

Do Economic Sanctions Constitute A Violation of Humanitarian Law? Their Impact on The Life of The Civilian Population

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Abstract: This scientific research is based on studying the responsibility of states arising from their international wrongful acts, namely the question of whether economic sanctions constitute a violation of humanitarian law, and the extent to which these sanctions affect human rights. In the course of the research, the actions giving rise to economic sanctions, the mechanisms regulating humanitarian law, the norms of international legislation, and doctrinal sources are analyzed. The question of whether the conditions giving rise to economic sanctions are consistent with, or contrary to, the rules of humanitarian law was studied. Likewise, the question of the extent to which economic sanctions affect the life of the civilian population, as well as international and national legislative norms, in particular the "Bill of Human Rights," was examined. A number of gaps and inconsistencies in the application of economic sanctions under international law were studied with the help of practical examples, and proposals for eliminating them were put forward. In view of the relevance of this issue, the legislation and practice of the Republic of Uzbekistan on this matter have also been analyzed.

Apply this economic, peaceful, silent, yet at the same time deadly instrument, and there will be no need for force. A boycott is a substitute for war.

- Woodrow Wilson

Our goal is for sanctions to achieve their purpose, not to place vulnerable groups in an even more difficult situation

- Sadako Ogata

Keywords: International law, economic sanction, international humanitarian law, international wrongful acts.

Introduction: An economic sanction is one of the measures of responsibility applied by another state or an international intergovernmental organization as a result of international wrongful acts committed by states. The emergence of economic sanctions dates back to the recent past: in periods when states were economically flourishing, economic pressure — that is, the prohibition of trade between one of two warring states and another — was a strategic method of waging war; for example, following the Battle of Austerlitz in 1805, Napoleon Bonaparte, the first Emperor of France,

declared a "continental blockade" against England, which was intended to economically exhaust England, and under this blockade, by Napoleon's order, no other European state was to enter into trade relations with it. From that time on, states not only employed such tactics of warfare but also referred to it as economic war, and up until the First World War it was considered that the conduct of armed conflicts in this manner must also comply with the rules governing the conduct of armed hostilities, that is, the norms of humanitarian law. However, according to the explanation of the

League of Nations, the legal status of “economic sanctions” changed: they began to be interpreted instead as an alternative to war, or as the most effective peaceful weapon of diplomacy for preventing war, and they came to serve as a means by which states expressed their disapproval of the unlawful conduct of another state. “A boycott is a substitute for war,” said the 28th President of the United States of America, Woodrow Wilson. By the end of the twentieth century, the scope of application of economic sanctions expanded considerably; however, this type of sanction came to be applied more often by individual states than by an organization possessing universal authority to apply such sanctions — for example, in 1993 and 1996 alone, the United States of America applied sanctions against more than 35 states, while over the period from the First World War until 1990 it had adopted decisions to apply economic sanctions against 77 states, whereas the corresponding figure for the UN Security Council amounted to only 11. Among the most wellknown of these were the resolutions adopted against the Democratic People’s Republic of Korea, Iraq, and Venezuela, and these sanctions continue to this day. In terms of the scope of application of economic sanctions and their impact on humanity, it is important to consider their consequences. This is because these sanctions inevitably affect not only the government of the state being punished for its wrongful acts, but also the civilian population residing within its territory. To this day, no clearly defined norms have been adopted regarding the precise scope of application of economic sanctions, which means that they may infringe upon the rights not only of the state but also of other persons; when states apply sanctions in view of the actions of the wrongdoing state, the purpose is to extinguish that state’s economic strength, and a country’s economic strength is assessed directly through the financial condition of its population. Economic sanctions target precisely this sphere and attempt, through various means, to bring down the state’s economy — in particular, by freezing state assets, restricting trade in certain products, or prohibiting trade in certain markets — yet it must not be overlooked that it is not the state but ordinary entrepreneurs and citizens who are engaged in the relevant economic activity, from which it follows: do economic sanctions not amount to a restriction, or indeed a violation, of human rights? Although many states insist that economic sanctions are directed solely at governments, the civilian population also suffers as a result, and this gives rise to shortcomings in the application of economic sanctions. This, in turn, gives rise to situations that conflict with a number of norms and concepts — for example, international human rights legislation, or the philosophical views of Kant. An

economic sanction is one of the measures applied to achieve certain results. However, its application exceeding its proper scope inevitably infringes upon the interests of the civilian population.

METHODOLOGY

The following methodological approaches were mainly used in shaping this research: legal analysis, comparative-legal analysis, literature analysis, and empirical analysis. In conducting the research, international and national practices and practical cases relating to cyberattacks were studied. The research methods are as follows:

- **Legal analysis.** Through this method, in order to reveal the extent to which economic sanctions affect humanitarian law, international, regional, and national legislative norms — in particular conventions, declarations, resolutions, and laws — as well as their significance, were studied and analyzed. The Geneva Conventions on the Protection of War Victims, the Hague Conventions establishing the rules of warfare, and their Additional Protocols were used as the principal international instruments. Through this method, the legal consequences of the issue of the impact of economic sanctions on the civilian population were studied.
- **Comparative-legal method.** Using this method, a comparison was made, on the basis of several states in which economic responsibility has been applied, of the extent to which the sanction tramples upon the population’s living conditions and rights, and of the question of whether the sanction produces beneficial or harmful consequences. On this basis, recommendations were given to states and international intergovernmental organizations with the aim of improving the future practice of applying economic sanctions.
- **Literature analysis.** The research consists of the analysis of scholarly articles, doctrines, and other academic sources. Through this method, international law, international humanitarian law and human rights, economic-type sanctions, and their impact on human health and other normal living conditions were studied on the basis of the scholarly viewpoints and practical approaches put forward by scholars. Through the study of the literature, an understanding was formed of the existing views, problems, and recommendations in the field of international responsibility.
- **Empirical analysis.** Using this method, real cases applied by states in international legal practice were studied and analyzed in the course of the scientific research. Likewise, the decisions adopted by international organizations and the practices applied by states in relation to situations in this field were

examined.

DISCUSSION

DISCUSSION OF THE APPLICATION OF ECONOMIC SANCTIONS AND THE SCOPE OF HUMANITARIAN LAW

A) The grounds for the emergence of economic sanctions and their scope.

There is no historical data specifically describing the procedure for applying economic sanctions; however, the law of international responsibility has permitted the application of economic sanctions from the standpoint of state responsibility. The circumstances giving rise to economic sanctions are international wrongful acts. According to the explanation of Malcolm N. Shaw, an international wrongful act exists where international conduct — in the form of an act or omission — is attributable to a state under international law and breaches international law and the obligations of states, such that the state's conduct is contrary to international law. According to the views of legal scholars in our country, an international wrongful act is conduct, in the form of an act or omission, of subjects of international law directed at breaching international norms or mutual obligations. International wrongful acts give rise to responsibility; international responsibility is the legal consequence applied under international law for a wrongful act. According to the views of the legal scholar Saidov, responsibility for wrongful acts is divided into two types: political and material. Political responsibility is expressed in sanctions and may take several forms — for example, the maintenance of military forces may be prohibited, or demilitarization may be imposed — and, in some cases, there is a point at which it intersects with a form of material responsibility, namely the economic sanction. Economic sanctions are a form of responsibility applied against a wrongdoing state, of an economic character, directed against the economic foundations of states that have caused the commission of conduct contrary to international law. The very essence and purpose of the “economic sanction” is as follows: an economic sanction is expressed in the prohibition, by other governments, of any trade whatsoever with a state that has committed a wrongful act, as a means of expressing their disapproval of its conduct, the principal aim being to deter or prevent that state from the wrongful act it has committed. The application of economic or other types of sanctions may be undertaken by any state or by members of an international organization — for example, Article 41 of the UN Charter provides that the Security Council may decide upon measures not involving the use of armed force, to be employed to give effect to its decisions, including the complete or partial interruption of

economic relations, in which case the interruption of relations precisely in the economic sphere constitutes an economic sanction, and its form may vary: an economic sanction may be applied against a single source, or against an entire economic relationship as a whole. For example, the economic sanctions applied against the state of Venezuela by the USA and the states of the European Union were initially directed mainly at the trafficking of narcotic substances, with the first sanctions being imposed precisely in these areas; subsequently, however, the scope of the economic sanctions expanded, and they came to be applied to other sectors of the Bolivarian Republic of Venezuela, in particular the refining and sale of oil, which considerably worsened Venezuela's financial condition. However, no theoretical work or practice has provided information on the success of this type of sanction, because the severance of trade relations between two states creates numerous difficulties not only for the state against which the sanction is applied but also for the state that applies it — this being nothing other than “shooting oneself in the foot.” Some legal scholars compare economic sanctions to the historical “siege of a city”: in many respects, sanctions are a modern version of siege warfare — each involves the imposition of restrictions on realizing the economic resources of an entire city or country, or on trading with outside states. Whereas a siege is carried out by surrounding a city with an army, restricting the sale or purchase of goods, as well as halting migration, may be carried out through the use of international institutions and international pressure. It is sometimes noted that a state subjected to an embargo may nevertheless still be able to engage in trade despite the sanctions. But this is due only to the easing of sanctions in certain economic sectors; for example, the DPRK is prohibited from engaging in any international economic activity whatsoever or concluding such agreements, and restrictions on all such areas have been imposed by the United Nations Security Council. Within the UN's human rights mechanisms, there is a general consensus that economic sanctions have a negative effect on the enjoyment of human rights by the population of the targeted country. However, some do not agree with the view that economic sanctions constitute a violation of human rights. Since neither the United Nations nor the UN Security Council is a party to international human rights treaties, critics argue that these organizations do not assume the obligations associated with international human rights treaties. Where sanctions are applied against an individual state that is a party to human rights treaties, from this standpoint, its obligations as a party do not apply to persons residing outside its jurisdiction.

B. Humanitarian law and its regulatory scope.

“International humanitarian law” is an independent branch of international law, possessing its own scope of regulation, principles, and mechanisms.

International humanitarian law regulates the relations that arise between subjects of international law during armed conflicts. Armed conflicts are in turn divided into international and internal armed conflicts, and it is during such periods that humanitarian law comes into being. According to the explanation of the United Nations Human Rights Council, the principal purpose of humanitarian law is to limit the horrors and harms of armed conflict by protecting the civilian population, the wounded, the sick, and detained combatants. Humanitarian law regulates the conduct of hostilities by the parties with the aim of protecting the civilian population and objects that are not objects of the use of weapons — in particular, places where no armed forces are stationed, such as ordinary civilian dwellings, hospitals, power stations, and factories and plants not connected with the manufacture of weapons or their spare parts. The existence of humanitarian law does not render acts of war lawful under international law. As stated in Article 2, paragraph 4 of the Charter of the United Nations, all states must refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. Likewise, under the 1949 Geneva Conventions, no provision should be interpreted as legitimizing or permitting any act of aggression, or any use of force in any form inconsistent with international norms.

The principal international legal instruments regulating humanitarian law are as follows, and they are divided mainly into two groups:

- 1) Geneva law
- 2) Hague law

The conventions and additional protocols adopted within the framework of Geneva law constitute the body of norms for protecting, during armed conflicts, ordinary civilians who are hors de combat and not participating in military activity.

The Geneva Conventions:

1. The 1949 Geneva Convention on the “Protection of War Victims,” together with its Additional Protocol I.
2. Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts.
3. Together with the Martens Clause.

The essence of the Martens Clause is that, should

factual situations arise that are not regulated by international humanitarian law, they shall be regulated on the basis of the generally recognized norms and principles of international law.

The conventions of Hague law are international legislative sources that embody the rights and other obligations that a warring party must observe during armed conflicts.

- 1) The Hague Conventions adopted in the years from 1899 to 1907.
- 2) The 1980 “Convention on Certain Conventional Weapons.”
- 3) The 1954 “Convention for the Prohibition of the Hostile Use of Environmental Modification Techniques and Other Military or Any Other Means Having a Harmful Effect on the Natural Environment.”
- 4) The 1976 “Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.”

The principal characteristics of the principles of international humanitarian law:

- It applies everywhere, under any circumstances, even where the states in conflict are not parties to the conventions listed above.
- It corresponds precisely to universally recognized international norms.
- It forms the basis of the rules that define the rights and obligations to be observed by the parties in conflict.

Principles also hold great importance in humanitarian law, and matters not regulated by humanitarian law, but which must nonetheless be resolved within its scope, may find their solution with the help of these principles. The fundamental principles of humanitarian law:

1. The principle of humanity — this principle has a very broad scope; it is regarded as one of the fundamental principles not only of humanitarian law but of international law as a whole, and it adapts according to the sphere concerned. The principle set out below may impose a number of obligations on the states in conflict under humanitarian law — for example, humane treatment of prisoners, or compliance with this principle even in the choice of methods and means of warfare.

2. The principle of the impermissibility of degrading treatment — the parties to a conflict must not create any discriminatory situations against persons, that is, degrading treatment based on race, color, or belief is prohibited. On the basis of this

principle a number of conventions have been adopted — for example,

the 1949 Convention on the Protection of War Victims and Additional Protocol I on the Protection of Victims of International Armed Conflicts.

3. One of the most important principles is the principle of distinction; the importance of this principle lies in the fact that, by observing it, states distinguish, during an armed conflict, which objects may be attacked and which may not — for example, an ordinary hospital facility may not be attacked, nor may ordinary medical personnel be targeted with weapons or killed, since they are not participants in hostilities (that is, combatants). Under the norms of humanitarian law, persons are divided into categories during war: combatants, non-combatants, and protected persons — the wounded and the sick.

Combatants are soldiers of any unit, paratroopers, or partisan field forces; they bear distinctive insignia by which they can be distinguished from the civilian population, combatants wear special clothing distinguishable from a distance, carry their weapons openly, and observe the rules of war.

According to Article 52 of Additional Protocol I to the Geneva Conventions: “objects intended for civilian purposes, such as places of worship, houses, and various other buildings, shall be presumed to be used for civilian purposes unless there is doubt that they are serving a supporting function in military operations.”

4. Proportionality, as noted above — humanitarian law does not legitimize the waging of war, but the parties to an armed conflict must, during such a period, observe the principle of proportionality, since they must ensure that the weapons and means they employ, or the various military operations they conduct, are sufficient and appropriate. For example, if a tank unit is passing through a city within a theater of war (that is, the area where war is taking place), bombarding the entire city in order to destroy that group of tanks would not accord with the principle of proportionality.

5. The principle of limiting the means and methods of warfare — the meaning of this principle is, of course, self-evident from its name: the use of certain weapons is prohibited during armed conflicts — for example, the use of nuclear, bacteriological, or chemical weapons, or weapons that may inflict suffering on a person in some other manner, is prohibited. The following conventions have also been adopted on the basis of this principle: the 1925 Geneva Gas Protocol, the 1993 Convention on the Prohibition of the

Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and the 1980 Convention on Cluster Munitions, among other international norms.

The principles set out above form the foundation of international humanitarian law, and all other norms must accord with these principles.

On the scope of application of humanitarian law.

International humanitarian law regulates the relations arising between states and individual persons during armed confrontations, and it may be limited from the standpoint of place, time, and persons. From the standpoint of place, this law applies to the territories where armed conflict is taking place; from the standpoint of persons, it applies chiefly to the circle of persons who are engaged in warfare against one another, because humanitarian law never comes into being in times of peace — during such times, human rights law provides the regulation — but it must not be understood that, while humanitarian law is in operation, human rights step aside or suspend their operation, since humanitarian law and human rights have their own scope of regulation as part of one another. This regulation takes place on two grounds and in two regimes, in accordance with which the Geneva Conventions have two Additional Protocols: first, during an international armed conflict, which arises when two or more states enter into armed struggle with one another — a clear example of such a situation being the armed conflict between the states of Russia and Ukraine, regarding which there is information that Russia, upon entering Ukrainian territories, did not cause harm to the civilian population while observing humanitarian rules. Article 1 of Additional Protocol I to the Geneva Conventions sets out the situations that may be considered international armed conflicts; as noted above, the existence of humanitarian law must not be taken to mean that any type of armed conflict whatsoever may arise: “International armed conflicts: armed confrontation between states; against colonial domination and foreign occupation (self-defense under Article 51 of the UN Charter); against a racist regime, in the exercise of the right to self-determination in accordance with the UN Charter” . Secondly, in the course of noninternational armed conflicts, such non-international armed conflicts are regulated on the basis of Geneva Additional Protocol II; Article 1, paragraph 1 of Additional Protocol II states that it includes “armed conflicts which take place in the territory of a state between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out

sustained and concerted military operations,” as well as other types of armed conflict falling within the scope of application of Protocol II. As an example, we may take the clashes between the Government of Afghanistan and the Taliban during the period from 1994 to 2021, in which case, too, the parties were required to observe the norms of humanitarian law (even though they did not observe them). It can also be seen from the fact that separate Additional Protocols were adopted for these two situations that the two situations discussed differ from one another.

C. Does the application of economic sanctions constitute a violation of humanitarian law?

To answer this question, we must examine the grounds of regulation of each and find the point at which they intersect. As we have seen above, an economic sanction is a legal consequence, of an economic character, arising from the unlawful conduct of states, which may be applied by internationally authorized organizations and by states. In this, it is a method by which states express their disapproval of the unlawful conduct of another state. Humanitarian law, however, arises on the basis of international (between governments) and non-international (internal struggles within states) armed conflicts. Over the course of time, international law applied economic sanctions as one method of waging war up until the conclusion of the First World War and regarded them as such; from this it follows that, during that period, economic sanctions applied in the course of armed conflicts fell within the scope of humanitarian law and were required to be subject to its rules. Subsequently, however, sanctions came to be regarded not as a method of war but as a concept defined for preventing or ending a wrongful act, and were thereby removed from operation under humanitarian law. Under the currently developed state of international law, an economic sanction and an armed conflict may or may not coincide in time, because when disagreement between states is on the verge of arising, economic sanctions are applied first, and only once the matter has become serious is the use of armed force employed as a second method for resolving the conflict, at which point humanitarian law begins to operate. There is, however, one situation in which economic sanctions and humanitarian law arise simultaneously: this is the application of an economic sanction in a situation where an armed conflict is already occurring between two states. If, as a result of the application of an economic sanction, for example, food, medicine, or medical equipment is prevented from entering territories where hostilities are taking place, then in such a case this constitutes a violation of humanitarian law. This is because, where the civilian population is not a participant in the armed conflict,

applying economic sanctions against it constitutes a violation of humanitarian law. In such a case, the UN organizes the dispatch of humanitarian aid and similar relief with the aim of preventing harm to civilians and providing them with relief, and where the opposing state prevents the delivery of the necessary food and medicine to the population of the state suffering from the armed conflict, this constitutes a violation not only of humanitarian norms but also of established human rights. Under the relevant legislation, there are norms stating that economic sanctions, as a form of responsibility, must not be directed at the civilian population, and the violation of these norms may give rise to responsibility on the part of the organizations themselves.

RESULT

THE IMPACT OF ECONOMIC SANCTIONS ON THE CIVILIAN POPULATION.

The very essence and purpose of the “economic sanction” is as follows: an economic sanction is expressed in the prohibition, by other governments, of any trade whatsoever with a state that has committed a wrongful act, as a means of expressing disapproval of its conduct, the principal aim being to deter or prevent that state from that wrongful act. The application of economic or other types of sanctions may be undertaken by any state or by members of an international organization. However, no theoretical work or practice has provided information on the success of this type of sanction, because the severance of trade relations between two states creates numerous difficulties not only for the state against which the sanction is applied but also for the state that applies it — this being nothing other than “shooting oneself in the foot” — and it must be emphasized that an economic sanction between two states inevitably has its own effect on the economic and other rights of the civilian population within its territory. First, the shortage of relevant products or services in the sanctioned state, or the rise in their prices, creates great hardship for the local population. Every person has the right to a standard of living adequate for the health and well-being of himself and of his family, and ensuring such conditions is one of the state’s functions and duties. At the same time, every person has the right to exercise the economic rights necessary for free development. Economic sanctions directly obstruct the exercise of these rights, because they deprive persons of the state’s responsibility to allow their normal development and enjoyment of the relevant products. For example, the case of Iraq in 1990-2003: after Saddam Hussein came to power in Iraq, owing to acts contrary to international law, the relevant economic sanctions were imposed by the USA and European

states; although these sanctions were applied against the state, its population suffered far more, and because the restrictions imposed on this state resulted in the failure to bring in sufficient food and medicine, many people lost their lives. The article titled “The Impact of Sanctions on Public Health in Iraq,” published in 2000 in “The Journal of the American Medical Association (JAMA),” states that, owing to the shortage of medicines and equipment necessary for health following the relevant sanctions, the number of deaths reached 500,000 in 1990 alone. Likewise, people also have the right to just conditions of work and protection against unemployment; economic sanctions and the withdrawal of companies and firms in the territories of states cause a large number of people who were employed in that territory to become unemployed. As an example, as a result of the sanctions applied by the USA and European countries on the basis of the conflict between Russia and Ukraine, a number of international brands — in particular

McDonald’s, Coca-Cola, Ford, Volkswagen, and Apple — withdrew from its territory, causing people working in this sector to become unemployed. Secondly, economic sanctions have a major impact not only on natural persons but also on legal entities engaged in trade and business, because firms trading with foreign countries prior to the imposition of economic sanctions may, once the sanction is applied, become insolvent as a result of the failure to bring in their goods and services, or may face a major financial crisis on the basis of the closure of their franchise or branch in that state. This constitutes a restriction of the right to engage in normal business activity within that territory; business ought to be free, and with whom it trades or does not trade should not be determined by states, but the harm resulting from economic sanctions does not spare business owners either. This is because, given the very nature of an economic sanction, it must be said that when states cease all economic activity with one another, it is regrettable that this also affects business owners who have no connection whatsoever with these sanctions, since, under the norm set out in Article 50 of the 2001 convention titled “Responsibility of States for Internationally Wrongful Acts,” it is stated that the matter of international responsibility must not be applied against the civilian population within the territory of states, yet we are witnessing that this has no practical significance whatsoever.

Grounds are being created for a collision between the two norms.

CASE ANALYSIS

A. The Republic of Iraq

There are a number of cases relevant to this subject,

one of which is the sanctions applied to Iraq by the UN Security Council during 1990-2003; the principal purpose of these sanctions was in fact to punish the Government of Iraq for its international wrongful acts, and these sanctions intensified in particular after Iraq invaded the territory of Kuwait. At the center of the sanctions were comprehensive trade restrictions, including a prohibition on oil exports, a prohibition on financial transactions, and an embargo on the arms trade. These sanctions also began to affect other sectors of Iraq: the decline in supply led to a sharp rise in the prices of basic goods, including food; income from employment fell and unemployment rose, all of which led to the extreme impoverishment of a number of Iraqis. Another consequence of the sanctions was that the import of chlorine, essential for water purification, was halted, damaging Iraq’s water supply and sewage systems. The subsequent contamination of water led to the widespread spread of infectious diseases. This gave rise to serious debate among a number of international human rights bodies; in particular, statistics compiled by organizations such as UNICEF after the imposition of the sanctions showed that, during the period from 1990 to 2003, more than 500,000 children suffered significant harm to their health and human rights as a result of malnutrition and the shortage of medical and other supplies caused by the great losses inflicted on the Iraqi economy under the sanctions; on this matter, the influential human rights agencies “Human Rights Watch” and “Amnesty International” appealed to the UN on several occasions requesting that these sanctions be reconsidered.

B. The Democratic People’s Republic of Korea (DPRK)

The sanctions imposed on the Democratic People’s Republic of Korea began to be applied from 2006 onward, after North Korea conducted its first nuclear test. On this matter, the relevant resolution was adopted by the UN Security Council; these embargoes were imposed mainly in three areas, the third of which was of an economic character — namely, the prohibition on exporting luxury goods to North Korea. Likewise, the Security Council has adopted more than ten sanctions condemning North Korea’s activities related to nuclear weapons and ICBMs; the economic sanctions and the areas indirectly connected to them are as follows: 1) the export of any goods whatsoever, in particular agricultural products, food, minerals, timber, and seafood; 2) the import and export of industrial machinery, vehicles, and metals; 3) trade in crude and refined petroleum products; 4) the arms trade, in particular trade in nuclear weapons and missiles; 5) the import and export of gold and other precious metals, among others. In the subsequent

period, Security Council resolutions numbered 2375, 2356, 2371, 2397, and 2321 were adopted in 2013 with the aim of strengthening the sanctions imposed on the North Korean state and introducing additional sanctions. Pyongyang has stated that these sanctions are destroying the right of North Koreans to life and development, in violation of the principles of international human rights treaties as well as of humanitarian considerations. Some scholars point out that international organizations, in particular the UN Security Council, need to think carefully about the sanctions imposed, since certain sanctions imposed by the Security Council are so severe that this state cannot even open bank accounts in foreign banks. They are causing considerable harm to human rights within this state; North Korea has been suffering under the sanctions of international organizations and states since 2006, and according to relevant reports, the volume of the North Korean state's exports and imports has decreased alarmingly compared to the previous year, with exports to the People's Republic of China falling by 87 percent and imports by 34 percent. According to statistical data from "The

Indian Express Journal of Courage," as a result of the sanctions imposed on North Korea, its civilian population is suffering from hunger; in 2016, according to the

Global Hunger Index, North Korea ranked 98th out of 118 countries.

C. The Bolivarian Republic of Venezuela

The sanctions applied against the state of Venezuela have mainly been applied by the United States of America and the states of the European Union since 2010, and continue to this day. These sanctions in particular were intensified after a new government came to power in Venezuela in 2013. This economic sanction is causing enormous damage to Venezuela's economy and to the humanitarian sphere, because the sanctions imposed on Venezuela relate mainly to its business of selling oil on the world market, and the restrictions on this have led to a shortage, through the state's economy, of medicines, food, and other products necessary for the population's daily life. On this matter, the state of Venezuela appealed to the United Nations requesting that these sanctions be eased, and the UN engaged Alena Douhan as an expert to examine the situation in Venezuela in this regard; following her visit to the state of Venezuela in 2021, in her report to the UN, on the basis of these studies she arrived at a unified conclusion: according to her conclusion, the sectoral sanctions imposed on the oil, gold, and mining industries, the economic blockade, the freezing of central bank assets, as well as the

sanctions imposed on Venezuelan citizens and on the citizens and companies of foreign states, and on banks and other states' companies, further intensified the pre-existing economic and social crisis. This had a serious effect on the population's standard of living, in particular on women, children, the elderly, persons with disabilities, and persons with life-threatening or chronic illnesses, as well as on the local population. She recommended that these sanctions, imposed in the name of ensuring human rights, democracy, and the rule of law, be revoked, since they were undermining precisely those principles, values, and norms. Having reviewed the conclusion that sanctions applied for the purpose of ensuring human rights were in fact serving to violate those rights, the UN adopted a resolution on halting the sanctions directed against Venezuela, and this resolution was recognized by a number of states; however, to this day the USA and the states of the European Union maintain that these sanctions are directed not at the population but at the state, and that they do not violate human rights. To date, the UN Human Rights Council has carried out a number of studies on this matter and has presented conclusions regarding the difficult condition of the population of the state of Venezuela and the shortage of the relevant medicines; nevertheless, the sanctions imposed on Venezuela have still not been eased. The principal reason for the sanctions imposed on Venezuela was, first, its involvement in the trafficking and smuggling of narcotic substances, and, owing to poor treatment of human rights within society, they were applied by the USA and European states — the first of these being an international crime, the second falling within the category of international delict, and in this situation they were fully entitled, as set out in the relevant convention, to apply sanctions against Venezuela. This is because, as stated earlier, the principal purpose of these sanctions is to call upon the wrongdoing state to cease engaging in activity contrary to law or to halt its wrongful conduct. However, the states imposing the economic sanction have still failed to understand that it is logically flawed to protect the human rights that must be protected by violating those very rights. It is true that economic sanctions are, in a certain sense, effective in preventing states from committing international wrongful acts — for example, after sanctions were applied against Venezuela, a large volume of narcotics trafficking was curtailed; however, subsequently increasing the scale and scope of this sanction resembles "taking not one but several medicines for a stomach ache in the hope of a cure, resulting instead in poisoning," and on this basis, an excessively applied form of responsibility also creates grounds for an outcome even worse than the wrongful act it was meant to prevent.

D. Conclusions and recommendations for the chapter.

On the basis of the information set out above, the following conclusion may be reached: the three states in which the sanctions discussed above have been applied are in a poor condition not only economically but also from a humanitarian standpoint, in particular because their population has been deprived, on account of the sanctions imposed on the government, of the enjoyment of the rights set out in the "Universal Declaration of Human Rights and the two Covenants." The principal reason for this is that the sanctions prevent the state from performing the functions it has set for itself; that the impact of sanctions on human rights is not fully studied before they are applied and continued; and that unnecessary sanctions have also been introduced in sectors other than those specified.

At present, economic sanctions are becoming the most common form of responsibility applied under international law against a state that has committed a delict or wrongful act; however, the fact that different legal consequences arise from the application of these sanctions clearly demonstrates that no legal regulatory mechanism exists for this matter — indeed, the absence, in international or national legislative instruments, of legislation setting out the procedure for states to apply economic sanctions, its conditions, the circumstances under which economic sanctions may be applied, and the scale and scope of their application, is increasing the fact that this form of responsibility has an impact on objects protected by other branches of law. The harm that may be caused to human rights through economic sanctions under international law can be prevented in the following ways: first, by establishing rules and principles for the application of economic sanctions, because a sphere lacking a proper boundary may also encroach upon other branches of law, and having a defined scope of regulation and conditions of application also serves to limit states from using it in pursuit of their own interests. Secondly, if it proves impossible to regulate this form of responsibility, an organizational structure should be established under the UN to monitor the sanctions applied by international organizations and states, and states should be required to submit reports on the reasons, extent, and impact on human rights of the sanctions, and to report on this matter at the sessions of the General Assembly. Thirdly, if it is not possible to legally regulate and restrain economic sanctions, it is recommended that they be abandoned altogether and replaced by another, more effective measure of influence.

CONCLUSION

Summarizing the information presented in this scientific research, the following conclusions may be drawn. First, international economic sanctions are mainly adopted by states and by the UN Security Council, through the relevant decisions (resolutions), in order to halt states' international wrongful acts when committed and to ensure they are not repeated, and the legislative norms state that they must not cause harm to the civilian population; however, practical data shows the opposite, and this may be likened to a gross violation of human rights or, put differently, to disregard for them. Humanitarian law, however, consists of the body of rights belonging to, and obligations to be fulfilled by, the participants in war arising from states' international and internal armed conflicts. Although the sanctions applied by subjects of international law do not directly constitute a violation of humanitarian law, obstructing or excluding the delivery of humanitarian aid and similar relief intended for the civilian population during wartime may be regarded as disregard for, or a violation of, the norms established under humanitarian law. At the same time, economic sanctions inevitably affect human rights, and there is no doubt that their application, without regard to the scale of the harm they cause and in pursuit of certain interests, may place the sanctioned state in a very difficult condition. Economic sanctions are not always the correct instrument; indeed, applying an economic sanction against an economically poor state, which further worsens the condition of the civilian population residing within its territory, is precisely a case in which the application of another type of responsibility measure is recommended instead.

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