



**Original Article**

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## Sanctions and Threats from the View of Jurisprudence Rules and International Law

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**ABSTRACT:** Sanction, is a planned action by one or more state by different ways for different purposes. Economic is the most important of sanctions, often applied as an alternative to war. Sanctions are divided into, National and internal sanction, governmental and sanctions by the United Nation. So the concept of sanction, legitimacy and illegitimacy of it, and Damatov well as the Act of Iran sanction and whether the law is in conflict with the principle of sovereign equality? will be discussed. It can be argued that if economic sanctions are causing human suffering the sanctions are not justified from the perspective of international law. The author then discusses the issue of economic coercion and the principle of non-intervention. Finally the result obtained that, sanctions in contrast with nafye sabil as a religious base and article 4(2) of the UN Charter, as customary international rule. So you should behave consciously against threats.

**KEYWORDS:** Pollution of the Environment, Hydrogen Efficiency, Economic Limitations.

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## **1. THE CONCEPT OF SANCTION**

Sanction, is a planned action by one or more state by different ways for different purposes that aimed to put pressure on the country's political actions. Economic sanctions is the most important of sanctions that often applied and considered as an alternative to war and force and the economic relations, including trade and financial types. As well as multilateral sanctions by the international organizations are seldom made, various countries have been used limited economic relations including trade and financial sanctions but these sanctions are generally ineffective. Between two world wars UN was in charge of coordinating and only four times attempt to impose sanctions or threat of sanctions, Nevertheless just two times it was successful. As well as, UN before the Iraq sanctions in 1990 only two times did multilateral ban. The purpose of these sanctions is punishment or deterrence or behaviour change.

However, the use of sanction is more common in international economic relations, but said that the sanction is a Systematic refusal of social relations, economic, political or military of a government or a particular group of states to punish or change to acceptable behaviour and goods and services produced in a particular state be boycotted. Sanction may be general that includes all of goods and services or specific or limited to a particular type or category of goods, Ivan & Nonam (2002).

It is important to note that although sanctions are an element of punishment but it's not only to create a difficult situation for the people of the country have not been sanctioned, In fact, its purpose is to change the political conduct of government, and also some people know deterrence as the most important functions of the sanctions, Zarif (1997).

## **2. TYPES OF SANCTIONS**

### **2.1. Non-Governmental Sanctions**

Sometimes it is possible that, sanctions done by individuals, groups or non-governmental organizations in order to compel foreign countries or their nationals that this type of sanction is called Private or national sanction. Like sanction by the people in China, which took place 1905 to 1931 and became the country's first major sanction?

Other examples of private sanctions are sanctions against the UK by Indian people (1930, 1905, and 1986), Sanction by Turkish people against the Empire, Austria – Hungary (1908, 1909) and sanction by the people of Egypt against United Kingdom (1924)

It also inspired from official government sanction, major corporations, and multinational companies are located restrictions on commercial conduct of their affiliates. For example, in the case (Fruehauf corporation V. Massardy), The United States sanctions against Cuba (1960) Private owners of vessel that were under pressure from the oil companies refused any transport to Cuba or Cuba, ILM, (1966) From 1951 to 1953, Following the nationalization of the Iranian were sanctioned Iran oil tankers that carrying oil.

Private sanctions are usually judged in accordance with national law, unless the government has begun or is ordered, or through bilateral or multilateral treaties, the government has pledged to stop the sanction and if it is determined that a private sanction was illegal, will be raised only in rare cases, such as cases involving violations of the rules of the international responsibility to protect the lives and property of foreigners, Fayuzi(1973).

## 2.2. Interstate Sanctions

Besides Private sanctions that have limited application one of the most common use of sanctions, is sanction by government. Basically, one of the most effective and efficient techniques in foreign policy to achieve the objectives and national interest, using tools in financial, commercial and technological. In this regard, the government that use this tools, try to changes in behaviour of other states foreign policy, such a way that the changes obtained from other's foreign policy, brought the benefit of states from use such tools. Taking advantage of this tactic is not unique to the current era of international relations, but also in the past states tried by this way to submit others against their wishes, Qavam (1993).

Till now, Economic sanctions have been an important political tool and sometimes affecting that were in the hands of powerful countries of the world. To achieve the desired goals in foreign policy, America is one of the major proponents of trade sanctions, economic and political, Which is being implemented an extensive program of economic and trade sanctions in the years after World War II, Malloy (1995). For instance, America's antagonistic relations with Libya after coming Colonel Gaddafi to power is in these categories, Berkeshli (1996).

Another type of state-sanctioned is group sanctions that by the government against other states be done, that, sanction of Israel by Arab league is the most important of it, Sands (2001).

## 2.3. United Nation's Sanctions

After World War I, a system of collective sanctions as an international punishment against the offending country in article 16 and 17 of the Covenant of the League of Nations was published that sanction of the Covenant, wasn't a cohesive and focused. Since the establishment of the United Nations, The authors of Charter seek to establish a stronger system. Issue of sanction have been come in Chapter VII, which has putting Detection of threat or breach of the peace or aggression to the Security Council. Establishing Sanction is a non-military measure that anticipated article 41 of the Charter that the Security Council can then identify breaches of the peace or act of aggression against the state, and once Take place Against Southern Rhodesia in 1966 that entered into force, Sands (2001). After Cold War era, Security Council has imposed full or limited Sanctions against six governments that include Libya, Liberia, Iraq, Somalia, Yugoslavia and Haiti. Amount of sanctions in this period was three times more than cold war, Reisman (1998). Increasing sanctions imposed this impression that this means of the Security Council holds lower cost in comparison with use of force, especially for permanent members of the Security Council. So it may be possible that the Security Council in the future without having to deal with the problem also establish sanctions against the government, Kharrazi (2001).

## 3. MARGINS OBSERVANCE ETHICAL STANDARDS IN APPLYING SANCTIONS

One of the most important factors in support of the sanctions, is the international norms in assessing this issue that essentially whether sanctions should be imposed or no?

Reviews international human rights criterion, enshrined in the Charter of the United Nations (1945), Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1989) and other relevant documents those are expression of internationally accepted principles. It can be argued that if economic sanctions are causing human suffering the sanctions are not justified from the perspective of international law. This case even is remarkable in Economic sanctions that the United Nations Charter under the auspices has an international consensus. The emergence of the idea of humanitarian and pay attention to human rights based on dignity, excellent character and human values should a basis for Prevent public harm to innocent people and sacrifice them to the political agenda of governments. With the emergence



of new norms and innovative trends in international law the right to intervene on humanitarian law can be justified as an exception to the principle of state immunity, Sharif (1994). According to include the right to life in international documents of human, Such as Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights as fundamental human rights and according to the characteristics of the documents directorate, can be considered as a legal the humanitarian intervention, Beigzade (2000). For this purpose, not only the applying international humanitarian law to protect civilians and limiting the scope of human rights violations and sanctions is necessary but also is essential [14]. Sanctions to be effective and be based on ethical standards, must be legitimate and valid and not lead to worthwhile human rights violations, Shaw (1995)

Collective sanctions are actions by the representative organ of the world in response to unlawful and unacceptable behaviour of the country and purpose is to Approved standards of behaviour that International law requires them.

International Law Commission on the legitimacy of collective sanctions states: sanctions response measures that are generally referring to the decision by an international organization and are done pursuant to a breach of an international obligation that entails serious consequences for the international community and is especially about the specific actions taken by them in accordance with the Charter of the United Nations established in order to maintain international peace and security (Yearbook of the International Law Commission, 1979).

Now the question is this, whether states can resort to sanctions as a countermeasure against breach of international obligations by other countries?

Despite being in a society that is moving towards institutionalizing and try to bring the organization to deal with violations of international law, does not seem proper, granting such rights and privileges to the state where the plaintiff or has suffered a breach of international law, but it is yet has a strong position in international law whereas the international community's efforts are to institutionalize countermeasures, including the international responsibility of States for internationally wrongful acts cited that In the fifty-third session of the International Law Commission adopted in 2001, Articles 49 to 54 projects, acknowledging the established conditions and limitations as are prescribed for it. Based on this despite illegal sanctions on the basis of international law, countries could resort to sanctions against countries that violate international law do given the circumstances countermeasures in international, Rousseau (1990), Momtaz (1997). Thus the actions and decisions of the United States of America and some of the advanced industrial states, such as members of the Economic Community for Europe on Iran Sanctions due to crisis of America's diplomats in Iran And United Nations sanctions against the Soviet Union was legally justified and isn't contrary to international law, Momtaz (1997)

Of course terms of countries resorting to countermeasures that accepted in international law, and referred in international responsibility of the state plan that has been adopted by the International Law Commission, should also be observed about sanctions. Abiding the jus Cogens of international law is one of the important conditions referred in Article 50 of the Plan, Government cannot violate the international jus Cogens to prevent violations of international law. In this draft In contrast to the first draft, International Law Commission has not attempted to list the Jus Cogens, and it is beneficial to small countries some laws may not yet have become jus Cogens, maybe they regarded as jus Cogens and to prevent their violation In terms of countermeasures, Momtaz (1997).

Based on this, the government cannot prevent violations of international law, violate basic human rights and humanitarian law arrangements and these two constraints, inspired by Article

60 of the Vienna Convention of 1969 on the Law of Treaties Where it is said there is no way to terminate unilaterally such agreements. Thus, if sanctions were to be species that violate the sovereign equality of states to natural resources, which is a peremptory norm; the boycott would be illegal. As well as if sanctions disposal the right to development as a basic human rights, would be illegal from the perspective of international law.

On the other hand, according to Article 50, the government will resort to countermeasures, cannot ignore the obligations of dispute settlement; this means that if between two states that exist arrangement for the dispute to binding dispute settlement procedures, Should be attempted before resorting to cross-refer the dispute to the authorities. So because we have concluded the Algiers Agreement with the United States of America, the United States shall, before resorting to countermeasures, including sanctions, should refer the court its claims of violations of international law by Iran. Thus after taking the Responsibility of States that have ratified the International Law Commission, the United States Sanctions has no legal basis. Of course, if consider the rule of international law as a certain plan's liabilities.

#### **4. EFFECTS OF SANCTION**

In most cases, international economic sanctions have a significant economic impact, but they have little political success, Galtung (1967). An effect of sanctions and punishment totally depends on the goals that are pursued there. The primary purpose of sanctions is related to the behaviour of sanctioned state and secondary purpose is related to the sanctioning country's internal situation and expectations.

Although the collective sanctions by the United Nations, the committee for monitoring the implementation of sanctions, the Security Council has been established, but in general, the government has entrusted the implementation of sanctions. Therefore, the inconsistency would not succeed. Besides the negative humanitarian effects of sanctions on the most vulnerable people in the state, always is one of the major concerns of the international community. Although the long-term effects of sanctions on the offending state is determined, but could only be indiscriminate increase for sanctions that increased the cost of humanitarian and brought complications that it was initially unforeseen. Necessary to assess the potential impact of sanctions before sanctions and during its run and the need to monitor sanctions based on the information obtained, and if necessary amendment sanctions in order to ensure compliance with international human rights standards, Momtaz (2008). You should know that sanctions also negatively affected on free trade and the state's neighbours. Finally, even those sanctioned by the United Nations Are sometimes politically motivated in order to achieve certain goals.

#### **5. JURISDICTION OF THE UNITED STATES ON THE TERRITORY OF OTHER COUNTRIES**

At the moment, the academic researchers and lawyers do not dispute that jurisdiction is aspect or consequence of the rule, Mann (1964), Wallace (1986) since the states are independent based on international law and are equal under the law, no government could exercise jurisdiction without the consent of another state on its territory.

So Domestic jurisdiction about the land and people who under customary international law is an absolute concept. Taken of the fact that the state should refrain from exercising authority in the territory of other countries, this result exceeded the jurisdiction of the authority is invalid under international law Mann (1964).

The basic question that needs to be answered is whether extraterritorial jurisdiction of United States laws based on international law about the legislative authority, is justified?



A third interpretation of section 403 of the Foreign Relations Law of the United States requires that a state cannot logical Jurisdiction over the parties or engage in activities that are in contact with other countries (The third legal interpretation, 1986). It means that the government has a formal basis for control of the country's transactions; if another state has a closer connection with the case it should refrain from exercising its extraterritorial legislation, Griffin & klabrese (1988). Public interest in the common law countries and research shows the recognition of it that international law apply restrictions upon the same principles that government can justify its claims to authority based on their will. In the Barcelona Traction case (1970) International Court of Justice state that, ((International Law have an obligation in about governments to apply moderation in its jurisdiction and avoid from development of competence by the courts in cases where there is a foreign element, Mann (1964). The consequence of the Court's opinion is, not only jurisdiction as an important feature of the rule, requires states to impose restrictions on the scope of their internal governance, but also indicate this important point that countries are obliged to respect and uphold the territorial jurisdiction of other countries to refrain from activities and decisions that conflict or inconsistent with this principle in public international law.

## **6. D'AMATO AND CONTRARY TO THE PRINCIPLE OF SOVEREIGN EQUALITY OF STATES**

Brownell argues that The principle of the sovereign equality of states as one of the undisputed principles of international law is embodies the constitution concerning the right of nation's doctrine that generally govern a society of states with a single identity, Brownell (1990) If we assume that there are certain inseparable rights, that the government is making fundamental component Thus, other governments should not apply their authority to weaken the law, Luvah (1985) According to international law, Principle of equality of states is as a necessary consequence of the denial of global empire and also claiming that the world is governed by the law, Luvah (1997). Any independent state can freely apply rights of sovereignty in a way that does not interfere with the equal rights of others, Luvah (1997).

The principle of sovereign equality of states as a general principle requires equality and respect for personal jurisdiction state and respect for their territorial integrity and political independence. Therefore, paragraph 1 of Article 2 of the UN Charter precisely predicted Principle of equality of member states in order to sustain the new world order by the United Nations Association. The use of economic sanctions by the United States Increasingly blatant violation of the sovereignty of other countries and legitimate interests of citizens and companies under its jurisdiction that limit their sovereignty in pursuit of an independent trade policy, Glossop (1997) Damatov is in apparent contradiction with the law of 1(3) of the UN Charter On international cooperation in economic, social, cultural or humanitarian. Furthermore, in accordance with paragraph 4 of Article 2 of the Charter all members in their international relations will abstain from the threat or use of force against the territorial integrity or political independence of any state, or any other value that is incompatible with purposes of the United Nations. It can be postulated that the Damatov cannot be consider the proper and peaceful means to settle disputes between Iran and America and because of that it is the reason of violation of America's obligations under paragraph 3 of Article 2 of the UN Charter. Damatov due to lack of mechanisms for the peaceful settlement of disputes can lead to increased international pressure and the threat to international peace and security that its maintaining is the main purpose of international community.





## **7. ECONOMIC COMPULSION AND THE PRINCIPLE OF NON-INTERVENTION**

Nowadays economic sovereignty of a country, prohibits deliberate attempts to interfere in the affairs of other countries, or coercion to subjugate an independent state for the benefit of other nations, Luvah (1997).

Customary international law requires governments to adopt economic strategies for this reason, some authors argue that customary international law is based on this that the countries are free to handle their trade relations somehow they are willing, Elagab (1992). Some other believe that international law forbids any state to impose economic coercion against any other states, unless the measures adopted by the competent organs of the United Nations, regardless of whether or not economic sanctions have been admitted for economic reasons, It must also be demonstrated that such measures are targeted to discourage foreign and domestic policies, Elagab (1992). Following the signing of the Algiers Declaration of 1981 between Iran and America According to Article 1 of the Declaration the United States of America pledged that Politics of the country is and will be this which not to interfere directly or indirectly, politically or militarily, in Iran's internal affairs, Mohebbi (1999). Adverb phrase (henceforth) show that the America admitted that in the past has interfered in Iran's internal affairs, Alikhan (2001). Also, section 10 declaration that the abolition of trade sanctions against Iran after November 1979 don't permitted to re-impose America sanctions against Iran, therefore it seems the provisions of the Act Damatov as economic coercion to violate by America's commitment is based on the Algiers Declaration, Graves (1998).

## **8. NEGATION OF DOMINATION RULE**

Among all the legal rules contained in the chapters of Jurisprudence that each place and their location and functional significance is undeniable and public, according to the rules subsistence their affairs, science, social and interactive aspects, the rule is in scripture, the rule is called the rule of Nafye Sabil which is superior to other legal rules. Dominance which is literally means "Power of the Force in Political encyclopaedia, the meaning of "colonialism" (Imperialism) and is used on the Quran language, meaning "arrogance" and the dominance of the country's political or economic or other countries. However, in international law, the principle of sovereign equality of states and countries based on mutual respect and non-interference in the internal affairs of one another; but the social and political realities suggest that there are various imperialist powers and authority which appear to be an economic, political and ideological. When there is economic domination that the economic powers Firstly through multinational companies, resources are at their disposal and are dominating the world market and in this way, with the establishment of industrial centres in the country, exploitation of labour, cheap raw materials and use tax exemptions and extractive industries and construction are affiliates actually the host countries. Secondly, the establishment of bank borrowing and loans high-interest to private investors in poor countries, provide areas for exploitation. Thirdly, through the establishment of agro-industrial complex enterprises and by privileges of the host state, they open the way for monoculture agriculture and provide a good market to sell their crops with the collapse of traditional agriculture. Thus, by dominate the major economic powers on market raw materials, the flow of money and banking and investment initiative, goes interests to the dominant states and remains dependence and oppression for poor countries.

## **9. MESSAGE OF NEGATION OF DOMINATION**

Nowadays, with advances in technologies and the wide variety of communication occurred there is no need to send persons to be present physically in your target and destination, but powerful and advanced countries government in the world with soft tools and since the world is the battlefield of Jihad everyone is trying to stay on top of progress, this tool be applied in all



aspects of political, economic and military purposes to find rule and dominate to other countries. So the message is that the rule of the colonialist domination of other countries should continue its efforts to work in different fields. Until not to cause dominate to Muslims by enemy and utilizes wisely and with a rule provided growth and prosperity of the Muslims in all fields the foreign domination and influence is essential to every Muslim unlawful and illegitimate and fight.

## **10. A SUMMARY OF THE EVIDENCE AND THE REASONS FOR THE RULE.**

Jurisprudents have noted documents to the rule of negation of domination that include:

### **10.1. Famous The Verse (And Never Will God Grant To The Unbelievers A Way (To Triumphs) Over The Believers), Bojnourdi (1998); Mostafavi (2000).**

Jurisprudence have expressed in their writings this verse as a most important document and evidence. Seyed Mohammad Javad Mostafavi, as well as the law books have cited it as Wahid evidence, Mostafavi (2000) Quran verses dedicated to the glory of God and the prophet and the believers is cited like (and to Allah belongs the might and to His Apostle and to the believers, but the hypocrites do not know) but the principle is verse 141 of Sura Nisa is a rule according to which: (Allah never legislate a decree that cause to be Muslim dominance by Infidels).

### **10.2. The Prophet's Saying**

Second, the Prophet's this implies that Muslims has superiority over the Infidels and we should note that here the purpose of Islam is Muslim And majority of jurisprudence have cited this as an evidence to rule.

### **10.3. Consensus**

Consensus is one another reason for the rule of negation of domination. Which all great jurisprudence claim have consensus by virtue of that has not been legislated in Islam any provision like this that cause to dominated Muslim by infidels. For example, Muslim woman married to an unbeliever, Qomi (2002). Other evidence of rule is: Relevance sentences with subject, Bojnourdi (1998). Muslims honour that Muhammad Sayyid Kazim Mostafavi says: It is not wrong That Knowing prohibited Abjection on the Muslims, and as the verse states (and to Allah belongs the might and to His Apostle and to the believers, but the hypocrites do not know) and respect to rituals that dignity of Insulting is the intellectually and promises. When the legislator knows forbidden to insult the Muslim how can willing to be dominated Muslim by infidels, finally, we can state wisdom as an ending reason for this rule.

## **11. NEGATION OF DOMINATION RULE AND NOT PERMIT TO ACCEPT FOREIGN DOMINATION**

The rule is also principles of foreign policy In addition to its application in a nation of people with the same religion; somehow represent speech and behavioural boundaries of Muslim with people of other religions. So rules of negation of domination are a kind of rules that guaranteed independence and dignity of Muslims. And in the verses and narrations news and brought the consensus for that and jurisprudence mane times put it as a basis for inference rules. Also legal system of Islamic republic of Iran, cited rule in constitution law, public law and public international law.

Therefore, from the perspective of legal based on the principle of jus Cogens. Not allow foreign control over the country, as previously mentioned, economic aspects is one of the most important of these fields that planes trade sanctions by one country against another country.





This often comes from countries that have advanced and developed economic until completely dominated the less developed countries or acquire the goals that are seeking to by sanction weapon. But since the laws of our country and international life of the Islamic Republic of Iran is on the basis of Quran, should put them as the basis of their treaties in all international decisions and resolutions till to obey and done it properly. So also in about sanction that as a kind of dominance against Muslim should behaviour consciously and we avoid behaviour that might lead to the domination of the country, and this permission understood from Quran's verse.

## **12. DENIAL OF SANCTIONS UNDER PARAGRAPH 4 OF ARTICLE 2 OF THE CHARTER**

As in all countries, war is obscene, this common sense as a mankind goal, also evident in bilateral or multilateral treaty and statute on the law of countries like Paragraph 4 of Article 2 of the UN Charter that vote for it Constituent states and accept it. That any threat or use of force cause to be dominance. Have banned from the jobber and powerful countries, and these countries in its relations with other countries must be behave Furthermore, whether large or small, and every religion and race are based on the principle of sovereign equality of all members (Paragraph 3, Article 1).

Paragraph 4 of Article 2 state: All members in their international relations.... that included any such relationship, whether cultural, political, economic, and....should not threatened to use force or use of force against the country

Thus, in case if two countries have political and cultural relations in the basis of treaties, In the event of differences of opinion in relations shouldn't threat against it or its allies. Similarly, Also in economic relations that allocated it as a very important part of the relationship between governments and nowadays countries to supply the needs and its constituent nations under the umbrella of the state's economy, That is large and influence on the states relationship, shouldn't threatening each other or pay to use it Which eventually leads to domination of a government of another state. Thus although before the signing of the Charter, the war was too bad and was referred to but with the arrival of the Charter signed in San Francisco on June 26, 1945 Which came into force on 24 October the same year It was legal and official.

Also this international rule, appear inaccuracies of domination sanctions So that was pointed out on the basis of Article 2 (4) of the Charter, in the world no country should threat against another country and lead to its desired tasks. Because in this article threat is absolute and unconditional included this paragraph of article each type of threat that will forced to do something opponent, and making any kind of fear in state sovereignty.

So it is also a threat the sanction of a country, and illegitimate use of force against less-developed countries that according to the UN Charter, behaviour was unacceptable and shall stand against this kind of force through the proper way and prevent the domination of the few countries in the world.

## **13. CONCLUSIONS**

Sanctions, are kind of tools and practices that from a long time either private or public and as well as an enforcement in cases of breach of the peace or a threat to force governments have been used to modify its behaviour. Private sanctions that are organized by private individuals and groups rarely cause to international responsibility of state and the legitimacy of the sanctions. Government sanctions usually apply by the powerful countries and often pursue economic goals.



Depending on the intended purpose of the sanction, what are the effects of the international sanctions, although most of these sanctions have had adverse effects on the economy but have not successful in changes the sanctioned country's behaviour? It must be looked due to the strong negative reaction to the sanctions and elsewhere.

America's unilateral action on Iran sanctions, violates the principle of peaceful coexistence among states that implies respect for the basic principles of international law, mean; The legal equality of states, Non-Intervention, Cooperation and Friendship, respect for sovereignty and territorial integrity of states Among members of the international community. Because these measures are not religious, do not have an international face If economic sanctions Is done in such a way that violate the principle of the sovereignty of states over natural resources which is jus Cogens as well as applying Sanctions, If harm to the right of development as a fundamental human rights, From the perspective of international law would be illegal. On the other hand, according to Article 50, if the government wants to resort to countermeasures, it cannot ignore its obligations about ways of settling the dispute. Then with Considering the Responsibility of States, That has been approved by the International Law Commission, do not have a legal basis Sanctions by the United States.

From the jurisprudential point of view should not allow foreign domination over the country based on the principle of jus Cogens. As previously mentioned the most important of these fields, is economic aspects. The action takes place to completely dominated less developed countries or the goals that are following, Obtain with sanction weapon. But since our laws based on the Quran and jurisprudence rules, And in all international approvals should put them as the basis of their treaties, so should be treat Consciously in about sanctions as a kind of foreign dominance, and avoid behaviour might lead to the domination of the country. Also According to the international rule of Article 2 (4) of the Charter, no country should threat other countries and lead them to its desired tasks. And because in this article threat is absolute and unconditional, included this paragraph of article each type of threat that will forced to do something Opponent, and making any kind of fear in state sovereignty. That According to the UN Charter, behaviour was unacceptable and shall stand against this kind of force through the proper way And prevent the domination of the few countries in the world.

Thus, either the jurisprudence rule (nafye sabil) or the rule exist in the article 4(2) of the UN Charter, are told the illegality of sanctions and the threat of domination And each country is entitled to defend its sovereignty in international community that Sometimes will be accomplished with stand to deal these sanctions and threats.

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Respectly, For My Dear Mother and Father.

## **ETHICAL CONSIDERATION**

Authenticity of the texts, honesty and fidelity has been observed.

## **AUTHOR CONTRIBUTIONS**

Planning and writing of the manuscript was done solely by the author.

## **CONFLICT OF INTEREST**

Author/s confirmed no conflict of interest.



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## REFERENCES:

- Alikhani, Husain (2001). "Iran sanctions, a policy failure", Tehran, Office of International and Political Studies. (In Persian)
- Beigzade, Ebrahim (2000). "Nongovernmental organizations and International Law", Journal of Legal Studies, No 31, 32. (In Persian)
- Berkeshli, Fereidon (1996). "International sanctions of America and the Third World", Rahbourd Publication, No 12. (In Persian)
- Bojnordi, Seyed Hasan (1998). "Rules of Jurisprudence", Iran, Qom: Publication of Alhadi.
- Brownlie, Ian (1990). "Principles of Public International Law, Clarendon Press", Oxford, Fourth Edition.
- Elagab, Omar Yosef (1992). "Coercive Economic Measvres Against Developing Countries".
- Fayuzi, Reza (1973). "International responsibility and political theory", Tehran, International Centre for Publishing Studies. (In Persian)
- Galtung, john (1967). "On the Effects of International Economic Sanctions", World Politics.
- Glossop, peter (1997). "Recent US Trade Restrictions Affecting Cuba, Iran and Libya, A View from Outside the Us, 5 J of Energy and Natural Resources".
- Graves, Charles Tait (1998). ."Extraterritoriality and its Limits, the Iran and Libya Sanction Act of 1996".
- Griffin Joseph p. and Michael R. Calabrese (1988). "Coping With Extraterritoriality Disputes, 22 JWT".
- ICJ Reports, "Case Concerning Military and Para Military Activities in and against Nicaragua. ILM, Vol 5, (1966).
- Ivanz, Graham & Nonam, Jefri (2001). "Dictionary of International Relations", Fourth Edition, Clarendon Press, Oxford.
- Kharrazi, Kamal (1996). "Development of a collective security system in the aftermath of the Cold War", Journal of Legal Studies, No 15. (In Persian)
- Lowe A. V (1985). "The Problems of Extraterritorial Jurisdiction, Economic Sovereignty and the Search for a Solution".
- Malloy, p, Michael (1995). "Economic Sanctions and Human Rights: A Delicate Balance", [www.wcl.american.edu/hrbrief](http://www.wcl.american.edu/hrbrief).
- Mann, F.A (1990). ."Further Studies in International Law", Oxford.
- Melkam, Shaw (1995). "International Law", Translated by Mohamad Husain Veqar, Tehran, Publication of Etela'at. (In Persian)
- Mohebi, Mohsen (1999). "Statement by Algeria, Iran's Arbitration Court, United States", Tehran. First Edition. (In Persian)
- Momtaz, Jamshid (1999). "Security Council sanctions compliance with international humanitarian law", Journal of Foreign Policy, No 4. (In Persian)
- Momtaz, Jamshid (2000). "International responsibility of states", Bulletin, Center for International Studies. (In Persian)
- Mostafavi, Seyed Mohamad Kazem (2000). "Me 'at Qaedat o Feqheiat, Iran, Qom", Islamic Publications Office.
- Patterson, Jack (1994). "The Sanctions Dilemma, Middle East Report", March / June.
- Qavam, Abdol'ali (1993). "Principles of Foreign Policy and International Politics", Tehran, Publication of Samt. (In Persian)
- Qomi, Seyed Taqi Tabatabaei (2002). "Al'Anvar Al'Bahie fel Qavaed Alfeqhie", Iran, Qom: Publication of Mahalati.



Riesman and Stevick (1998). "The application of International Law Standards to the United Nations Economic Sanctions Programs".

Rossoué, Charl (1990). "Law armed conflict resulted", Translated by Ali, Hanjani, Tehran, Publication of the International Legal Services.

Sadoq, Qomi, Mohamad (2000). "Man La Yahzarah Alfaqih", Volume IV.

Sands, Philippe and Klein, Pierre (2001). "Bowtt's law of International Institutions", Fifth Ed, London: sweet & Maxwell.

Sharif, Mohamad (1994). "The doctrine of unlimited jurisdiction of the Security Council", Tehran, Publication of Etela'at. (In Persian)

Wallace, Rebeca (1999). "International Law", Translated by Mohamad Sharif, Tehran, Publication of Nei.

Zarif, Mohamad & Mirzaei, Saeed (1997). "America's unilateral sanctions against Iran", Journal of Foreign Policy, No 1. (In Persian)