

Secondary Sanctions from the Perspective of International Law

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Abstract: *In the early sanctions of a state, the government is targeting the sanctions, and in the secondary sanctions, a state of other governments wants to disconnect its economic relations with the target government of the boycott and otherwise make a punishment for them, secondary sanctions are contrary to the principles of indisputable Human rights, which have been promoted by the rule of law, are the legitimacy of the UN sanctions, which are applied to the Security Council's discretion under Article 39 of the Charter and the punishment for countries, whereas there is no legal definition to violate peace and threat of peace in the international system. Does not exist. Secondary sanctions against third-party countries that are targeted for economic exchange sanctions are violating the principle of non-interference. The principle of sovereignty is the equal principles of international law, which has been emphasized by the principle of non-interference in article 2 of the United Nations Charter. In fact, secondary sanctions are entering the scope of those matters that are in the internal competence of a country, the freedom to set the financial relations of a country In the international arena, it leads to the territorial acts of the laws of a country and the imposition of sovereignty over third countries.*

Keywords: Secondary sanctions – International law – Target country

1. Introduction

The initial sanctions are said to be sanctions that are only sanctioned by the two countries, and only the pillars of the sanctioned country shall abide by the sanctions laws of the sanctioned country, but in secondary sanctions, the country will also have the sanction of other countries to comply with these laws. Sanctions, and if it is not observed, it is punishable by punishment as one of the tools of policy-making in the international arena, has always been the goal of the country as the target under economic pressures to terminate its unfavorable behavior. Be given the purpose of secondary sanctions is under the provision of activities that serve as direct or indirect to sanctions institutions and are punished in the event of serving these institutions. The economic sanctions are of those concepts, although it has a political nature but manifest itself in a legal form. Such sanctions are used in the field of international political economy, particularly by Western governments and the Security Council against Independent countries or against Western policies. However, economic sanctions do not match the rules and norms of international law that Western countries have a privileged contribution to its formation. In fact, one of the main levers of economic sanctions is the restriction of access to economic resources, which is the target state of a major artery that is fulfilling the material needs of the society through which the lack of wealth causes the resources to develop the country and consequently to promote human rights goals is not available. In sanctions Secondary to the country, the boycott has attempted to boycott the economic relations with countries that establish relations with the country as a result of economic sanctions. Of course, these types of sanctions will lead to the determination of penalties on companies and countries that have attempted to establish economic relations with the country. The law of the US, as sanctions against companies and countries that invest more than 40 million in Iran's oil industry, is an example of this. , On the other hand, at the same time, sanctions are carried out by companies and private groups against a country, such as the boycott of

Indian people against British colonization or the boycott of Chinese businessmen against Japanese invaders or sometimes economic sanctions, it can be a national measure by a State or a few. Economic sanctions can be divided into unilateral or multilateral sanctions against countries or economic sanctions of the Security Council against countries. At present, economic sanctions are mostly included by the United States or the European Union or by mass sanctions. Article 32 of the Charter on Rights and economic duties states that no government can use economic, political, or other measures to force other government to obedience the right of their sovereignty or encourage this action. Meaning in resolution 2131 of the General Assembly In 1956 approved ASTKH no government has the right to intervene directly or indirectly for any reason in the internal or external affairs of the other State, the purpose of secondary banking sanctions under the placement of, financial institutions activities (both domestic and foreign) is directly or indirectly The sanctions institutions of service offer, in other words, when these sanctions are issued against an institution, or those sanctions are expressed

None of the financial institutions have the right to serve the sanctioned institutions and are punished if serving these institutions. However, if financial institutions provide services to sanctions institutions, in this case, if these institutions are sanctioned within the country, they will be listed in the sanctions list, but if they have been sanctioned from outside the country, the financial institution that has done this violation is no longer allowed to open a brokerage account. In the United States. According to the US economic position and also the undeniable role of the dollar in global trade, banks and international financial institutions are forced to abide by the U.S. law and refuse to provide service to sanctions institutions, because for exchanging deal you need the US dollar. Therefore, banks are denied communication with the U.S. banking system in case of violation of these sanctions. But what is in practice, the United States is in the agenda, to get a heavy fines and commitment to non-cooperation with the sanctioned

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institutions of these financial institutions. For example, the Swiss bank credit in 88 was fined \$536 million due to U.S. sanctions against Iran, or financial institutions NGO The Netherlands was charged with the same charge of 619 million in June 1391 to pay a fine. In other words, if financial institutions provide services to institutions or sanctions persons. The United States will deal with them. The United States has passed the law under the title of patriotism after September 11, 2001. According to this law, the Treasury has allowed us to deal with the financial institutions that do not meet the requirements of the banking system in the country.

1- Investigating the foundations of sanctions from the perspective of international law, the purpose of imposing sanctions is difficult, or in a better words causing pain and failure, which

The country's goal of sanctions changes its behavior, in the position of the term the word of pain and pressure is exactly appropriate and can unto emotions and a common human experience that people can touch through what the boycott creates. The pain also indicates a kind of opponent's desire to avoid this pain, but the pain is adaptable, and it can even be adapted to the recipient's benefit and a feeling of pain. 1

1.1 Political and Diplomatic Sanctions

These sanctions influence the goal of the country and make it cost that it is diplomatic or political, and consequently associated sanctions that are linked to the government's level to affect individuals and institutions. The related actions are: suspend the ability of a country to participate in international organizations and committees, prohibit visas and other travel related licenses and reduce the level of diplomatic relations between countries such as ambassador's call to temporary advice or permanent. These sanctions are difficult to enter the target country. But its cost is more relevant to the credibility and international position to make economic losses, the more important that these types of sanctions are conceptually different from diplomatic ignited that most countries are involved in different levels. The main argument to distinguish between simple diplomacy from diplomatic sanctions is that the probable, deliberate and tangible costs created by diplomatic sanctions for the target country are quite palpable and felt, if we want to do with examples of the ART of SANCTIONS AVIEW Frome the field---Richard Nephew-1

A different kind of explanation. Participation of several other countries in a coalition to deal with a legislation that a particular government seeks is a type of diplomacy, but on the other hand, lowering the level of diplomatic relations with those countries that oppose the boycott country is a kind of diplomatic boycott.

1.2 Military sanctions

The sanctions are destroying the country's access to military equipment and technical assistance. Such sanctions can include direct international prohibitions, such as sanctions imposed by the Security Council against Iraq and Iran. Or government-centered sanctions that prevent or restrict

military cooperation. The main goal of these sanctions is military activity, and that the previous access or cooperation that existed, and through this country, will feel the purpose of political pressure and will be analyzed in the long term of its military power. The United States has used this tool against opponents and even allies And, for example, in response to non-democratic changes in Egyptian governments and other countries, it has banned the sale of weapons and military equipment for a certain period of time.. In the year 1974, the U.S. had been a boycott of a U.S.-based sales for Turkey, one of US allies in NATO, and was increments of high importance in the Cold war, and the boycott was imposed in response to the Cypriot occupation by Turkey.

1.3 Technology sanctions

This includes providing special goods such as goods that can be used in the weapons program of mass destruction the ART of SANCTIONS AVIEW Frome the field---Richard Nephew-1

And technical support will be in different spheres. The purpose of these sanctions is to disable and disrupt the development of technology in a country that is, in particular, such as banning assistance in the development of economic opportunities and important national resources, or mainly in the fields of Are done various. In this way, these methods have long-term consequences from other types of sanctions and are practically more capable of assessing and can also be used against individuals and institutions and restrict their access to export or participation in various projects. The sanctions imposed against the Russian oil and gas industry in 2014 have been an example of these sanctions.

Although the impact of these sanctions were economic at the time, the ultimate goal was to influence the technical and technological capabilities of a country. Through similar acts of sanctions on goods issued or imported to North Korea and Iran, they had such a feature, since these countries could be limited to access to goods that could be used in missile and nuclear programs. Although those commodities could be used in larger areas. If we want to make the content easier to express then these types of sanctions can be indefinitely affected by the country's economic growth. Because it has brought down its potential capabilities, but instead does not leave the whole economy out of routing. So the main purpose of these sanctions is disturbance in technology development in the country.

1.4 Economic Sanctions

This part of the sanctions is the most used type of sanctions, and it is possible to say the most common impact in the target country. These types of sanctions can be found in different parts split. For example, certain actions that affect the country's financial vulnerability or the ones that boycott the important goods of another country. The sanctions aim to reach the potential of the country's ability to access and use economic resources, and in general, to be able to conduct its criticism Influence the country directly, and deprive him of opportunities and tools of economic action, and enters crimes on him. These sanctions are also

measurable and measured, and the various elements of economic activity such as financial communication and various types of activists, including individuals and institutions, and their access to the markets, or they can affect the entire set of a country. With regard to the importance of this category of Sanctions can be said there are two general and specific routes to apply them, One of the decisions associated with business activities and transactions and other financial activities during history, the term economic sanctions are often equivalent to commercial sanctions, in which a particular commodity is subject to export and import. Financial sanctions instead of a new form of Acts of sanctions that use the more global advantage of the currency markets and affect the financial flows and insurance processes. Less financial sanctions focus on goods and business goods and more focus on how to do business, because the original assumption is Under construction of the aforementioned commercial activities, the financial flows that exist in the world and for the United States and Europe, it is important that Western countries play a central and focal role in these financial trends. United States since 2005 and 2006 of financial sanctions and threat interrupted Up countries from their financial services network

It has been used as a tool for sanctions. In the year 2014 of this tool was used for Russia, and in a completely new way, Russian bonds were targeted abroad to enter the country. It is prudent and accurate in the classification of sanctions, which can enhance the effectiveness of the sanctions strategy. For example, as stated in the previous chapter, in 1996, the United States has imposed sanctions on Iran to limit the country's access to American technologies in the liquid-building natural gas, and therefore Iran could not have its capabilities as the second country of gas resources in the world Use these resources in export.

In fact, the boycott was applied as a boycott in the field of technology, but in particular, in 2010, the sanctions had very high economic effects. On the other hand, it can be argued that not all technology sanctions can have an economic nature. For example, the United States has prevented access to bilateral goods and two applications that are used in civilian industries and are widely involved in the weapons projects of mass destruction. However, these sanctions have not been economic.

2. Secondary sanctions in unilateral sanctions

(Unilaterally)) relates to situations that do not exist in the jurisdiction of the country in which these measures are carried out, and therefore it is linked to (the territorial) of one. Since countries are not mainly in a position that applies to their laws outside their territorial jurisdiction. May, a multilateral, and transterritorial, are also tied with sanctions.

1-Zamani, Seyed Ghasem, Gharib Abadi, Kazem (2015), analysis of legality and legitimacy of unilateral economic sanctions pursuant to international law. *Judicial Law views Quarterly*, No. 72

Any sanctions that apply outside the Security Council framework are considered a unilateral boycott. One-sided sanctions are applied in a variety of forms. By a country by a group of countries, secondary sanctions in the U.S.-

unilateral sanctions against countries should not be neglected from legal perspective. These sanctions are also referred to as secondary sanctions. On this basis, nationals, companies and third countries are also forced to refrain from doing business with the target countries, Otherwise they are punished. Secondary sanctions are applied based on the principle of transnational jurisdiction and violate the rules of international law, today, the imposition of territorial competence by the U.S. government has caused serious conflicts between U.S. laws and other countries. The basic question is that as a matter of international law, do not be amary Ka can force outside parties to enforce their sanctions. This agreement exists between lawyers and experts whose competence is a aspect of sovereignty. The territorial competence of Governments in the Qlmroshan is an accepted concept in customary international law. Since countries are independent and legally equal to international law, no government can apply its jurisdiction to the other State without its agreement. In the same framework, Beyond the UN human rights, it also completely rejects the territorial actions. The Council on the resolution of 13 October 2014 of all countries wants to adopt Zormdaraneh actions, especially those that have a territorial impact. In Barcelona's theorem of the year 1970The International Court of Justice decreed that international law guarantees the obligation to Zamani, Seyed Ghasem, Gharib Abadi, Kazem (2015), analysis of legality and legitimacy of unilateral economic sanctions pursuant to international law. *Judicial Law views Quarterly*, No. 72

Dolthast to impose moderation in their jurisdiction, and refrain from developing jurisdiction by courts in cases where there is an external element, and from the violation to the competence of another country that has a greater dependence on it or to accept applicable. The logical consequence of this Court's opinion is that competence as an important feature of the rule not only requires the restrictions of Governments in its internal territory, but also the important point that countries withhold in respect and observing the competence of other countries ' activities and our decisions T. To refrain from this principle accepted in public international law. Even in case of violation of public or universal obligations in a manner that will lead to threats against peace, breach of peace or action, this situation is considered as the competence of the Security Council. The United States and the European Union, in the case of unilateral sanctions against other countries, including Iran, cite a failure to claim certain general obligations such as human rights, asylum rights, non-proliferation of mass destruction weapons, international drug trafficking, and international terrorism. The non-implementation of the Security Council's resolutions from the target countries has also been announced from other reasons for sanctions, if these cases are alleged to be a violation of the universal obligations of international peace and security, it is the responsibility of the UN Security Council, which is the first in the nature of these alleged commitments and violations, secondly. Word is a violation and thirdly to decide on the actions that must be carried out in case of breach of obligations. It is not an obligation of the United States or a group of countries such as the European Union. Which has been decided on a unilaterally in regard to these issues and sanctions including the implementation of the territorial

Apply their rules. In other words, when there is an international entity representing the international community, resorting to unilateral sanctions is illegal and unlawful due to breach of alleged obligations.

2. Effects of Sanctions

The effects of sanctions and punishments in general depend on the goals that are chased. The basic objectives of the country's behavior are sanctioned and the secondary objectives are related to the domestic situation and expectations of the country. In most cases, international economic sanctions have had a significant economic impact, but their political success is much less, especially when the country has been economically dependent on a small dependence on the country, and that other countries do not accompany the boycott of sanctions. In mass sanctions by the United Nations, although the committees were established to oversee the enforcement of sanctions, under the supervision of the Security Council, however, the entire implementation of sanctions has been borne by Governments. Therefore, if countries in the world are responsible for the sanctions or the way in which such sanctions should be implemented. Do not agree and coordination, such sanctions will not have a significant effect, on the other hand the world of commerce is always able to discover the centrifugal openings of these sanctions. In addition, humanitarian works negatively affect international sanctions on the most vulnerable of people in the target State, always one of the major concerns. *AK International* is 1. Although in the United Nations Charter, it is permissible to use sanctions by the Security Council to dampen State behaviour that endanger peace and security.

1-Momeni, Mehdi,. (1392) Book Proceedings Conference of the Legal Dimensions of international Sanctions Security Council, Tehran, Iran, 1392

However, it should be asked that if the boycott goal is not significant, how long should it continue? Although the work of sanctions on the trespassing government is determined in the long run, but the long-term increase in the period of sanctions can only cause their humanitarian costs increased and the complications that were not predicted, on the other hand, in such circumstances terminate the The sanctions have the risk that the authorities of the trespassing Governments are encouraged to encourage their nation to shield their people. Therefore, according to the general characteristic of the inclusion of international humanitarian law, the Security Council is required to observe these measures to support civilian people, to achieve this goal, to implement practical arrangements in this way. The necessity of evaluating the potential impact of sanctions before the approval of the boycott and during its implementation and then the necessity of supervising the actions of sanctions based on information obtained in this way, and if necessary to guarantee sanctions to ensure their compliance with the موازيم of international humanitarian law, works Sanctions on free trade and the right to development and as a result of its destructive results on the government's neighbors, the target of sanctions also pose important issues that require the assessment of intelligent, sanctions even those by the United Nations have a political motive and have been selectively

applied. And, in some cases, some members of the Security Council follow certain objectives, and they are able to provide their desired interests and goals in the implementation of sanctions.

3. Targeting Sanctions

An action conducted in the past, in 2006 AD in order to deal with the illegal plans and actions of Iran, Iran, restricting Iran's access to the international financial system in the agenda, With an emphasis on the cover companies that Iran had made, money laundering and the like, the Treasury of the United States placed these items on the list of terrorism protection and nuclear proliferation, and this led many foreign economic firms to end their work in Iran. After the nuclear deal Despite the end of the boycott and even meetings of the American authorities with major banks, many international institutions refused to return to Iran. Because the records of Iran were long and did not reduce the economic activity with a risk agreement. The book on the supply of American interests is mentioned that the Trump administration Ed: New officials are better to express the remaining sanctions from the past in a transparent way, But serious sanctions also impose sanctions that focus solely on changing the behavior of Iran (not Iran itself), such as ballistic missile development, support for terrorism, human rights abuses, cyber activism and regional violations, there are still concerns about the money laundering of Iranian institutions through the 311 Annabusa PATRIOT can be tracked. U_turn exchanges and foreign trades are prohibited with the dollar (exchanges U_TURN means bypassing the sanctions by mediating a foreign bank that receives a fee from Iran and quits the dollar equivalent to the company's account in another bank) And as: In fact, we have to run the rules ((your client's client acknowledge)) (KYCC) Strict, Audit standards are strengthened from companies that cooperate with the government or the Iranian companies, which are a significant example of U.S. secondary sanctions against Iran, Mark Dubowitz, managing director of democracy advocacy in the relevant part of Iran in

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The Book of America's Interests announces: to influence sanctions, the U.S. government's direct interference should be minimized. The fear of economic firms, especially financial institutions, will result in the reduction of profits and value of shares, many American purpose sanctions are merely threatening these institutions to a fine and lose cooperation to Result. A coma about North Korea in the past and about Russia, subtle policies of the sanctions of the path could have great effects. In the case of Iran, the U.S. government prevented U.S. companies from exporting technology and product to ZTE Corporation because the products that had issued an American originality to Iran. For example, Washington could have spent water and ZTE in the list of sanctioned companies to support Terrorism, but the impact of that subtle policy was more and immediately led to change its behavior. And as: By choosing the appropriate sanctions policy, we reduce the cost of sanctions against hostile governments for United States. For example,

Europe continues to suffer from the American sanctions pattern against Russia, and this continuation of such policies will be difficult, along with international organizations, can be effective in the effectiveness of sanctions, but it should not be the implementation of the sanctions suppressor policy. The first American secondary boycott against Iran in the year 2010 was approved in the name Sinsaanda (SISADA), which in paragraph 104, described the punishment of financial institutions related to sanctions institutions, also in another law called the reduction of Iran's threat (TRA), 2012 in Ward 215, to impose sanctions against the founder. Financial and people who are active in the development of the weapons of mass destruction are working and offer to serve, in another law called

The Law of National Defense Authority (NDAA), which was in 2012 in the agenda, in paragraph 1245, it examines the sanctions related to Iran's financial sector and at the end of the Act entitled Ifeka (IFCA), which was approved by the American Congress in 2013. In section 1247, it states that if the provision of foreign institutions to the Iranian people shall be applied to the sanctions list (SDN LIST) and will be prohibited from opening the brokerage account. Whereas, according to the principle of the right of the country's sovereignty and the non-interference principle, according to Article 32 of the Charter of Rights and economic duties of Governments, it is said that no government may have the economic measures of the other type of efforts to force the State to obedience the right of its sovereignty. Do not take advantage or encourage this action. This sense has been emphasized in resolution 2131 of the General Assembly in 1956 years that no government has the right to directly or indirectly intervene for any reason in the internal or external affairs of the State.

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4. Results

The impact of sanctions on the infrastructure and the creation of suffering in the population of the country is undeniable, economic sanctions lead to the deterioration of the situation under public infrastructure, which in turn will face the population in the target country with a humanitarian crisis, sanctions, suffering and Civilians will increase the pain with humanitarian work. Such works are indicated in malnutrition, increasing infant mortality to birth, public health, employment rate and product shortage. Sanctions are not only the non-deleterious impact on the lives of people in the country, but they will also be detrimental to their benefit of their own rights, such as the right to health and the right to food, even limited sanctions are contrary to the principles of human rights. In some cases, the impact of sanctions is direct, such as travel or flight restrictions that are inconsistent with the right to freedom of movement and entry into their country. Financial sanctions also affect the right to ownership and property. The most important issue in discussing sanctions is lack of hearing. The procedure and the possibility of having a fair trial is the most important fundamental rights of any person or entity. The right to self-determination is one of the most fundamental and important

human rights due to its complex relationship with the fundamental principles of governance and government. This right and commitment to respect and support is recognized as the rules of the agreement, which unfortunately violates unilateral and secondary sanctions. Secondary and transnational sanctions, sovereignty and the principle of equality of countries are completely violated and are inconsistent with the rules of the world trade.

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