнейших времен до наших дней. Статья исследует эволюцию правового регулирования санкций, их эффективность и влияние на международные отношения. Особое внимание уделяется роли международных организаций (Лига Наций, ООН) и ключевым судебным решениям, определившим законность и правовые последствия санкций. Рассматриваются современные вызовы и тенденции в области санкций, включая вопросы соблюдения прав человека и гуманитарные последствия.

**Ключевые слова:** экономические санкции, международное право, история международных отношений, Лига Наций, ООН, правовые последствия, эффективность санкций

### INTRODUCTION

Sanctions have been used in international law for centuries as a means of controlling states and achieving political and diplomatic goals. Although there are different views on their effectiveness

and legality, there is no doubt that sanctions have played an important role in shaping international relations and eliminating violations of international law and human rights.

The first international economic sanction in history dates back to 432 BC, when the Athenian ruler Pericles decided to impose restrictions on the import and sale of goods produced in Megara to Athens after the abduction of three women. In the past, countries used this method primarily to satisfy political needs within their own countries and to reduce pressure from other countries. Since ancient times, sanctions have been a tool of military policy in times of war. In particular, during the Crusades, the use of trade embargoes and other economic sanctions to protect the country was preferred over open warfare. Until the end of the 19th century, economic sanctions were usually used in times of war and took the form of export controls on strategic supplies and blockades against target countries. In the early 20th century, sanctions were still a part of warfare, but after World War I, the idea of using sanctions as an expression of aggression emerged. Until now, it is no longer necessary to wait for a war to apply sanctions, which were used only during hostilities, and their use has also accelerated.

During the First World War, various forms of economic sanctions were applied by countries, in particular, according to the law adopted by France on September 27, 1914, it was determined that all agreements concluded with non-friendly enemy countries after the start of the war would be canceled. Later, France amended this law, canceling the contracts concluded before the war with Germany and Austria, confiscating the property of foreigners from enemy countries and freezing some of them.

In addition, during the war, many economic sanctions were introduced by the United Kingdom and the United States. As a result, some prominent leaders, realizing that the use of economic restrictions with the use of weapons, are equally effective in terms of effectiveness, economic weapons related to other means of war, began to think that it could replace and become an alternative for the armed forces. In particular, US President Woodrow Wilson praised the benefits of economic weapons over other wartime weapons.

Woodrow Wilson said, "A boycotted nation is a nation on the verge of surrender." The use of economic sanctions, peaceful and tragic at the same time, does not require the use of force. The use of economic weapons will not cause anyone to become a victim for no reason, but no modern state can withstand such pressure for long.

The main purpose of economic sanctions is to force a country to change its policy direction, and they are usually used by countries that play a major role in world foreign economic trade. The leading country in the application of sanctions is, of course, the USA.

In history, we can see that the sanctions are long-term or short-term, depending on the time of application, among them, the economic sanction that stands out for the longest period of time is that of the United States.

It was introduced in 1958 and included a full economic embargo against Cuba. However, despite putting pressure on the country's economy, the sanctions did not achieve their goal, and more than half a century later, a regime loyal to the United States was never established in Cuba. Seeing their futility, the UN adopted 29 resolutions demanding the cancellation of the economic embargo.

In addition to unilateral sanctions, there are also collective sanctions adopted by intergovernmental international organizations in order to ensure collective security. The concept of sanctions coercion appeared in the Charter of the League of Nations, which was created to maintain peace after the

First World War. Article 16 of this Charter stipulates that in the event of war, any member state of the League must stop all trade and financial relations with the aggressor country.

Although the League of Nations was established after the First World War with the aim of preventing future conflicts, promoting international cooperation and peaceful settlement of disputes, most member states did not always follow the decisions made by the League, some powerful countries such as Germany, Italy and Japan left the League and acted against the initiatives of the League and many other factors made the League of Nations weak, which resulted in World War II.

After the Second World War, the United Nations was established in order to prevent armed conflicts and develop international cooperation in various fields. Unlike the League of Nations, the UN was created with a stronger structure for solving peace and security problems, and it is no exaggeration to say that the use and application of economic sanctions has reached a completely new level during the era of this organization. In particular, according to the UN Charter, in the event of "any threat to the peace, disturbance of the peace or act of aggression", the UN Security Council may take mandatory measures to mobilize all members of the organization, including their armed forces, against the aggressor state. . But military sanctions must be preceded by coercive measures consisting of selected diplomatic and economic sanctions. Examples of such measures include arms embargoes, financial freezes, travel bans, embargoes on foreign trade of any kind, partial or complete interruption of foreign trade, rail, air, sea, postal, radio, we can indicate measures such as the severance of diplomatic relations and armed intervention.

It is noteworthy that neither the League of Nations nor the United Nations applied these measures to the largest conflicts at the most important moments in history. These include Japan's aggression against China before World War II, Great Britain's military operation in the Falkland-Malvin Islands, and the US intervention in the Korean, Vietnam, and other major wars.

Also, the world after the Second World War became a truly bipolar world, and because of this, the USSR had to live under sanctions and embargoes several times. Sanctions were applied mainly in military and economic directions. In 1949, the Coordinating Committee on Multilateral Export Control (CoCom) was established. This organization was involved in the control of exports to the USSR and the countries of the socialist bloc. The organization created a list of products prohibited for export to the USSR, according to which the country was prohibited from exporting weapons, high-tech equipment, nuclear energy technologies, industrial products for military and civilian purposes. This restriction was supported by NATO member states, as well as Japan and Australia. This restriction lasted until the collapse of the USSR, and at that time the company "Toshiba" secretly supplied products to the USSR.

In addition, the US and its allies tried to damage the oil and gas sector of the USSR by placing an embargo on the supply of pipelines necessary for the supply of gas to NATO Europe. Then, in 1974, the US Congress voted on the Jackson-Venik Amendment to restrict trade with countries that violate human rights. It also affected the Soviet Union and was inherited by its successors after its collapse, these restrictions were lifted against Russia by 2012 and are still in place against Uzbekistan today.

After the collapse of the Soviet Union at the end of the 20th century, the UN started a new era in the history of sanctions policy by introducing comprehensive sanctions. For the first time, they introduced sanctions against Iraq (in 1990), and then international economic sanctions began to be applied one after another. In particular, Yugoslavia (1991-2001), Somalia (since 1992), Libya (1992-2003), Liberia (since 1992), Angola (1993-2002), Haiti (1993-1994), Rwanda (1994-2008),

Sierra Leone (since 1997), Afghanistan (since 1999), Eritrea and Ethiopia (since 2000), DR Congo (since 2003), Cote d' Ivory Coast (since 2004), Sudan (since 2004), Lebanon (since 2005), Iran (since 2006), North Korea (since 2006). The disastrous consequences of such sanctions introduced by the UN over the years for the ordinary population of the countries were recognized by the UN members, and gradually the representatives of the UN Security Council began to move to the practice of "targeted sanctions" aimed at the fallen governments and financial elites, "black ro" lists" were formed. Because the sanctions applied by the UN cannot always be considered as targeted, for example, the resolution No. 661 adopted by the UN against Iraq in 1990 was carried out to attack Saddam Hussein's regime. This kind of brutality against innocent people caused serious damage to the ordinary Iraqi population and has been the cause of legitimate protests until now. Later, the UN secretary himself repeatedly emphasized that such sanctions primarily affect the ordinary population, not the political elite, and that the use of such sanctions is not the right solution to eliminate political opposition.

Today, the United States, which is considered a leader in international law with its unilateral economic sanctions, is arguing with the UN about the effectiveness of using economic levers as a foreign policy tool. The debate stems primarily from the weak link between economic deprivation and political change. According to the American economist D.T. Griswold, the restriction of trade relations directly harms the United States and the poorest in the countries where sanctions are applied. As of March 2022, countries or territories subject to US sanctions (unilateral or partial) include: Afghanistan, Balkans, Belarus, Burma, Central African Republic, Cuba, Democratic Republic of Congo, Ethiopia, Hong Kong, Iran, Iraq, Lebanon, Libya, Mali, Nicaragua, North Korea, Russia, Somalia, Sudan, South Sudan, Syria, Ukraine, Venezuela, Yemen and Zimbabwe. In total, since 1993, the US has imposed more than 40 economic sanctions against various countries, which cost US exporters approximately 15-19 billion dollars a year. At the same time, according to a study by the Peterson Institute for International Economics (PXIE), economic sanctions applied by the United States have led to the intended results in less than 20% of cases. Just as the Nuclear Non-Proliferation Act of 1994 failed to stop Pakistan and India from testing it. Economic sanctions in Iraq have only led to the destruction of the middle class, reduced the standard of living of the poorest segment of the population, and destroyed the possibility of the emergence of an opposition and alternative leadership in the republic.

To conclude, economic sanctions in international law can be seen in all international relations. As important as the sanctions were during the war, they became more important after the war, and several new types appeared, such as financial, trade, asset freezes, travel restrictions, arms embargoes, and export and import restrictions.

Also, according to the results of the study of this article, we divided the history of economic sanctions into three periods depending on the purpose of their use and the place they occupied.

- The period from 432 BC to the beginning of the 20th century. During this period, economic sanctions were used only as a supplement to military operations during the war.
- The period from the beginning of the First World War to the end of the Second World War. This period includes 1914-1945. It is no exaggeration to say that economic sanctions gained their place in international law during these years.
- The period from the establishment of the United Nations to the present. This period includes the years 1945-2023. During these years, economic sanctions have been used by states and other participants of international law for various purposes.

In particular, we can see that economic sanctions are used by powerful countries as a means of putting pressure on relatively less developed or developing countries.

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