



## LEGALITY OF UNILATERAL SANCTIONS UNDER INTERNATIONAL LAW

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### Abstract

Unilateral sanctions, used by powerful states to compel others without the support of multilateral organizations like the UN, have become a key instrument of foreign policy in the last several decades. “The moral, political, or strategic justifications for these actions are often strong, but the question of whether they are permissible under international law is still hotly contested. By following the interplay between unilateral sanctions and other fundamental tenets of international law—such as state sovereignty, non-intervention, and the prohibition of force—this article delves into the murky waters of their legal standing. The author delves into the question of whether governments can take such measures independently of the UN Security Council and, if so, under what conditions these sanctions can be deemed legitimate”. The purpose of this article is to examine the rule of law and the effectiveness of unilateral sanctions in international relations by reviewing pertinent legal instruments, academic debates, and case studies.

**Keywords:** Unilateral Sanctions, International Law, Sovereignty, UN Charter, Non-Intervention, Economic Coercion, State Responsibility

### Introduction

In an increasingly interconnected world, the use of economic measures to influence or punish the behavior of states has become a common feature of international relations. Unilateral sanctions, actions taken by one country or a group of countries without explicit authorization





from the United Nations, have been widely used in situations ranging from nuclear non-proliferation to alleged human rights violations. “Countries such as the United States, the European Union, and others have frequently resorted to sanctions to shape global political outcomes. However, the legal standing of such measures remains deeply contested. Unlike sanctions imposed through the UN Security Council, which have a clear legal basis under Chapter VII of the UN Charter, unilateral sanctions raise difficult questions about the limits of state power in international law. Do states have the sovereign right to choose their trading partners and impose economic restrictions? Or do such actions violate the foundational principles of non-intervention and equal sovereignty of nations? Moreover, when sanctions result in humanitarian crises or disproportionately affect civilian populations, the moral and legal justifications become even murkier. This paper aims to explore these critical issues through the lens of international legal norms”. It examines the arguments both supporting and opposing the legality of unilateral sanctions, drawing upon treaty provisions, customary law, case precedents, and international institutional responses. Using select case studies such as U.S. sanctions on Iran and Russia, the paper investigates the political motivations and legal complexities that underlie the imposition of such measures. Ultimately, the research seeks to contribute to the ongoing debate about whether unilateral sanctions strengthen or erode the international legal order.

### **Conceptual Framework and Legal Basis**

The term unilateral sanctions refers to actions taken by one or more states to limit the activities of another, such as commerce, banking, travel, or diplomatic ties. Unilateral sanctions are implemented independently of any institutional permission, in contrast to multilateral sanctions that are supported by international entities like the UN Security Council (UNSC). “The legal dispute over them revolves around this difference.

An underlying conflict arises from the fact that international law aims to promote harmony, collaboration, and non-intervention among states, while states also have the autonomy to decide how they want to handle their foreign relations, including which countries to do business with and which to negotiate with. All member states are equal in sovereignty, as stated in Article 2(1) of the UN Charter, which enshrines the principle of sovereignty as a fundamental





one under international law. Also, under Article 2(4), no state's territorial integrity or political independence may be threatened or violated by the use of force.

One common line of reasoning in favor of unilateral sanctions is that governments have the right to pursue their own interests, whether that is through the pursuit of peaceful pressure in pursuit of foreign policy goals or the expression of their national interests". They argue that states should not be forced to keep financial or trade ties with other states, particularly if doing so goes against their beliefs or what they regard as being in their security interest. This is one way in which states' rights to free economic association might justify the use of unilateral sanctions.

But detractors say that using sanctions to force another country to alter its policies is a violation of the non-intervention principle since it amounts to coercion. This principle prohibits states from meddling in the domestic affairs of other sovereign nations. It is derived from both the UN Charter and customary international law. Economic and political pressure that attempts to influence another state's free choice could be considered unlawful intervention, according to the International Court of Justice's (1986) *Nicaragua v. United States* ruling.

Plus, there is the matter of credibility. According to Article 41 of the UN Charter, the sole body with the power to impose sanctions in order to preserve international peace and security is the UN Security Council. States run the danger of eroding the collective security system and establishing a politically motivated, disjointed international order when they deviate from this framework.

The wider socioeconomic effects of unilateral sanctions are also called into question from a human rights standpoint. "The United Nations Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) are among the many organizations that have voiced concern that sanctions of this kind frequently have an outsized negative impact on civilian populations, particularly in areas such as food security, healthcare, and access to basic services.

To boil it down to its barest essentials, the legitimacy of unilateral sanctions is murky at best. Though no rule expressly forbids a state from deciding to restrict its contacts with another, international law places constraints on such measures when they aim to penalize, pressure, or undermine another nation's stability. As a result of political influence rather than legal agreement, varied application and interpretation have resulted from this legal ambiguity.



## **Arguments For and Against the Legality of Unilateral Sanctions**

There is a complicated meeting of legal standards, political goals, and institutional power in the discussion of the legitimacy of unilateral penalties. The legitimacy of such actions under international law has long been a point of contention amongst legal experts and states. Using legal documents, case law, and practical experience, this section lays forth the main points for and against unilateral penalties.

### **A. Arguments Against Legality**

An important tenet of international law is the non-intervention principle, and one of the most compelling grounds against unilateral sanctions is this fact. A violation of international law can be defined as any type of coercive interference in the internal or external affairs of a state, whether it be military, political, or economic, as stated in the Nicaragua case (ICJ, 1986). Sanctions run the risk of going too far when they attempt to force a state to alter its leadership or policies.

The argument that only the UN Security Council has the authority to impose binding sanctions is also advanced by critics, citing Article 41 of the UN Charter. After WWII, a system of collective security was established to avoid the use of force or coercion by any one country. This authority is a component of that system. The legitimacy of the international order is undermined and decision-making is shifted to more politically motivated forums when states apply penalties unilaterally, bypassing this system.

Impact on society at large is an additional critical issue. The availability of food, medicine, and other basic necessities can be impacted by unilateral sanctions. In nations where economic instability or war is already a problem, this could exacerbate the situation for civilians. In multiple reports, the United Nations Human Rights Council has voiced its disapproval of these sanctions, arguing that they violate economic, social, cultural, and development rights due to their expansive and extraterritorial character.

Extraterritorial overreach is another concern. All parties involved, even international corporations conducting business with sanctioned countries, are subject to some unilateral penalties. This is especially true of US-imposed sanctions. Sovereignty, jurisdiction, and the international enforcement of domestic legislation by economic means are all brought up as a result of this.





The inconsistent application of unilateral sanctions is the last issue made by detractors. When major powers impose sanctions, they generally single out enemies while ignoring allies that engage in similar behavior”. The rule of law is weakened and the belief that these actions are driven by political agendas rather than moral or legal considerations is strengthened by this discrepancy.

### **B. Arguments Supporting Legality**

States have the right to choose their own economic and diplomatic partners, according to those who support unilateral sanctions. It is entirely up to the sovereign discretion of the state to decide whether or not to trade with or offer assistance to another country based on ideological, moral, or security considerations.

This view sees unilateral sanctions as a nonviolent way to voice one's preferences for policy rather than as a kind of coercion. Some contend that states have the right to use sanctions as a form of protest or diplomacy provided as they do not resort to force or breach treaty obligations. Also, proponents bring up the fact that unilaterally imposing economic restraints is not explicitly forbidden by international law. “Many have argued that unilateral sanctions are legitimate, despite their political controversy, because there is no clear prohibition on them, even though multilateral penalties have a better legal basis.

Exclusions related to national security constitute an alternative school of thought. States have the right to take actions to safeguard their vital security interests, according to both WTO legislation and numerous bilateral trade agreements”. One common use of this is to legitimize economic sanctions against countries that are believed to be involved in terrorism, nuclear proliferation, or human rights violations.

Lastly, when international organizations like the UN are unable to move forward owing to political gridlock, particularly caused by the use of veto power in the Security Council, some academics contend that accountability can be advanced through the use of unilateral sanctions. As a final option to address grave international injustices, unilateral actions may be taken when multilateral action proves untenable.



## Case Studies and Practical Examples

### A. U.S. Sanctions on Iran

The United States has imposed various unilateral sanctions on Iran since the 1979 Islamic Revolution, but they intensified significantly after Iran's nuclear program became a matter of international concern. "Even after the **Joint Comprehensive Plan of Action (JCPOA)** was signed in 2015, a multilateral agreement aimed at limiting Iran's nuclear capabilities, the U.S. withdrew in 2018 and reimposed unilateral sanctions.

These sanctions targeted Iran's oil exports, banking sector, and foreign investments. Critics, including **UN Special Rapporteurs**, have raised concerns over the humanitarian consequences, especially access to medicine and essential goods. Iran has challenged these measures as **violations of international law**, arguing that they are punitive and coercive without any legal basis under the UN Charter.

The **International Court of Justice (ICJ)**, in *Iran v. United States of America (2018)*, issued provisional measures ordering the U.S. to ensure that humanitarian trade was not impeded. This case underlines how **unilateral sanctions can trigger legal disputes**, especially when they affect civilians or override existing international agreements.

### B. Sanctions Against Russia (Post-2014 and 2022)

Following Russia's annexation of Crimea in 2014, the U.S., EU, Canada, and several other countries imposed a broad range of unilateral sanctions on Russia. These included asset freezes, travel bans, and financial restrictions targeting Russian banks, state enterprises, and high-ranking officials.

The legal justification was largely based on the **alleged breach of Ukraine's territorial integrity** under international law. However, the sanctions were **not authorized by the UN Security Council**, where Russia holds veto power thereby reflecting the limitations of multilateral enforcement.

In 2022, after Russia's full-scale invasion of Ukraine, sanctions were significantly expanded. While many countries considered the actions morally and politically justified, legal scholars debated whether these sanctions respected **principles of proportionality, sovereignty, and non-intervention**.





Critics argue that the sweeping nature of these sanctions, especially those affecting Russia's access to the global SWIFT banking system, set a dangerous precedent of using economic tools to isolate a sovereign state without a formal legal mandate.

### **C. The U.S. Embargo on Cuba**

The United States embargo on Cuba, which began in 1960, is one of the most enduring systems of unilateral restrictions in history. Extending beyond international borders, the embargo has been formalized by a number of domestic statutes, such as the **Helms-Burton Act of 1996**.

The United Nations General Assembly has consistently voiced its disapproval of the embargo, with yearly resolutions demanding its termination dating back to 1992. Resolved with resounding approval nearly annually, the measure emphasizes **the global consensus against the legality and morality of the embargo**". Despite this, the U.S. has maintained the sanctions, citing Cuba's human rights record and political system as justification.

When arguing that political pressure, not lawful instruments of justice, is behind the use of unilateral sanctions, legal scholars frequently point to the Cuba case. Furthermore, they stress the importance of holding those responsible to account and the human costs of upholding these policies for many years.

Legal challenges arise from the unilateral character of sanctions, their humanitarian consequences, and their inconsistent application; these case studies also show how international responses are influenced by power dynamics and institutional paralysis, in addition to legal norms, and that broad political narratives (such as nuclear non-proliferation, human rights, and territorial integrity) frequently serve to justify unilateral sanctions.

### **Conclusion**

A more fundamental conflict between national sovereignty and international responsibility is shown by the discussion of unilateral sanctions. Although there are penalties that have political justification, imposing them outside of the UN Security Council framework puts their legal basis in question.

Inconsistency is a big problem because strong regimes implement sanctions selectively, more for strategic reasons than because they are based on legal principles. The objectivity of international law is compromised and accusations of hypocrisy are leveled as a result.







Broad sanctions also undermine any moral grounding due to the harm they bring to civilians. There is a blurring of the line between legitimate pressure and collective punishment when people are refused access to medicine or vital items.

Unilateral sanctions appear to function in a legal limbo in many instances, where they are neither explicitly allowed nor explicitly forbidden. Because of this lack of clarity, governments can rationalize their use of coercion while evading responsibility.

Politics, not law, decides whether unilateral sanctions are legal in the absence of explicit regulations or enforcement mechanisms.

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