THE LEGALITY OF THE SANCTION APPLICATIONS BY INDIVIDUAL COUNTRIES AGAINST THE RUSSIAN FEDERATION

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ABSTRACT
The use of coercive measures has its own characteristics in public international law, they are determined, first of all, by the nature of interstate relations and methods of their legal regulation. In the absence of a centralized enforcement machinery, it is carried out by states individually, using the countermeasures mechanism, and collectively, through the institutional mechanism of international organizations, through international legal sanctions. The application of international sanctions refers to the most complex and significant issues of contemporary international law. This is due to a number of serious problems arising in the implementation of the international sanctions regimes, its existence is the main reason for criticism regarding their effectiveness. The article analyzes the legality of imposing sanctions against the Russian Federation in terms of the norms of international law. The main tendencies of the international legal regulation of the application of international sanctions aimed at improving their regulatory framework and application practices. The purpose: the main purpose is to determine the degree of legitimacy of the imposed anti-Russian sanctions and retaliatory measures from the position of international public law.

Methods: the goal is achieved through both general and special scientific methods. The general scientific methods include: induction, deduction, system method, synthesis and generalization. The authors use a formal legal method for interpreting the norms of law. In addition, a historical method is used to study the history of economic sanctions. Results: the international law needs further reform of international sanctions as coercive measures, applied centrally with the help of the institutional mechanism of international organizations. The basic tendencies of international legal regulation of application of the international sanctions directed on perfection of their normative bases and practice of application are determined.

Keywords: international sanctions, Security Council resolutions, the regime of international sanctions, targeted sanctions, the effectiveness of international sanctions, the forms of implementation of sanctions, the legitimacy of international sanctions.

INTRODUCTION
The Concept of Coercion in international law has its own characteristics, predetermined primarily by the nature of interstate relations and methods of their legal regulation [1].

In the absence of centralized enforcement machinery, it is carried out decentrally (individually). It is implemented by states, using the mechanism of countermeasures, and centrally (collectively) - by means of the institutional mechanism of international organizations and international legal sanctions.

It should be noted that the first described application of economic sanctions took place in Ancient Greece. In 423 B.C. Ancient Athens has imposed a ban on merchants to visit their ports and markets in order to

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stop the practice of taking fugitive Athenian slaves and plowing the borderlands with Megarians in the city of Megara, located on the Peloponnesian Isthmus.

In medieval Europe, economic sanctions were not widely spread and were mostly local and non-permanent.

In the XX century, economic sanctions have become even more widespread with the development of trade relations between states. So, even before the beginning of the World War II, Yugoslavia, Greece, Italy, Bolivia and Paraguay were subject to restrictions.

After the end of the war, the USA actively used sanctions to pressure the USSR since 1948. However, despite all the contradictions, the USSR and the United States imposed joint economic sanctions against South Africa and Rhodesia within the framework of the UN Security Council twice in the history.

An analysis of contemporary international relations makes it possible to speak about the significant application of sanctions with confidence. So, the UN Security Council applied sanctions twice in relation to Southern Rhodesia and South Africa until 1989. After that the sanctions regime has been imposed on Iraq, Somalia, UNITA forces in Angola, Rwanda, Sierra Leone, the former Yugoslavia, including Kosovo, Haiti, Afghanistan (Al-Qaeda / Taliban), Eritrea and Ethiopia, Liberia, Congo, Côte d'Ivoire, Sudan, Democratic People's Republic of Korea, Iran, Libya [2] since 1990.

In other words, here we can already talk about collective sanctions. Such sanctions were applied much more often after 1990, for example, Iraq, Yugoslavia, Iran, the P.R China and many African countries were subjected to it [3].

Leaders on the application of unilateral sanctions are the United States, which imposed sanctions 54 times during the period from the end of the First World War to 1992, and from 1993 to 2002 - 84 times [4, p. 166].

MATERIALS AND METHODS
The application of international sanctions refers to the most complex and significant issues of contemporary international law. In 2000 the UN Secretary General's report on the work of the Organization notes that "sanctions do not always bring the same results in terms of prompting the implementation of UN Security Council resolutions, and in recent years their effectiveness is increasingly being questioned" [5].

This is due to a number of serious problems arising in the implementation of the international sanctions regimes, whose existence is the main reason for criticism regarding their effectiveness [6].

The most significant are: causing so-called concomitant damage to the civilian population of the country, which is not officially declared as an object of economic sanctions (the "humanitarian aspect"), and material damage caused by the sanctions regime to third states, as a result of a break in economic ties with the state against which sanctions are directed.

The doctrine of international law does not provide an unambiguous assessment of the relationship of international legal sanctions. This point is reflected in the diversity of theories and views, the features and disadvantages of which are widely covered in Russian and foreign literature.

On the one hand, international legal sanctions are considered to be a form of state responsibility, and on the other hand, forms of its responsibility, along with coercive measures, are regarded as international legal sanctions [7].
Guggenheim, P. considered the reparation of damages imposed on the offending subject, and countermeasures, and collective enforcement measures of international organizations as sanctions [8]. At the same time, there are options to define responsibility as a sanction. Thus, Reuter, P. calls the responsibility of the state "the sanction of the obligation" [9], and Berliya, J. - "the sanction of the performance of international powers" [10].

Tunkin, G.I. categorized as sanctions and compensation for damage [11] due to the fact that "the norms of international law as legal norms are inherent in the sanction" and that "international legal responsibility is the legal consequences of violating the norms of international law".

At present, the understanding of sanctions as coercive measures applied using the institutional mechanism of an international organization to an offending state is increasingly recognized [12]. Serious discussions around the application of international legal sanctions were conducted in the UN International Law Commission when drafting articles of the convention "About State Responsibility". The result of the work of the Commission was the adoption by the UN General Assembly of resolution 56/83, which as an annex contains the document "Responsibility of States for Internationally Wrongful Acts".

Lukashuk, I. I. noted that the term “sanction” is used to refer to coercive measures taken by international organizations, especially on the basis of Chapter VII of the UN Charter [13]. In the International Law Commission, there was a general agreement that international legal sanctions should be limited to coercive measures taken by international organizations representing the international community and vested with the authority to apply these measures.

One of such international organizations is the United Nations.

International legal sanctions are measures applied within the framework of the collective security system of states [14]. Sanctions, which are an integral part of the provisions of the UN Charter on collective security, serve as an important instrument for the Security Council to implement its decisions "[15].

Economic sanctions of the European Union against Russia were first introduced on March 17, 2014. These sanctions imposed restrictions on the movement and frozen assets of certain individuals and legal entities, which, in the opinion of the EU, are responsible for destabilizing the situation in the Ukraine.

Due to the escalation of the situation in the Ukraine and the pressure on the Russian authorities, the EU extended sanctions to a wider group of legal entities registered in Russia and carrying out activities in the defense, oil and banking spheres.

In particular, exports and imports of certain types of goods and services are restricted and access of legal entities in the above areas of activity to the capital market.

As noted above, these sanctions are unilateral, since they were not imposed on the basis of the UN Security Council resolution under Art. 39 and 41 of the UN Charter. The EU imposed restrictive measures under Art. 215 of the Treaty on the functioning of the European Union, giving the right to introduce restrictive measures in the framework of the common foreign policy and security of the EU against individuals or legal entities, groups or non-state entities to the Council of the European Union within the framework of the decision adopted in accordance with Ch. 2 section V of the EU Treaty, which provides for "full or partial suspension or reduction of economic and financial relations with one or more third countries", The "legal annexation of the Crimea and Sevastopol" and "Russia's actions to destabilize the situation in Ukraine", as well as "the growing role of Russia in undermining the integrity of Ukraine's territory, its sovereignty and independence to promote a peaceful settlement crisis "[16].

RESULTS
The international community did not recognize the referendum in the Crimea and found the Crimea's accession to Russia, despite the will of the population of the Crimea itself, an act of military aggression towards the territorial integrity of the Ukraine.

The Declaration of the Basic Conditions and Standard Criteria for the Introduction and Application of Sanctions and Other Coercive Measures (2004) establishes that the application of sanctions is an extreme measure and is allowed only after all peaceful means for the settlement of a dispute or conflict and the maintenance or restoration of international peace and security have been exhausted, including the provisional measures provided for in Art. 40 of the UN Charter.

Sanctions should be imposed in strict accordance with the provisions of the UN Charter, international law, should pursue clear and clear objectives, have a time frame, be subject to regular review, with the opinion of the target State, when necessary, and provide for explicitly specified conditions for cancellation, with their cancellation should not be linked to the situation in neighboring and other third countries. Prior to the imposition of sanctions, a warning must be issued to the State or party - the object of sanctions by the Security Council as a rule. It is inadmissible to use sanctions to overthrow or change the country - the object of sanctions of the legitimate authorities.

However, by decision of the Security Council, targeted sanctions, including financial sanctions, arms embargoes and travel bans, can be imposed on specific individuals and those political elites who are responsible for international aggression, gross violations of human rights and other actions worthy of condemnation. The purpose of sanctions is to change the country (the object of sanctions) which jeopardizes international peace and security, and not to punish or in any way punish it.

It is unacceptable to create a situation where, due to the imposition of sanctions, a significant material and financial damage would be caused to the third countries and when innocent civilians and neighboring countries would suffer from the negative consequences of international coercive measures. For these purposes, a preliminary objective assessment of the consequences of sanctions should be conducted.

We should not put any additional conditions for the suspension of sanctions, unless it is caused by new circumstances or stipulated by decisions of the UN Security Council.

Thus, the legitimacy of sanctions in relation to the Russian Federation puts a big question mark over it. Despite the fact that the Russian Federation did not introduce its peacekeeping troops into the territory of the Ukraine, nevertheless, Western countries, including Australia and Japan, tried to blame the events and escalation of the conflict and violence in the southeast of the Ukraine exclusively on Russia. Although the Western countries themselves provided financial, humanitarian, technical and other assistance to the Ukrainian authorities in the civil war, which automatically makes them involved, that is, equally responsible. Mutual participation of the parties in the Ukrainian conflict indicates the nature of the geopolitical confrontation.

CONCLUSION
The most important task now is to ensure the legitimacy of international sanctions. Thus, the maintenance of peace and security largely depends on a common understanding of when the application of international legal sanctions is legitimate.

In this regard, when deciding on the introduction of international sanctions, it is necessary to proceed, first and foremost, from the fact that the sanctions contribute to the maintenance of international peace and security and were legitimate in terms of the provisions of the UN Charter and other norms of international law.
It seems necessary to consider the following basic criteria of legitimacy: the severity of the threat; the right goal; extreme means; proportionality of funds before the decision to impose sanctions by the UN Security Council.

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