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Reinvestigation of the West's sanctions against Russia in the crisis of Ukraine and Russia's reaction

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Abstract

Sanctions are such measures that are used before resorting to force and war. Sanction has been used repeatedly throughout the history. But the frequency of the use of sanction, as a tool to change the behavior of a regime or even a regime change, significantly increased after World War. But the most widespread and newest use of sanctions is between the West and Russia in Ukraine's crisis. In this crisis, America and European Union are trying to change Russia's behavior by imposing large volume of commercial and financial embargo and sanctions against individuals. On the other hand, Russia tries to deal with Western sanctions by imposing sanctions on Europe's citrus as well as European officials. In general, there is an obstacle, called the right of veto, for consensus on the sanctions against Russia and on the other hand, the other multilateral and unilateral sanctions outside the mechanism of the Charter is not contraindicated, but they cannot be imposed unlimitedly and regardless of imperative laws, the general principles of law, the specific rules of the Charter, human rights and humanitarian law. However, in this crisis, the political umbrella has made it actually difficult to apply definitive legal opinion.

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1. Introduction

Sanctions are coercive measures that are imposed by a country or groups of countries against a country that has violated international laws or accepted moral standards. The purpose of sanction imposer(s) is to make the offender country to cease its actions, or at least to put an end to its unacceptable behavior by negotiating (Aghabakhshi and

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Afsharirad, 1995). Sanction has a very long history, but its application was more after World War II (Anonymous, 2006). Some of them are Britain's sanctions against Iran in the oil movement, embargo of Cuba by the United States, oil embargo of Netherlands, Britain, United States and France by Arab countries in Arabs' war in 1973 with Israel, which resulted in the quadrupling of oil prices, or trade, sports, and capital sanctions of the Soviet Union from the West (which also covered the 1980 Olympics) as a result of the invasion and occupation of Afghanistan. In the course of the twenty-first century and after the events of September eleven, another wave of sanctions was commenced and most of them were imposed on Iran, due to its nuclear case.

2. The concept of sanction

Sanction is sometimes used in a sense of boycott. Boycott in political sciences is a protest activity in the form of refraining to do something such as election boycott and sanction is a penalty aimed to make the sanctioned country to obey the rule like sanctions against Iran (Shabestan News, 2012). The concept of economic sanctions is more important because of its more application. In fact, economic sanction is the lack of trade and economic exchange of different countries with a country in order to punish due to political and military reasons (Dehkhoda, 1982). In other words, it is the use of economic instruments to achieve political ends. Economic sanctions can be a boon to the war since they do not use force and violence. In legal doctrine, John Galtung defines economic sanctions as "actions initiated by one or more international actors against one or more others in order to punish the receivers by depriving them of some value and/or to make the receivers comply with certain norms the senders deem important" (Haddadi, 2003). In general, the nature of economic sanctions is not to create difficult situation against the people of a country and, in principle, is to change behavior and change policy of a government (Zarif and Mirzaee, 1997).

3. Types of sanction

Sanctions are generally divided into two categories of unilateral sanctions and multilateral sanctions (Abbasifard, 2007). In terms of content, sanctions are divided into two categories of economic and non-economic. Non-economic sanctions usually begin before economic sanctions and they aim to persuade the desired country to change its policy. Non-economic sanction is different depending on the nature of the subject, but it can include one of the these factors: cancellation of multilateral meetings, refraining to grant visas, reducing the level of political representation, preventing the membership of the desired country in international organizations, opposition to the hosting of the desired country for international meetings (Eshrafi, 2010). But the most important type of sanctions is economic sanctions. Economic sanctions have been defined as lack of trade and economic exchange of different countries with a country in order to punish due to political and military reasons; in other words, it is the use of economic instruments to achieve political ends (Dehkhoda, 1982). Economic sanctions are often considered as an alternative to war. The purpose of economic relations is all types of economic relations, including trade and financial.

Different countries use limited economic sanctions for political purposes against the target countries. Before sanctions against Iraq in 1990, United Nations have used all-out sanctions twice, one of them was against Rhodesia in 1966 and the other was all-out arms embargo against South Africa in 1977 (Abbasi, 2007). Economic sanctions are either in the form of trade barriers or financial restrictions. If the country sending sanctions impose financial sanctions against the target country, halting investment and pressure on financial transactions is put on its agenda to reach its goal and if it aims to impose trade sanctions, the economy of the target country will be crippled by stopping the import and export. In trade sanction, countries are asked to stop their trade transactions with the target country. Trade sanctions were imposed on Iran and if any country violates this prohibition, it will be treated badly. In financial sanctions, trade transactions are not directly intended and trade transactions are displaced through controlling financial resources and are controlled as a result of exchange (Ghanbarloo, 2008). There is another classification of economic sanctions. The case that sanction is just related to the relations between the two countries, so that a country refuses to have transactions or exchange services or other economic and social relations with another country, is called primary sanction that has a limited scope. But a country may sometimes expand its sanctions' scope and halt trade and financial relation with countries that have a relationship with the target (the sanctioned) country, which is called secondary

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