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INTERNATIONAL SANCTIONS AS A FACTOR IN THE REALISATION OF UKRAINE'S NATIONAL INTERESTS (IN THE CONTEXT OF THE ARMED AGGRESSION OF THE RUSSIAN FEDERATION)

The article investigates the influence of the sanctions policy of the European Union and individual countries in counteracting the military armed aggression of the russian federation against Ukraine. The attention is paid to the possibilities of restoring Ukraine's national interests. The author reviews the areas and industries of the russian federation subject to sanctions restrictions, as well as the consequences of their impact on development opportunities.

The dependence of globalisation processes, international politics and economic processes in imposing sanctions on a country that violates international law and security is established.

It has been concluded that sanctions policy towards the aggressor state is effective in the short and long term. The author emphasises the importance of developing mechanisms that would make it impossible to circumvent international sanctions with the help of third countries and private companies.

Keywords: *international order and security, international sanctions, sanctions policy, national interests, national security, international legal regulation of the maintenance of international legal order.*

Statement of the problem. The collective security system within the framework of the United Nations declares the maintenance and strengthening of peace and international security based on the complete prohibition of the use of force or threat of force in relations between states, as well as the development of cooperation between the states of the world. It is based on the effectiveness of a combination of diplomatic, economic, political, military and other coercive measures. However, the modern world is facing constant challenges related to the aggression of individual countries that violate international order and security. This also threatens the peace and security of the global community. Such circumstances encourage the search for means to deter the aggressor country from violating the global order and, in some cases, to restore peace. The introduction of sanctions and restrictions on the offender. Is one of such tools.

Since the civilised world community condemns forceful methods in the conduct of foreign policy, sanctions are one of the alternative mechanisms to the use of military force to restore the established international legal order, peace, and security. However, the experience of their introduction as a tool for maintaining peace and security, deterring aggression, and non-proliferation of weapons, including mass destruction, is not unambiguous and generates numerous discussions and criticisms in the global political space. The history of sanctions imposition shows cases where they have encouraged countries to change their behaviour, but also cases where they have failed to produce the desired results due to various circumstances. Each case of applying a sanctions mechanism is unique, and its effectiveness is influenced by a significant number of conditions and circumstances. One of these factors is the globalisation of relations and deepening ties between different countries of the world, their integration at the economic, political, cultural, technological and other levels. This has created a global interdependence that affects the exchange of goods and services, capital flows, and the development and exchange of technologies, making the processes taking place in different regions of the planet extremely sensitive: the decisions and activities of people in one part of the globe have an impact on individuals and their communities in all parts of the world. Thus, sanctions have a significant impact on geopolitical processes, including international cooperation and partnerships, the creation of military alliances, and military and political alliances by those countries that have already been subject to international sanctions or are at high

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risk of being subject to them. This usually causes tension in the international arena and undermines civilised and diplomatic relations.

As a response to russia's open armed aggression against our country, the European Union and individual countries have imposed sanctions and restrictive measures on the aggressor. The sanctions mechanism is one of the factors that to a certain extent restrains russia from achieving its declared aggressive intentions and allows Ukraine to defend its national interests. According to the Law of Ukraine "On National Security of Ukraine", these are the vital interests of a person, society and the state, the realisation of which ensures Ukraine's state sovereignty, its progressive democratic development, as well as safe living conditions and the well-being of its citizens, and territorial integrity, democratic constitutional order, prevention of interference in the internal affairs of Ukraine, which in their turn are fundamental national interests of Ukraine [1].

Analysis of recent research and publications. The issues of international security policy, as well as the place and role played by sanctions in the mechanism of international legal regulation for the maintenance of international legal order, have been studied in the works of Ukrainian scholars M. O. Baimuratov, M. V. Buromenskyi, V. H. Butkevych, O. V. Butkevych, V. V. Vasylenko, M. M. Mykyievych, Y. S. Khobbi, O. M. Shpakovych and others. Thus, in her dissertation research, Y. V. Malysheva examines the legal nature of targeted sanctions of the UN Security Council, the importance of targeted coercive measures to ensure international peace and security. R. A. Abdulaiev analyses the theoretical and practical aspects of legal regulation of the EU sanctions institution in his dissertation and identifies the peculiarities of its practical application.

Russia's war against Ukraine has had a significant impact on the system of international relations and security in the world that has been established over many decades. In response to the aggressive policy and disregard for international law, in particular the UN Charter, anti-russian sanctions are an unprecedented international event, a phenomenon that requires study and evaluation of their effectiveness in both theoretical and practical terms.

The purpose of the article is to examine the sanctions imposed on the russian federation, their impact on the restoration of Ukraine's national interests, and to outline possible ways to improve their effectiveness.

Summary of the main material. International legal sanctions constitute a special tool in the system of international law, being an exclusive means of regulating international relations applied to states that neglect their international obligations to maintain peace and security. Such restrictive measures have become a collective tool for maintaining peace and security, protecting common values and fundamental interests, as well as a means of consolidating democracy, protecting fundamental human rights and freedoms, and the rule of law [2].

The purpose of international sanctions is to force the violator of international legal relations to restore international law, to stop the relevant offence and to ensure security in the future. In addition to the restoration of international law, according to Y. S. Khobbi, international sanctions should encourage the violator of international law and order to fulfil its obligations [3].

One of the principles of international legal sanctions is that they concern only a state that has committed an internationally illegal act, as a result of which the affected subject of international law (state or international organisation) has suffered damage [4].

As already mentioned, due to the armed aggression against Ukraine, a number of sanctions have been imposed on russia by international partners, including the European Union, some countries of the civilised world, international sports organisations, and transnational corporations. These measures have affected Russia as a state as a whole, as well as its individual citizens, industries and enterprises that have a significant impact on its economic stability and development. Today, the russian federation is the most sanctioned country in the world.

The purpose of imposing the sanctions on russia due to its open armed assault on Ukraine is to deter military aggression and limit the capacity of its economy, create conditions for restoring our country's national interests, including territorial integrity within the internationally recognised state border, and ensure the protection of state sovereignty. In addition, in the geopolitical dimension, the goal of countering russian aggression is to create conditions that will help to protect the national security of certain countries of the former Soviet Union and Europe that are allies of Ukraine, defend democratic values, and condemn the kremlin's imperial policy, since these countries are highly likely to become the next target of russia's aggressive policy.

As of December 2023, the Council of the European Union has already adopted twelve packages of economic and individual sanctions that target the key sectors of the russian economy, limit the ability to finance war and aggressive policies, and significantly affect the russian political elite, the kremlin's political and diplomatic stability, and the economic and industrial development of the russian federation [5].

Our country's allies, including the United States, Canada, Switzerland, the United Kingdom, Japan, Australia, and New Zealand, have imposed full blocking and partial sanctions against russian legal entities and

individuals and its supporters, as well as visa restrictions on individuals involved in the russian military invasion of Ukraine. Full blocking sanctions have been imposed on the largest russian banks and almost all enterprises of the russian defence industry. Additional customs tariffs have been imposed on a significant number of commodity groups imported from russia. Export of luxury goods and investments in the russian economy have been banned. Import of russian oil and oil products has been restricted or completely banned.

In addition, full blocking sanctions have been imposed against a significant number of entities from different jurisdictions affiliated with the metallurgical and mining sectors of the russian federation, production and export of energy, procurement of products for the russian military-industrial complex, and assistance to the russian side in evading international sanctions.

A ban has been imposed on the export to russia of goods, technologies, materials, metals and compounds, raw materials and technological goods that can be used for military purposes or for the production of military products. Export to russia and import from russia of luxury goods, such as alcoholic beverages, seafood, fish and non-consumable diamonds are prohibited [5].

The United States and the United Kingdom have imposed sanctions on sovereign debt. This has prevented russia from accessing Western sources of financing its debt obligations and from raising funds by selling bonds on the US and European financial markets. Europe, the United States, and Taiwan have introduced a ban on some russian banks from the SWIFT payment system. This ban negatively affects their world-wide operations and blocks russian exports and imports.

The sanctions have been also extended to the transport sector. More than 32 countries have closed their airspace to aircraft from russia. A ban has been imposed on the supply of aircraft and spare parts to Russia. The United Kingdom has closed its seaports to ships linked to the russian federation. Transnational companies in the freight market, such as DHL and Maersk, have stopped providing shipping services by sea and land [6].

Personal sanctions have been imposed on representatives of the russian political leadership, in particular against V. Putin, D. Medvedev, V. Gerasimov, S. Lavrov, S. Shoigu, M. Zakharova, representatives of the russian political and business elite, members of the state дума (gosudarstvennaya дума) and members of the russian Security Council. Sanctions have been also imposed on media groups that justify the kremlin's aggressive behaviour.

Currently, legal mechanisms are being developed that will become the legal basis for the confiscation of russian assets stored on the territory of the civilised world, in particular in the United States, Canada, the United Kingdom, and European countries [5].

Despite all efforts, no sanctions have been imposed by the United Nations to date, although it was established to maintain international peace and security. For this purpose, effective collective measures should be taken to prevent and eliminate threats to the peace and suppress acts of aggression or other breaches of the peace, and to settle or resolve international conflicts or situations that may lead to a breach of the peace by peaceful means in accordance with the principles of justice and international law. The russian federation has deliberately disregarded and violated Article 2 of the UN Charter, according to which all members of this organisation shall settle their international disputes by peaceful means and in such a manner as not to endanger international peace and security and justice, and have undertaken to 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. Despite this, the UN has taken no effective steps to force the aggressor to restore peace and security in Ukraine.

Attempts by the UN Security Council to influence russia's armed aggression against Ukraine remain ineffective, as the UN Charter (the organisation's founding document) does not provide for a mechanism for imposing international legal sanctions by the UN Security Council in case of direct or indirect participation in an international dispute by a permanent member state of the UN Security Council, which is the russian federation. Therefore, using its veto power, the russian federation can block the adoption of a decision if it is the initiator or party to a conflict that threatens international peace and security. Thus, now we have a precedent whereby international law and order and security have become hostage to the aggressor.

Examining the economic effects of international sanctions, V. H. Panchenko draws attention to the fact that the country subject to sanctions formulates their political goal not only based on the possibilities of the task to be solved but also on the relative state of its economic power. The lower the importance of the task for the national security (fundamental interests) of the subject country, the greater the economic advantage required to impose sanctions. Countries are ready to impose economic sanctions against states of equal class only when the issue of fundamental national security interests arises, and depending on their ultimate goal, the subject country must have a corresponding economic advantage over the target country, which in some cases can reach 400 times [7]. Y. V. Malysheva believes that the effectiveness of sanctions in general will depend on the

success and efficiency of each stage of the sanctions process and their elements, in particular the stages of design and adoption, correct and timely implementation of the legal and state enforcement mechanism into national systems, control and adjustment of the parameters and forms of sanctions impact, timeliness and perfection of control over compliance with the imposed prohibitions, etc. The effectiveness of each of these links will be determined by its inherent qualitative indicators [8].

The sanctions pressure applied to the russian federation today has a significant negative impact on its economy, including the strength of the russian currency, the inflow of foreign financial investments, modern technologies, industrial equipment, etc. This is gradually depleting its capacity. However, it should be noted that the measures taken are not so effective as to immediately force the attacker to stop its aggressive policy. Obtaining the desired result from the imposed sanctions and restrictions requires a significant time period. It is conditioned by the practice of sanctions policy, which usually does not imply the achievement of the set goals in a short time. Primary sanctions are mostly a preventive measure, they outline the intentions of the party that imposes them on the offender.

Despite the fact that russia is excluded from a large part of the global economy and has frozen hundreds of billions of dollars in assets, its financial stability has proven to be surprisingly strong due to its huge share in the global energy and critical minerals sectors [9]. The imposed restrictions have forced russia to look for other markets for its sanctioned goods and raw materials. Thus, the share of trade with China, the DPRK, and India has increased. In addition, concerning goods, technologies and services to which access is restricted as a result of the sanctions, russia has developed ways to circumvent such prohibitions, namely through third countries and foreign private companies. These circumstances reduce the effectiveness and predictable impact of the sanctions on the russian federation, its political and business elite.

The imposition of international legal sanctions as a mechanism of influence on violators of international relations and security and the effectiveness of this measure are currently influenced by globalisation processes in various spheres, including economic, financial, technological, etc. The risks of undesirable consequences in these and other areas for the states imposing sanctions, their business circles, and the development of ways to minimise them are a factor that affects the speed of making a consolidated decision on their introduction, and at the same time a favourable factor that enables the development of ways to minimise or circumvent them through third countries or private companies.

Another reason for the limited effectiveness of sanctions is given by V. H. Panchenko: the economic effect of sanctions affects the population of the target country, not its political elite, who makes decisions. In a democratic society, the signal of a decline in living standards will be transmitted to political elites and may cause a corresponding reaction. In more authoritarian political systems, against which sanctions are most often imposed, the elite remains outside the influence of sanctions and may not react to them [7].

It is undeniable that sanctions produce a negative impact on the population of the country against which they have been imposed, so at the level of various international organisations and human rights defenders, the question arises of the balance between achieving the goal and minimising the negative consequences for the citizens of such a country. However, in our opinion, when determining the formula for such a balance, it is necessary to take into account the moods, beliefs and conscious attitude of the citizens of the country against which sanctions have been imposed to the circumstances that led to their introduction. Thus, according to the poll by the National Opinion Research Centre of the University of Chicago (NORC), conducted in November 2023 and published in January 2024, almost two-thirds (63%) of russians support their country's aggressive actions in Ukraine, that the russian government calls a "special military operation" [10]. Since the aggressive policy of the russian political leadership is consciously supported by its population, complaints about inhumanity and statements that sanctions should not affect ordinary citizens should not be accepted by the international community. In such circumstances, the population must fully share responsibility with their political leadership, and therefore experience the inconveniences caused by the sanctions, including visas, satisfaction of domestic and social needs at the usual level, etc.

Conclusions

Sanctions are an important tool of modern international politics. They are a tool for deterring aggressors and restoring stability, used to respond to international crises, to influence compliance with international law and security without using military measures against the party that violated them. The effectiveness of sanctions directly depends on the goal to be achieved by their imposition, as well as their scope and timeframe.

The russian federation has been subjected to economic, financial and diplomatic sanctions for waging war against Ukraine as a means of deterring it from a possible increase in aggressive behaviour towards EU and NATO member states. The sanctions restrictions imposed to date have had a limited effect due to certain circumstances. For instance, despite russia's violations of the UN Charter and the Universal Declaration of Human Rights, the international community imposes international legal sanctions though it does not take a

"risk" completely to refuse to cooperate with the aggressor and remove it from influencing global processes. This leads to delays in imposing sanctions to the extent that would immediately and fully have the necessary impact and effect. Early disclosure of sanctions intentions and discussions about their scope also create favourable conditions for developing ways to circumvent, mitigate or avoid the consequences.

Today, world civilisation has reached a point where the participation of states in international globalisation processes is a key condition for their development. Therefore, new alternative mechanisms for resolving international conflicts and influencing those entities that violate international law, order and security through the use of military aggression must be developed. This mechanism is entirely dependent on the intentions of the United Nations members to impose relevant reforms, in particular, in decision-making and avoiding the possibility of their blocking by the aggressor country and its satellites.

An important component of the international community's imposition of sanctions is the creation of appropriate conditions for their implementation and the prevention of sanctions circumvention by third countries and private companies. To this end, relevant international regulations should be developed that will impose liability on the party that facilitates the circumvention or avoidance of sanctions.

The experience of imposing international legal sanctions on the russian federation as a result of its open armed aggression against our country has shown that such measures produce a certain impact on certain sectors of the economy, the financial sector, the industrial development and the russian elite. However, in almost two years of war, the aggressor's intentions to end it and restore international law and order have not changed. In addition, the information space and the expert community have recently been spreading forecasts of the expansion of russia's aggressive military policy to the Baltic States and Poland. The restoration of Ukraine's national interests, including its territorial integrity and state sovereignty, violated by the russian federation, is out of the question today. Thus, in our opinion, the gradual imposition of international sanctions against the country that unleashed military aggression is possible only if the entire international community consolidates its condemnation of such actions. If the aggressor has contingent allies capable of providing the necessary support, including financial, military, technological, and political, the effect of the sanctions imposed will be offset in the long-term perspective. Influencing a country that violates international law and security and forcing it to cease hostilities is possible if a large package of sanctions is simultaneously introduced, which soon will significantly affect the military, financial, economic, trade and other capabilities of such a country and influence its aggressive intentions.

The sanctions for igniting the war against Ukraine have been imposed on russia gradually, with each new package of sanctions being subject to long discussions, doubts, and concessions. Therefore, they have not achieved the desired goal for Ukraine. Sanctions can have an impact in the long-term perspective when they are imposed as preventive measures to prevent violations of global order and peace until the military aggression is resolved. It is under such circumstances that they will have a preventive effect and can contribute to the achievement of the goal in the long term. Unfortunately, this did not happen in the case of the russian federation for many reasons mentioned above.

In our further scientific research, we will attempt to investigate the place and role of sanctions in the mechanism of international legal regulation in maintaining international legal order, as well as their impact on the state of national security of Ukraine.

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МІЖНАРОДНІ САНКЦІЇ ЯК ЧИННИК РЕАЛІЗАЦІЇ НАЦІОНАЛЬНИХ ІНТЕРЕСІВ УКРАЇНИ (В КОНТЕКСТІ ЗБРОЙНОЇ АГРЕСІЇ РОСІЙСЬКОЇ ФЕДЕРАЦІЇ)

Досліджено вплив санкційної політики Європейського Союзу та окремих країн на протидію військової збройної агресії російської федерації проти України 24 лютого 2022 р. з акцентом на можливості відновлення національних інтересів України. Розглянуто сфери й галузі росії, на які поширюються санкційні обмеження, наслідки їх впливу на можливості розвитку, а також фінансові обмеження, введені проти неї, секторальні санкції, спрямовані на торгівлю, експорт, енергетику, транспорт, оборону і промисловість, дипломатичні та індивідуальні санкції.

Показано, що глобалізація, міжнародна політика та економічні процеси залежать від запровадження санкцій проти країни, яка порушує міжнародне право та безпеку. Установлено залежність процесів світової глобалізації, міжнародної політики та економічних процесів від запровадження санкцій щодо країни – порушника міжнародного права й безпеки.

Зроблено висновок щодо дієвості санкційної політики до держави-агресора в короткостроковій і довгостроковій перспективах. Вплив на країну – порушника міжнародного права й безпеки, припинення нею бойових дій можливе за умови одночасного запровадження великого пакету санкцій, що суттєво позначиться на військовому, фінансовому, економічному й торговому потенціалі. Санкції матимуть вплив у довгостроковій перспективі, коли запроваджуватимуться як превентивні заходи для запобігання порушенням світового порядку й миру до моменту розв'язання військової агресії.

Досліджено питання взаємозалежності впливу міжнародних санкцій на населення країни-агресора. Громадяни країни-агресора мають зазнати відповідних незручностей, спричинених запровадженими санкціями, за підтримку агресивної політики керівництва їхньої країни.

Наголошено на важливості розроблення механізмів, які б унеможлилювали обхід міжнародних санкцій за допомогою третіх країн і приватних компаній.

Ключові слова: міжнародний порядок і безпека, міжнародні санкції, санкційна політика, національні інтереси, національна безпека, міжнародно-правове регулювання підтримання міжнародного правопорядку.

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