

## Government responsibility in lieu sanctions from the point of view of international law

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**Abstract:** Rights accepted international responsibility mutual actions as eliminations factors to offender description illegal action. This is meaning if Government committed offender actions the victim country can invite offender Government to return actual course in mutual with action similar or other action. One of the methods mutual actions for under pressure offender country are international sanctions. There were extra objection to lawful and inferior international. Sanctions such as this tool only in connection powerful countries are resort able before the feeble countries and no conversely. International divided from the viewpoint to sanctions connective, travel, military and so on. Discovering to legal or illegal sanctions and too increasing use of powerful countries from this method anti developing countries showed necessity examination and search at this problem. At this scholar ship tried that against more scholarship that gave the right to the countries partial from the first putted direction for providing illegal sanction from point of view international law .with visional Legal and impartial and with attention to reasons agreements and disagreements from the whole international legal lawyer and too reasons design able looked to issue from the point of view author. The importance sanctions situation and kind of perception to that in countries relation that can influence at justice decisions in disagreement between them.

**Key words:** Government responsible; Sanctions; Legal international

### 1. Introduction

Economic sanction are tools for changing behavior base of difference goals political and to follow the policy foreigner with damage to goal country economic .decision political and economical is involving at economic sanctions .and enactment try even that justify from the point of view legal. Action to enactment one party sanctions against every country is with five international documents. Prism united nation, declaration world human rights, declaration nation, organization in relation to principal's international rights observer upon friendly relations and cooperation between governments. Various international co-operations in area human rights. Committee rights economic, social and cultural international organization in 1997year reminded that enactments economic sanctions should guaranteed respected to rights economic, social and cultural aim population .so that came in international convenient rights economic, social and cultural. Therefore justifiable if sanctions damaged to this basic rights. That they intended non-human and contradiction acceptance principles international .national organization and it member so executed sanctions under prism article 41. Article 41 prism expressed security council can use in relation actions that did not guaranteed use of the armed forced, for execution your decisions

and calling of the members united nation organization that exerted such actions. this is if council should attained on the base article 39 exiting doubt to the peace, peace contradiction ,or an action aggressive and sanctions enacted with protection or peace restitution and international security.

### 2- The historical background international sanctions

Use of sanctions economical is not new method for execution political goals.

Government to difference reasons in duration history resorted to economical sanction. For example

Sanctions economical and commercial at period of Ghaghara was one of the tools case use Russia against Iran .such as most index cases

Economical sanctions can point to Iran oil sanction by the government English at time of prime minister deceased doctor Mohammad Musadgh. (Sajadpur, 1370) at date 4 November in 1979 year America embassy at Tehran captured by the Moslem student line follower Imam. In response to this action Jami carter ruling president America with issue execution order number 12170date 14 November 1979(1385\8\23)declared condition national extraordinary and blockage properties and possession Iran government. By calling Iran as terrorism follow at January 1989 enacted a new round of sanction commercial on the base of America laws against the Iran. In october1987

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Ronald Rogan ruling president America with signed an execution sanction main time reported technologic to Iran declared forbidden import all of the goods and services from Iran to America .Bill Clinton America ruling president once again with other issues execution order at date 16 march 1995 declared sanctions commercial against Iran .that America companies and foreign branches them forbidden from the investment in projects Iran oil sanction law Iran and Libya on the base it, all of the companies that helped to development oil sources. Iran and Libya will be involves America sanction.

### 3. Sanctions governments against each other

One of the rife cases use of sanctions, is government sanctions basically one of the methods effective and useful at execution foreigner political for achievement goal and provision national interest .use of the tools economical, financial, Commercial and technologic. at this aim user government tried of this arms forced other government to change their behavior foreigner political ,so that changes result of the data other foreigner political ,followed tools view case interests user government .use of this arms non –restricted to current age international relation but in the past too government tried from this way forced other to submission in related wishes.(Gavam, 1372) yet economical sanctions was a tool important policy and sometimes effected in the hand of the powerful countries. America was important supporter sanctions ,sanctions commercial ,economical and policy for accessed to goals in your foreigner political and expand programs sanction economical and commercial in during years after the second world war putted execute America from the Christian 1947 yet about seventh case sanction putted execute phase against other countries ,but this kind sanctions is unprecedented in middle list of the sanctions other countries ,from other side government sanctions maybe formed collective by government antigovernment or other government .most important sanction collective was Israel sanction by the united Arab. That as a law one form ,Israel sanction approved in 1954 year and by the 20 member country created form internal law .this sanction that involved elements a first sanction and second sanction too, by the a central official sanction in 1979 year too organization exporter countries oil ,such sanction against Egypt putted execute for that peace speeches that country with Israel .from the point of view international rights in area sanctions that exerted from the an country against other country. There are three difference viewpoint.1-theory country sovereignty 2-theory impartiality 3-theory legal prohibition ,that we pointed to two theories country sovereignty and theory impartiality.3-1-theory country sovereignty :within the theory ((country sovereignty )) this is argumentation that because countries are possessing sovereignty ,can act freedom in setting your foreigner relation with other countries. There are

rules in the political relation and economical relations, with attention to view an country can put other country economical under pressure for the proceed your political goals. This view put forward clear-cut manner from the middle eighth century by the persons such as voter ,swish lawyer .from the view this group duties and assignment that a government have to your country putted priority to that government in the face of other countries and international society (Zohrani,1376). These persons for proving your opinions referred to justice votes and many resolutions general assembly national organization. In the vote international tribunal justice came in relation complaining Nicaragua in 1986 year. If lake of an contract or kind clear legal obligation, non-country obliged continued special commercial relation more than they expedient .also within resolutions general public such as resolution number 1803 date 14 December 1962,confired upon principal government sovereignty on your natural origins. Declaration 1974 about economical rights and duties reliance to principal nations freedom in determining your destiny, every one of the member international society has been free in choosing before your party in transaction(article 4 prism economical rights and duties governments)article( on second line) international convenient .related to rights economical ,society and cultural 1966 also declared that all nation can for gaining to your goals ,your natural origins and wealth used freedom without damaging to obligations resulting international economical cooperation on the base of common interest and international rights.

Theory impartiality this view point putted between two approaches country sovereignty and legal prohibition. This theory permitted direct economical war from a country against other country, but followed that lowed effects harmful and injurious on the party's third. Approach impartiality everything that recognized as a primary sanction permitted but accepted limitations for second kind .this theory resulting from the theories economical –political Liberal classic.

Economist political Liberal classic ,are stubborn defenders free commercial , therefore every kind pretense disorder and informed ,normal and usual economical transaction knew reason loss and damaged .one of the reasons that basically expressed developing countries ,it is part 4 article 2 prism united nations in relation member obligation abstaining resorted to force only

Was not including military force but involved force political and economical .declaration 1970 in relation elements international rights govern upon friendly relations too , calling from the government governments that within your international relations avoided of usage force from the way military ,political or every other kind.(Valvas,1378)in before developed countries believed that with attention objective interpretation prism such as using expression military force in introduction prism and article 51at relation law defense ,word force in article 2(4), for in arms force. (Shaw,1374) these

pointed in confirmation your view point to resolution definition invasion that it to definition invasion, solely attention to aspect military and have not in mind other forms. But at some resolutions general assembly united nations organization .all forms compulsion in international sentenced life such as economical pressures even if was ambiguous .in under we pointed to many resolution :international general assembly in resolution under title ((economical actions as a tool compulsion political and economical against developing countries))intensity wanted from the countries industrial did not used from the higher position as a tool process economical pressure with aim made change in polices economical , political ,commercial and society other country (resolution number 1991,210).

Commercial conference and united nation developed reiterated in resolution under title ((non-acceptance with group economical actions forcefully) that: all of the development countries should avoid from process restricts commercial, surrounding, transaction prohibition and other economical punishments contrary with regulations prism united nation... against developing countries as a from political completion that effected upon developed economical-political and society this countries (resolution member IV 152 ,page 198).

#### **4. Sanctions belonging to united nation organization**

One system belonging to economical sanction as punishment international society recorded against trespasser country in cases 16 and 17 nation society convenient .article 16 forced the member that interruption your relations commercial and financial with every member within the framework convenient against your obligations resorted to war .sanction system in convenient ,was not coherent and concentrated .this system not executed even practically as a example in 1935 year .following attack Italy to Ethiopia ,many of members asked Italy sanction .this wishes did not acted for reasons such as France opinion .at time of the establishment united nation ,authors prism united nation organization made system strangest. Most important they actions at fulfillment. Was concentration power to decide at Security Council sanction discussion bringing at prism chapter seventh. On the base this chapter recognition threat occurrence or peace violation and or invasion putted undertaken Security Council. At Beside this problem an authorities chain for discussions that council adopted about maintains peace and international security putted in that authority . in first group ,putted actions that was not included use of force article 41 prism counted this actions (including cancelled all or part of relations economical and railroad relations, nail ,air ,post ,telegraph ,,radio and other connective vehicles and political relations)continuing sanction such as actions anticipation civilian ,it is at prism article 41 that security council can exert after of recognition

peace violation and or operation occurrence invasion against government .once again in 1996 year exerted necessary sanction but restricted against southern Rufiyaa .and immediately in 1968 year ,exertion sanction against this country raised to all the experts and imports from this country and established an committee that examined reports related to execution sanction against the southern Rufiyaa .(suleiman-1391)in addition to security council, general assembly exerted sanction in the three case resolutions approval against three governments .but contrary decisions security council ,resolutions general assembly had advised aspect and they execution guaranty are general although international if that exerted sanctions is necessary from the security council that on the base prism article 25 imitating from them are necessary for all countries member national organization security council followed one of the under goals from the exertion sanction:

1-maybe for changing behaviors a government, against that executed sanction that restrict or perfect .as a example exertion sanction against Libya for that formed that this government did not present gave your citizens accused to interfering in explosion airplane Pan American for trial to America or English.

2-for restricted war, exerted sanction against government .as a example ammunition sanction exertion against Somalia and Yugoslavia banner followed this goals.

3- Sanction exertion maybe was introduction for using natural power from the international organization against a government as a samples, resort to force formed against to Iraq in theorem invasion that government against Kuwait, and necessary from the Security Council.

4-continuing sanction maybe did not followed declare goals (kharazi, 1380)

5-effects of the sanctions

Effects of the transaction and punishments in a way dependent to goals that followed .first goal related to country behavior that get banned and second goals to the internal condition and expectations sanction country .in the cases majority ,economical international sanctions have effective economical considerable but their policy success was very fewer .(Alikhani,1389).specially when that country sanction case depended a few to banner country regarding to economic and too ,to other countries did not companies sanction execution .

At belonging sanctions by the international organization, thought established committees under view Security Council for supervision execution sanction, but in total sanctions execution transmitted undertaken to government totally, from other side always commercial world are discovering shuns opening from this sanctions. More than this ,effect negative friendly human international sanctions on Valner ablest people groups goal government, always was on the main worried international society .one of the samples international sanctions that provoked people putted in sorrowful

economical and society conditions was country Iraq at time of the Saddam regime that some felt illegal continuing sanction and calling to canceled them (Tababai,1379).thought at prism united national use of the sanctions by security council was permitted for adjustment government behavior that in danger peace and security. But raised this question if sanction goal did not fulfillment, when should continue?

Despite sanction effects distinguished upon trespasser country in duration long ,but irregular increasing duration sanction exertion only can cause that their cost friendly human increased and exited taxes that at first did not anticipated from other side in such conditions finishing to sanctions companies this danger that trespasser government worried from this problems that putted your nation buckler calamity .but with attention to characteristics public includes principals international friendly human rights , security obliged that regarded this principals for supporting civilian persons. For fulfillment this goal can dropped practical orders thus : assessment necessity sanctions effected before of the approval sanction in duration it execution and then necessity supervision on sanctions exertion on the base information on that ,thus formed ,if necessary sanctions adjustment for mean guarantee their adjustment with principal relation to international human rights.(Momtaz,1380)

## 5. Conclusion

usually government sanctions used by powerful countries as a tool foreign policy .aim of this sanctions persuaded the government for changing behaviors foreign policy but this sanctions did not followed this economics goals ,but accession to goals political, society ,or military maybe was part of the banner country programs and motives. Government sanction maybe going on to government goal only (first sanction) or that includes circle expanded and includes countries that with goal government possessing relations commercial or financial and .....second sanction thought at past this kind of sanction interpret legal to referring element country sovereignty ,but today on the base international rights contemporary such as resolutions united nation pillars. Lake interference at internal affairs and foreign countries, right developed and..... International sanctions that excerpter from the countries against other countries, especially second sanction was illegal and it legal is doubted.

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