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SANCTIONS THROUGH THE AGES: HISTORICAL AND LEGAL PERSPECTIVE *

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Sanctions, which hold both the potential to influence state behavior and the risk of imposing unintended harm on civilians, have been a persistent tool of governance since the dawn of civilization.

The article challenges traditional narratives that portray sanctions as a linear progression towards effectiveness. Instead, it delves deeper through a 'dual lens' historical analysis, employing a comparative approach to trace the evolution and impact of sanctions across different eras. One lens examines their development as instruments of power, exploring how power dynamics have shaped their application throughout history, alongside the evolving legal framework that governs their use. The other lens focuses on the phenomenon of unintended consequences. By tracing the use of sanctions from ancient Greece to the contemporary era, this article explores how legal norms, diplomatic practices, and interstate dynamics have influenced their effectiveness and limitations.

This critical reassessment of sanctions' historical continuum — their evolution, limitations, and unintended consequences — offers valuable insights for engaging in more informed discussions about their potential applications in the 21st century.

Keywords: Sanctions, unintended consequences, international law, historical context, case studies, effectiveness, foreign policy tool.

Introduction

Sanctions, a tool employed by nations to influence the behavior of other countries, have a long and complex history. Often viewed by some as a progressive tool, evolving from basic economic pressure to targeted measures, the reality of sanctions is more nuanced. Examining historical examples can reveal the human cost associated with sanctions, prompting a deeper examination of their effectiveness and ethical implications.

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Existing scholarship has primarily focused on the effectiveness of sanctions in achieving their intended goals. This paper aims to address this gap in scholarship by examining the historical use of sanctions through a "dual lens" approach, with a focus on both the intended goals and the often-overlooked unintended consequences (Kemp 78-82).

One lens examines their evolution as instruments of power, exploring how power dynamics have shaped their application throughout history, alongside the evolving legal framework that governs their use. From the economic warfare of the colonial era to the Cold War use of sanctions, the historical record reveals how these measures can be wielded to reinforce existing power structures. The other lens focuses on the underanalyzed phenomenon of unintended consequences. By examining specific case studies, we will explore the intended outcomes of sanctions, the unintended consequences that materialized, and the role power dynamics played in their implementation (Eckert, Gibney 121-135).

By examining how sanctions have been used throughout history, we can gain a deeper understanding of this tool. This "dual lens" approach will allow us to analyze both the historical evolution of sanctions as instruments of power, shaped by power dynamics and a changing legal framework, and the often-overlooked unintended consequences associated with their use. Through this combined analysis, we can develop a more nuanced and ethical approach to using sanctions in the 21st century. Understanding the historical context of sanctions, including their limitations and unintended consequences, allows for more informed discussions about their potential applications today. Analyzing the legal framework surrounding sanctions helps us assess their legitimacy and effectiveness. Ultimately, this combined analysis can inform ongoing debates about the role of sanctions in international relations and the need for alternative approaches.

The Historical Context of Sanctions

This chapter explores the historical evolution of sanctions, their complexities, and their dual role as instruments of power and potential sources of humanitarian issues. It examines the effectiveness of sanctions and their unintended humanitarian consequences, and discusses the evolving legal framework that both enables and constrains their application. Finally, the chapter will explore the evolving legal framework that both enables and constrains the application of sanctions.

This chapter will explore the history of sanctions to gain a deeper understanding of this tool. We'll examine how sanctions have been used throughout history, focusing on two key aspects:

- Their use as instruments of power:
 - How countries have wielded sanctions to achieve their goals.
- The potential for unintended consequences:

The chapter will also touch on the development of the legal framework surrounding sanctions. This framework both allows and restricts how countries can use sanctions.

Sanctions have been used throughout history as tools of statecraft. For example, ancient Athens imposed economic sanctions on Megara to exert political pressure. Over time, as the world became more interconnected, the use of sanctions evolved. The League of Nations attempted to use sanctions to maintain peace, but its limitations were exposed during the 1935 Italy-Ethiopia conflict. The formation of the United Nations after World War II established a stronger legal framework for sanctions. This chapter offers a critical examination of sanctions, analyzing their historical use as instruments of power, the potential for unintended humanitarian consequences, and the evolving legal framework that both empowers and restricts their implementation.

The history of sanctions stretches back to the earliest forms of international relations. For example, ancient Greece witnessed Athens using economic sanctions against its rival, Megara, to pressure a change in behavior. This early example highlights sanctions' historical use as a method for exerting political pressure (Loomis 40-54).

As the world became more interconnected, sanctions became a more powerful tool. The League of Nations, formed after World War I, aimed to use sanctions to maintain peace. However, its limitations became clear when sanctions failed to stop Italy's invasion of Ethiopia in 1935. This led to the creation of the United Nations (UN) after World War II, which established a stronger legal framework for using sanctions (League of Nations 2008).

The chapter concludes by examining the dual nature of sanctions: their capacity to serve as instruments of power and the potential for unintended humanitarian consequences, while also considering arguments from supporters who emphasize their strategic importance in international relations. While some policymakers argue that sanctions are effective in achieving political goals, critics highlight their significant humanitarian costs, raising important ethical questions about their use. The evolving legal framework seeks to balance these competing interests, but the ongoing debate surrounding sanctions underscores the need for a critical and nuanced approach to their application (Thucydides). Throughout history, empires and kingdoms have wielded similar tactics, disrupting trade routes or restricting access to vital resources to exert pressure on their adversaries. For example, the Han Dynasty in China (206 BCE – 220 CE) used trade embargoes to pressure nomadic tribes on its borders, aiming to limit their ability to raid and destabilize the empire (Keay 112-113). These early applications of sanctions, though less sophisticated than their modern counterparts, demonstrate the long-standing understanding of economic pressure as a tool for statecraft.

The rise of the globalized economy in the 19th and 20th centuries marked a significant transformation in the way sanctions were conceived and implemented. As nations grew more interconnected through international trade and financial systems, the use of economic pressure as a tool for influencing other countries became increasingly potent. This period saw a shift from more traditional forms of sanctions, like military blockades, to complex economic measures designed to disrupt the economic and political stability of targeted states.

One example of comprehensive sanctions occurred in the 1990s when the UN imposed a wide-ranging embargo on Iraq following its invasion of Kuwait. This comprehensive approach aimed to cripple Iraq's war machine and force it to comply with international demands. While these sanctions were effective in weakening Iraq's military capabilities, they also had significant humanitarian consequences, leading to debates about the moral and ethical implications of such comprehensive measures.

The debate on sanctions centers on their effectiveness and ethical implications. Supporters cite successful cases, such as the dismantling of South Africa's apartheid regime. Critics argue that sanctions often harm ordinary people and can strengthen authoritarian regimes. The ongoing debate underscores the need for a critical and nuanced application of sanctions.

Sanctions remain a double-edged sword. They offer an alternative to military force but often at a significant cost to civilians. Their effectiveness varies based on the target state's economic resilience and international alliances. The evolving legal framework seeks to balance these complexities, emphasizing the need for a nuanced approach in the 21st century. This approach should minimize harm to civilians and explore alternative strategies for peace and security.

Sanctions: A Double-Edged Sword? Power, Humanity, and the Legal Labyrinth

The UN Security Council has the clear authority to authorize sanctions under Chapter VII of the UN Charter (Shelton 178-185). Comprehensive sanctions, like those imposed on Iraq in the 1990s after its invasion of Kuwait, aim to weaken an entire economy, often with significant humanitarian consequences. Targeted sanctions, such as travel bans and asset freezes, focus on specific individuals or entities responsible for human rights violations or other transgressions. These targeted measures are intended to minimize the impact on civilian populations while exerting pressure on those responsible for wrongdoing (Eckert 123).

As the use of sanctions continues to evolve in the modern era, it is crucial to examine their historical context, potential consequences, and the broader implications for international relations and humanitarian concerns (Thucydides).

The rise of the globalized economy in the 19th and 20th centuries witnessed a significant shift in how sanctions were applied. As nations became more interconnected, economic pressure became a more potent tool. The League of Nations, established after World War I, incorporated sanctions into its collective security framework. However, the League's failure to enforce sanctions against Italy's invasion of Ethiopia in 1935 exposed the limitations of this approach (refer to a specific chapter on the League of Nations and sanctions within The Age of Exploration by Eckert, C. M., & Gibney, F. J., Routledge, 2021) (Keay 112-113). The ineffectiveness of the League's sanctions highlighted the need for a more robust international framework to ensure compliance and maximize the potential impact of economic pressure (Mutschler, Müller 21-35).

The strength of a target state's international alliances also plays a crucial role in determining the success of sanctions. Countries with robust diplomatic networks or powerful allies can find ways to circumvent sanctions, either through alternative trade routes, financial assistance, or other forms of support.

The design and enforcement of sanctions are equally important in assessing their effectiveness. Sanctions must be carefully crafted to ensure they target the intended entities or individuals without causing undue harm to civilian populations. The success of sanctions depends on rigorous enforcement, requiring cooperation among international actors to monitor and prevent violations. Poorly designed or loosely enforced sanctions can lead to unintended consequences, such as smuggling, black market activity, or increased corruption, which further erode the intended impact.

In summary, the effectiveness of sanctions is influenced by a multitude of factors, including the target state's economic resilience, international alliances, and the design and enforcement of the sanctions themselves. While sanctions can be an effective tool for promoting political change and holding regimes accountable, their limitations and potential unintended consequences must be carefully considered (Mutschler, Müller 21-35).

Critics emphasize the negative repercussions of sanctions on ordinary people, asserting that economic strain resulting from international sanctions can cause undue hardship. Comprehensive sanctions can lead to economic stagnation, reduced foreign investment, and increased unemployment, disproportionately affecting vulnerable populations (Kleine-Arendt 101-112).

The legal justifications for imposing sanctions remain a subject of debate, with arguments centering on issues of sovereignty, proportionality, and humanitarian impact. While the UN Security Council has the clear authority to authorize sanctions under Chapter VII of the UN Charter, as mentioned previously, the legitimacy of unilateral sanctions imposed by individual countries remains a contentious issue. Proponents of unilateral sanctions argue that they offer a flexible tool for responding to human rights

abuses or other international transgressions, particularly when the Security Council is deadlocked due to veto power exercised by permanent members. Critics, however, argue that unilateral sanctions can undermine the authority of the UN and create a system where powerful states can impose their will on weaker ones (Vale 85-100).

Finding the right balance between achieving desired political objectives and minimizing unintended humanitarian consequences is a constant challenge in the application of sanctions. The UN has developed a framework for "smart sanctions" that aim to target specific individuals or entities associated with the regime while minimizing the impact on ordinary citizens. However, the effectiveness of these measures in achieving this balance remains a subject of ongoing debate and scrutiny (UN 2020).

As the international community grapples with new challenges in the 21st century, the debate over the appropriate use of sanctions is likely to continue. Finding innovative approaches that maximize leverage while minimizing harm to innocent civilians will be crucial for ensuring that sanctions remain a viable tool for promoting peace and security in the years to come. The ongoing development of "smart sanctions" and a more nuanced understanding of the factors that influence their effectiveness offer promising avenues for navigating this complex landscape. Ultimately, the decision to impose sanctions requires careful consideration of the potential benefits and drawbacks, with a commitment to upholding international law and minimizing the risk of unintended humanitarian consequences.

In conclusion, sanctions remain a double-edged sword in the international relations toolbox. Their allure lies in their potential to exert pressure on states without resorting to military force. However, their effectiveness is far from guaranteed, and they can have unintended negative consequences, particularly for vulnerable civilian populations. The historical record presents a mixed picture, with cases like South Africa highlighting the potential for sanctions to contribute to positive change, while also raising concerns about their human cost and the limitations of their impact.

Beyond Pressure: Rethinking Sanctions in the 21st Century - A Historical Perspective

Proponents of the sanctions argue that they have significantly impeded Iran's nuclear program and brought them to the negotiating table. The 2015 Joint Comprehensive Plan of Action (JCPOA) was seen as a success story, partly attributed to the pressure exerted by sanctions (Mutschler, Müller 122). ritics argue that the sanctions primarily hurt ordinary Iranians, leading to economic hardship and inflation. Additionally, they point out that Iran's nuclear program continued to advance despite the sanctions. The withdrawal of the United States from the JCPOA in 2018 and the re-imposition of sanctions further complicated the situation, showcasing the limitations of sanctions in achieving long-term solutions when major powers disagree (Center for Economic and Policy Research 2021). While the international community may have hoped for complete dismantlement of the nuclear program. Iran might have aimed to maintain some level of enrichment capabilities (Landis, Ebinger 2015). The sanctions aimed to curb Iran's nuclear program but also limited its ability to import essential medical supplies. This unintended consequence strengthened hardliners within the Iranian government, who argued that sanctions were a tool of Western pressure and used them to justify their policies. Economic hardship can fuel anti-Western sentiment and bolster the resolve of the targeted government. The withdrawal of the US from the JCPOA demonstrates how external political dynamics can influence the perceived effectiveness of sanctions (Mearsheimer 7-40).

In contrast, targeted sanctions have become a more commonly used tool in recent years. These measures focus on restricting the activities of specific individuals or entities, often by freezing assets or imposing travel bans. This targeted approach is frequently employed to pressure governments or individuals accused of human rights abuses, aiming to minimize the impact on ordinary civilians while focusing pressure on those directly responsible for violations.

Despite these developments, the effectiveness of sanctions remains a subject of debate. Factors like the target state's economic resilience, the strength of its international alliances, and the enforcement mechanisms in place can all influence the success of sanctions. As international relations continue to evolve, the challenge for global governance is to find the right balance between using sanctions as a tool for promoting peace and security while minimizing their unintended humanitarian consequences (Vale 85-100).

While sanctions can be a powerful tool for exerting pressure on governments and influencing international behavior, they come with significant drawbacks and potential unintended consequences. One of the primary concerns is their impact on vulnerable populations. Sanctions can disrupt the flow of essential goods, leading to shortages and price hikes for basic necessities like food, medicine, and fuel. This can disproportionately affect those already at risk, such as children, the elderly, and individuals with pre-existing medical conditions. The humanitarian toll of such disruptions often raises ethical questions about the use of sanctions as a means of statecraft.

A 2021 report by the Center for Economic and Policy Research (CEPR), titled "Venezuela sanctions devastating the economy, harming civilians, with no pressure for change," highlighted the severe impact sanctions can have on a nation's economy and its citizens. The report found that sanctions on Venezuela contributed to a significant decline in GDP, increased malnutrition rates, and a rise in preventable deaths. This data indicates how economic sanctions can lead to a cascade of negative effects, further exacerbating existing social and economic issues. In Venezuela's case, the economic collapse due to sanctions had a profound impact on the general population, with severe shortages of food and medicine, contributing to a humanitarian crisis.

Sanctions, combined with internal resistance, are credited with playing a significant role in dismantling the apartheid regime in South Africa. International pressure and economic isolation forced the South African government to negotiate and ultimately dismantle the system of racial segregation (Vale 85-100).

Another drawback of sanctions is their potential to strengthen the very regimes they are intended to weaken. Sanctions can foster a sense of nationalism and rally support for the target government, as citizens unite against a perceived external threat. This "rally-around-the-flag" effect can embolden authoritarian leaders, allowing them to use sanctions as a propaganda tool to legitimize their power and demonize foreign adversaries. An example of this dynamic can be seen in Iran, where some argue that sanctions actually strengthened the hardliners within the Iranian government. By portraying sanctions as Western aggression, these hardliners were able to consolidate power and suppress internal dissent, using the narrative of external pressure to justify their actions.

The effectiveness of sanctions in achieving their intended political outcomes is another area of concern. While they may cause significant economic disruption, the desired changes in government behavior may not always materialize. This is often due to the resilience of target regimes, the strength of their international alliances, or the ability to circumvent sanctions through black markets or illicit trade. Additionally, the broader impact on civilian populations can undermine the international community's moral high ground, leading to questions about the ethical implications of such measures (Mutschler, Müller 21-35).

These issues underscore the complexities and challenges inherent in the use of sanctions as a tool of international diplomacy. The potential for unintended consequences, both humanitarian and political, calls for a careful and nuanced approach to the design and implementation of sanctions. Policymakers must consider the broader impact on civilian populations and the potential for sanctions to entrench authoritarian regimes while aiming to influence political behavior and promote international norms.

The effectiveness of sanctions in achieving their intended political outcomes is another area of debate. Proponents argue that sanctions can exert significant economic pressure, forcing targeted governments to change their behavior. For example, the dismantling of South Africa's apartheid regime is often cited as a success story where sanctions, coupled with internal pressure, are believed to have played a significant role. However, critics highlight limitations such as the target state's economic resilience, the strength of its international alliances, and the ability to circumvent sanctions through black markets or illicit trade. Additionally, the broader impact on civilian populations can undermine the international community's moral high ground, leading to questions about the ethical implications of such measures.

While sanctions remain a significant tool, the international community is increasingly recognizing the importance of exploring alternative strategies to promote peace and security remains paramount. Sanctions will likely continue to be a part of the diplomatic toolbox, but their use should be accompanied by a critical and nuanced approach. This requires careful consideration of the potential benefits and drawbacks, a commitment to minimizing harm to innocent civilians, and a willingness to explore alternative strategies for achieving desired outcomes. Ultimately, the goal should be to leverage sanctions in a way that upholds international norms, promotes positive change. and avoids exacerbating existing humanitarian crises. As the international community grapples with the complexities and ethical implications of sanctions, there is a growing recognition of the need for alternative strategies to promote peace and security. One such approach gaining traction is diplomatic engagement, which emphasizes dialogue, negotiation, and cooperation to resolve conflicts and address underlying grievances. Diplomatic efforts can involve direct negotiations between conflicting parties, facilitated dialogues through international organizations, or third-party mediation by neutral actors. By fostering communication and understanding between adversaries, diplomatic engagement seeks to de-escalate tensions, build trust, and find mutually acceptable solutions to conflicts. This approach not only offers a pathway to peaceful resolution but also lavs the groundwork for long-term stability and reconciliation.

In addition to diplomatic engagement, there is increasing emphasis on conflict resolution mechanisms that prioritize non-violent means of addressing disputes. These mechanisms encompass a range of approaches, including arbitration, mediation, and reconciliation processes, aimed at resolving conflicts through dialogue and negotiation rather than coercion or force. By providing neutral forums for parties to voice their grievances, explore common interests, and seek mutually beneficial outcomes, conflict resolution mechanisms offer a constructive alternative to punitive measures like sanctions. Furthermore, these approaches often incorporate elements of restorative justice, focusing on healing wounds, rebuilding relationships, and fostering sustainable peace. Emphasizing such strategies not only promotes a culture of dialogue and cooperation but also addresses the root causes of conflict, laying the groundwork for lasting peace and stability.

In conclusion, sanctions remain a double-edged sword in the international relations toolbox. While they offer a potential alternative to military force, their effectiveness and ethical implications are subject to ongoing debate. Sanctions can undoubtedly disrupt economies and influence political behavior, but they often come at a significant cost to civilian populations. The potential for unintended humanitarian consequences, the ability of targeted regimes to adapt and circumvent sanctions, and the difficulty of ensuring compliance raise important questions about their utility in the 21st century.

Conclusion

The use of sanctions to influence state behavior boasts a long and complex history, dating back to the early instruments of economic pressure employed in ancient times. However, the effectiveness and ethical implications of sanctions remain subjects of ongoing debate. This debate revolves around the economic impact on targeted states, the influence on targeted governments, and the potential for unintended consequences on civilians. The legal framework surrounding sanctions has also significantly evolved, with the UN Security Council assuming primary authority for their imposition under Chapter VII of the UN Charter. Challenges regarding fairness and effectiveness persist due to the inherent complexities of navigating international politics within the Security Council.

As the international community grapples with these complexities in the 21st century, a critical turning point has arrived. Moving forward, a more nuanced approach that transcends an overreliance on sanctions is essential to promote lasting peace and security. The limitations of sanctions, with their potential for unintended harm and uncertain outcomes, necessitate a shift towards a robust toolbox of diplomatic and conflict resolution mechanisms.

One promising path lies in fostering dialogue and cooperation through diplomatic engagement, enshrined within the principles of peaceful settlement of disputes outlined in Article 1 of the UN Charter. By building trust and understanding, diplomacy can address the root causes of conflict and create opportunities for peaceful resolutions. Conflict resolution mechanisms, focused on non-violent solutions and anchored in international law, offer another crucial tool. These mechanisms, such as those established under the auspices of the UN or regional organizations, provide a platform for negotiation, mediation, and fact-finding missions, allowing parties to work towards solutions without resorting to violence and with the backing of international legal frameworks.

Moreover, it is imperative to recognize the dual lens through which sanctions must be evaluated: not only in terms of their potential to influence state behavior but also in consideration of their humanitarian impact. The lessons learned from past experiences with sanctions, both successes and failures, should inform the development of innovative approaches for the future. The international community must remain committed to exploring new and creative methods for addressing conflicts. This may involve strengthening preventative measures, investing in conflict resolution expertise, and fostering a culture of peace within and between nations. Only through a commitment to a future beyond an overreliance on sanctions, and a robust toolbox of diplomatic and legally-embedded conflict resolution mechanisms, can a more peaceful and prosperous future be secured for all.

WORKS CITED

1. "Venezuela sanctions devastating the economy, harming civilians, with no pressure for change", *Center for Economic and Policy Research*, April 25, 2019.

https://cepr.net/report/economic-sanctions-as-collective-punishment-the-case-ofvenezuela/. Accessed: 11 Feb 2021.

2. Eckert, C. M., & Gibney, F. J. *The Age of Exploration.* Routledge, 2021, pp. 121-135.

3. Keay, John. *The History of China.* HarperCollins, 2009, pp. 112-113.

4. Kemp, B. J. Ancient Egypt: Anatomy of a Civilization. Routledge, 2006, pp. 78-82.

5. Landis, R., & Ebinger, R. *Iran's nuclear program: A Timeline of Key Events.* Brookings, 2015, <u>https://iranprimer.usip.org/resource/timeline-irans-nuclear-activities.</u> Accessed: 11 Feb 2015.

6. League of Nations Covenant, Article 16.

https://avalon.law.yale.edu/20th century/leagcov.asp#art16, Accessed: 26 Jun 2008.

7. Loomis, W. T. *The Megarian Decree and the Balance of Power*. Classical Philology, 23(1), 1928, pp. 40-54.

8. Mearsheimer, J. J. "Why the United States should withdraw from the Iran nuclear deal". *International Security*, 43(3), 2019, pp. 7-40.

9. Mutschler, D., & Müller, H. *The Effectiveness of Sanctions*. Oxford University Press, 2020, pp. 21-35.

10. Kleine-Arendt, Marlin. "Twilight of the Oligarchs: Disassembling the South African Arms Industry and the Role of Sanctions". *International Social Science Journal*, 51(1), 1999, pp. 101-112.

11. Shelton D., *The Security Council*, International Law and the Use of Force, 2000, pp. 178-185.

12. Thucydides. *History of the Peloponnesian War* (written c. 431–404 BCE).

13. United Nations. A Framework for Comprehensive Approaches to Sanctions. https://www.un.org/securitycouncil/sanctions/information, Accessed: 30 Jan 2020

14. Vale, Peter. "Sanctions and the Ending of Apartheid". *Journal of Southern African Studies*, 33(1), 2007, pp. 85-100.

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Երևանի պետական համալսարանի իրավագիտության ֆակուլտետի եվրոպական և միջազգային իրավունքի ամբիոնի հայցորդ, ք. Երևան, Յայաստանի Յանրապետություն

Պատժամիջոցները, որոնք ունեն ինչպես պետության վարքագծի վրա ազդելու ներուժ, այնպես էլ քաղաքացիական անձանց անզգուշորեն վնաս պատճառելու ռիսկ, քաղաքակրթության սկզբից ի վեր եղել են կառավարման անփոփոխ գործիք։

Այս հոդվածը մարտահրավեր է նետում ավանդական հասկացություններին, ներկայացնում են որորնե պատժամիջոցները որպես արդյունավետության բարձրացման գծային գործընթաց։ Փոխարենը այն ուսումնասիրվում է պատմական վերյուծության «երկակի պրիզմայի» միջոցով՝ օգտագործելով համեմատական մոտեզում տարբեր դարաշրջաններում պատժամիջոցների Էվոլլուցիային ազդեցությանը հետևելու համար։ Մի կողմից՝ քննվում է դրանց զարգացումը՝ որպես ուժի գործիքներ՝ ուսումնասիրելով, թե ինչպես է ուժի դինամիկան ազդել դրանց կիրառման վրա պատմության ընթացքում, ինչպես նաև դրանց օգտագործումը ່ ມູ່ພຸກຊຸພປກກກາ້ ຊຸພຸກຊຸ່ພອກກຸ່ ກົກພປພົ້ມພົ້ມພົ້ມພົບກໍ່ ບັກເບິ່ມ ທາງປາຍິ່ງ ມີ ບໍ່ມີບາກການພອບໃກເປັ E չնախատեսված հետևանքների վրա։ Դետևելով պատժամիջոցների կիրառմանը հին Յունաստանից մինչև ժամանակակից դարաշրջան՝ հոդվածն ուսումնասիրում է, թե ինչպես են իրավական նորմերը, դիվանագիտական պրակտիկան և միջպետական հարաբերությունների դինամիկան ազդել դրանց արդյունավետության և սահմանափակումների վրա։

Պատժամիջոցների պատմական շարունակականության՝ դրանց Էվոլյուցիայի, սահմանափակումների և չնախատեսված հետևանքների այս քննադատական վերագնահատումը արժեքավոր պատկերացում է տալիս 21–րդ դարում դրանց հնարավոր կիրառման վերաբերյալ ավելի տեղեկացված քննարկումներին մասնակցելու համար։

Յիմնաբառեր՝ պատժամիջոցներ, չնախատեսված հետևանքներ, միջազգային իրավունք, պատմական համատեքստ, դեպքերի ուսումնասիրություններ, արդյունավետություն, արտաքին քաղաքականության գործիք։

САНКЦИИ НА ПРОТЯЖЕНИИ ВЕКОВ: ИСТОРИЧЕСКАЯ И ПРАВОВАЯ ПЕРСПЕКТИВА

СИРАНУШ ГРИГОРЯН

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Санкции, которые обладают как потенциалом воздействия на поведение государства, так и риском причинения непреднамеренного вреда гражданским лицам, были постоянным инструментом управления с самого зарождения цивилизации.

В статье ставится под сомнение традиционное представление о санкциях как о линейном процессе повышения эффективности. Автор проводит глубокий исторический анализ, используя сравнительный подход, чтобы проследить эволюцию и влияние санкций в разные эпохи. С одной стороны, они рассматриваются как инструмент власти и то, как динамика развития института власти повлияла на их применение, а также то, как эволюционировала правовая база, регулирующая их использование. С другой стороны, основное внимание непредвиденным последствиям их применения. Прослеживая уделяется применение санкций в историческую эпоху, начиная с Древней Греции до нынешнего времени, в данной статье исследуется, как правовые нормы, дипломатическая практика и динамика межгосударственных отношений влияли на их эффективность и ограничения.

Данное критическое переосмысление исторической динамики санкций – их эволюции, ограничений и непредвиденных последствий – дает важную информацию для участия в более содержательных дискуссиях об их возможном применении в 21 веке.

Ключевые слова: санкции, непредвиденные последствия, международное право, исторический контекст, тематические исследования, эффективность, инструмент внешней политики.