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THE EFFECTIVENESS OF INTERNATIONAL SANCTIONS UNDER PUBLIC INTERNATIONAL LAW: BETWEEN LEGALITY AND LEGITIMACY

A EFICÁCIA DAS SANÇÕES INTERNACIONAIS À LUZ DO DIREITO INTERNACIONAL PÚBLICO: ENTRE LEGALIDADE E LEGITIMIDADE

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ABSTRACT: This study examines the legal coherence and legitimacy of international sanctions from the perspective of Public International Law, with emphasis on the relationship between formal legality and substantive effectiveness. The research is grounded in a qualitative, dogmatic, and analytical approach through normative interpretation and critical analysis of legal documents, resolutions, treaties, and specialized literature. Its objective is to understand the legal structure of sanctions, assess their conformity with the principles of international law, and discuss their concrete effects on global stability. The investigation demonstrates that legality, although necessary, is insufficient to ensure the effectiveness of coercive measures; political and moral recognition of their legitimacy is also indispensable. The results reveal that selectivity and political instrumentalization undermine the authority of the multilateral system and produce economic and social consequences that extend beyond the legal sphere. It is concluded that the effectiveness of sanctions depends on harmonizing legality, proportionality, and legitimacy, as well as on strengthening mechanisms of control, accountability, and oversight at the international level.

Keywords: International sanctions. Legality. Legitimacy. International Law. Multilateral accountability.

RESUMO: Este estudo examina a coerência jurídica e a legitimidade das sanções internacionais sob a ótica do Direito Internacional Público, com ênfase na relação entre legalidade formal e eficácia substantiva. A pesquisa fundamenta-se em uma abordagem qualitativa, dogmática e analítica, por meio da interpretação normativa e da análise crítica de documentos jurídicos, resoluções, tratados e literatura especializada. O objetivo é compreender a estrutura jurídica das sanções, avaliar sua conformidade com os princípios do Direito Internacional e discutir seus efeitos concretos na estabilidade global. A investigação demonstra que a legalidade, embora necessária, é insuficiente para garantir a eficácia de medidas coercitivas; o reconhecimento político e moral de sua legitimidade também é indispensável. Os resultados revelam que a seletividade e a instrumentalização política comprometem a autoridade do sistema multilateral e geram consequências econômicas e sociais que transcendem a esfera jurídica. Conclui-se que a eficácia das sanções depende da harmonização entre legalidade, proporcionalidade e legitimidade, bem como do fortalecimento de mecanismos de controle, prestação de contas e supervisão em nível internacional.

Palavras-chave: Sanções internacionais. Legalidade. Legitimidade. Direito Internacional. Prestação de contas multilateral.

1 INTRODUCTION

International sanctions constitute instruments of non-armed legal coercion employed by multilateral organizations to ensure compliance with the rules of Public International Law. Under the United Nations Charter (ONU, 1945), particularly Chapter VII, the Security Council has authority to adopt coercive measures in response to threats to peace and violations of the international legal order. Such sanctions take multiple forms—economic, diplomatic, commercial, and financial—and are intended to compel States or entities to observe fundamental legal obligations. Brownlie (2000) notes that international sanctions emerge as mechanisms for preserving normative authority and collective security, situated at the intersection of the legal and political spheres.

In the contemporary period, the European Union has consolidated its position as one of the principal actors imposing autonomous sanctions, particularly in response to human rights violations and threats to international security. Official data from the European Commission (2025) indicate that more than 2,500 individuals and entities are subject to restrictions imposed by the bloc, with frozen assets totaling more than €28 billion. In parallel, the Global Sanctions Database (2024) indicates that the number of restrictive measures currently in force worldwide exceeds 1,500 sanctions regimes, revealing the expanding use of this instrument as a means of foreign policy. These figures demonstrate the centrality of sanctions as a legal and diplomatic tool, as well as their complexity at the normative and institutional levels.

According to Cassese (2005) and Shaw (2011), sanctions, although grounded in a legal basis, create tension between the principle of formal legality and the political legitimacy of their application. The former requires strict conformity with international norms and treaties; the latter requires recognition and acceptance by the international community, particularly when the measures entail significant humanitarian impacts. Graef (2016) emphasizes that this duality reflects the structural dilemma of the contemporary international system: the coexistence of the normative authority of multilateral institutions and the influence of hegemonic powers in the formulation and implementation of sanctions.

Analysis of this ambivalence reveals that the effectiveness of sanctions depends not only on their legal validity, but also on perceptions of their legitimacy and proportionality. Hakim (2001) observes that coercive measures lacking ethical support and political consensus tend to undermine the credibility of international institutions and weaken multilateral trust. In this sense, the debate concerning the legitimacy of sanctions involves balancing the objectives of

maintaining peace against the means employed to achieve them, requiring continuous review of the criteria of proportionality and selectivity.

The issue becomes even more complex in light of the selectivity with which sanctions are applied. Trindade (2017) and Zimmermann (2004) point out that power asymmetries among States condition both the effectiveness and acceptance of coercive measures, making international law a field of dispute between formal legality and political rationality. Understanding the relationship between the legality and legitimacy of international sanctions is therefore fundamental to assessing their normative function and the challenges of their application in a context of increasing fragmentation of the global system.

To what extent can international sanctions, instituted under the mantle of the formal legality of International Law, be regarded as legitimate when they reflect selective geopolitical interests and produce disproportionate effects on States and civilian populations?

The discussion concerning the legality and legitimacy of international sanctions is justified by the relevance of this instrument within the contemporary architecture of global governance. Henkin (1979) argues that the behavior of nations toward international norms reveals both the coercive force of law and the limitations of its political effectiveness. In this context, the growing use of sanctions in response to crises and violations underscores the need to reassess the normative foundations governing their application. The research therefore seeks to contribute to doctrinal debate on the legal and ethical limits of the sanctioning power of multilateral organizations, proposing a critical reflection on its conformity with the principles of proportionality, selectivity, and the international responsibility of States.

Moreover, specialized literature indicates interpretive gaps concerning judicial control over sanctioning decisions. Trindade (2013) maintains that the Security Council, although endowed with broad discretion, must subject its acts to standards of legality and reasonableness compatible with jus cogens and the UN Charter. By analyzing this field of tension between power and norm, the present study seeks to provide an integrated reading of legal dogmatics and the political theory of sanctions, contributing to the strengthening of normative control and institutional transparency in the application of such measures.

This article aims to examine the effectiveness and limitations of international sanctions from the perspective of Public International Law, seeking to understand how the tension between legality and legitimacy can be reconciled through normative criteria that ensure the proportionality, rationality, and legal conformity of measures adopted by multilateral organizations.

2 THEORETICAL FRAMEWORK

2.1. Concept and Nature of International Sanctions

International sanctions constitute mechanisms of legal coercion adopted by the international community as a means of ensuring compliance with the rules of International Law and maintaining peace and collective security. Such measures derive from the authority granted to multilateral organizations, particularly the United Nations Security Council, pursuant to Chapter VII of the UN Charter (ONU, 1945). Brownlie (2000) recognizes sanctions as an institutionalized manifestation of the collective will of States to repress conduct that violates essential international obligations, serving as an alternative to the use of armed force.

The legal nature of sanctions is expressed as a form of normative self-protection by the international system, grounded in solidarity among member States and the preservation of the fundamental values of the international order. According to Cassese (2005), a sanction differs from retaliation or unilateral reprisal because it has a legal basis derived from a recognized collective authority, which gives it the character of a legitimate and institutional legal act. Sanctions thus constitute normative instruments intended to impose obligations and restore the legal equilibrium disrupted by conduct contrary to peremptory norms of international law.

The normative structure of sanctions is supported by the principles of necessity, proportionality, and legality, which delimit the actions of multilateral organizations and prevent political arbitrariness in the application of restrictive measures. Shaw (2011) observes that these principles ensure that sanctions conform to the foundations of jus cogens, preventing international coercion from becoming an exercise of power detached from law. A sanction, therefore, is not merely a political reaction, but an instrument of normative application that binds States to observance of rules and legal commitments assumed at the international level.

The classification of international sanctions encompasses economic, diplomatic, commercial, financial, and, in exceptional cases, military modalities. Trindade (2017) maintains that economic sanctions are the most recurrent form of collective coercion because they allow gradual restrictions to be imposed on trade, financial transactions, and the movement of strategic goods without the need for armed intervention. Such measures seek to compel the sanctioned State to comply with specific legal duties while preserving the principle of non-intervention and ensuring the peaceful settlement of disputes.

Diplomatic sanctions take the form of the suspension of political relations and official representations between States or international organizations. Thudium and Otavio (2018)

emphasize that this type of measure seeks to isolate the offending entity from multilateral institutional interaction, reducing its capacity for influence and participation in decision-making. In legal terms, diplomatic sanctions operate as instruments of symbolic disapproval and political pressure, reinforcing the normative authority of international institutions and the integrity of the rules governing interstate coexistence.

Financial sanctions represent a modern and sophisticated form of legal coercion. Zimmermann (2004) argues that restrictions on banking transactions, asset blocking, and the freezing of capital belonging to individuals or entities linked to a sanctioned State constitute highly effective mechanisms of pressure in the globalized economic system. The application of such measures, however, must observe the limits of international legality and the objective responsibility of States, lest it undermine the ethical and legal foundations of the multilateral sanctions system.

Historically, sanctions emerged as a legal alternative to the use of force and as an institutional mechanism for controlling international conduct. Henkin (1979) explains that, since the creation of the League of Nations, the purpose of sanctions has been to replace war with peaceful means of coercion capable of ensuring compliance with law without resort to violence. The postwar institutionalization of this instrument through the UN consolidated the understanding that collective security depends on mandatory observance of international norms under the supervision of a legitimate and collegial authority.

As a normative instrument, international sanctions reflect the enduring tension between state sovereignty and supranational authority. Trindade (2013) maintains that the exercise of sanctioning power entails a functional limitation on sovereignty insofar as it subjects the State to collective control of its conduct. This limitation does not constitute a violation of sovereignty, but rather results from legal consent derived from voluntary adherence to treaties and the United Nations Charter, which establish duties of cooperation and respect for the international order.

The legitimacy of sanctions is intrinsically related to their legal basis and the transparency of their procedures. Fidalgo (2021) emphasizes that the predictability and consistency of criteria applied by the Security Council and other multilateral bodies are essential to ensuring that sanctions do not become instruments of political domination. Judicial review and the legal reasoning underlying sanctioning decisions therefore constitute indispensable guarantees for preserving the international rule of law and trust among members of the international community.

Sanctions also perform a pedagogical function by reaffirming the binding force of norms and the accountability of States for unlawful conduct. Graef (2016) observes that normative coercion seeks not only to punish the offender, but to restore the legal equilibrium that has been violated, reinforcing the authority of International Law as an autonomous normative system. This perspective gives sanctions the character of instruments for strengthening international legality, promoting the internalization of collective values and the consolidation of the global legal order.

The application of international sanctions requires mechanisms for monitoring and evaluating their effects on populations and on the conduct of sanctioned States. Marreco (2018) emphasizes that the absence of clear criteria for measuring the effectiveness of restrictive measures undermines the legitimacy of the sanctions system and generates disproportionate collateral impacts. Legal analysis of sanctions must therefore consider not only the formal conformity of the measures, but also the concrete results produced in the economic, political, and humanitarian spheres.

In doctrinal terms, Hakim (2001) maintains that the effectiveness of sanctions depends on international cooperation and coordination among the different institutions responsible for implementation. Institutional fragmentation and overlapping sanctions regimes, when not harmonized, tend to reduce the reach of the measures and favor unilateralism. Observance of the principle of the unity of International Law is indispensable to ensuring system coherence and the effectiveness of sanctions as a legitimate instrument for preserving the world order.

The evolution of international sanctions demonstrates the continuing effort to juridify international relations and institutionalize peace through normative means. Trindade (2017) and Brownlie (2000) converge in affirming that the normative character of sanctions expresses a transition from political power to legal power, reaffirming the centrality of law as an instrument for regulating state conduct. This evolution demonstrates that sanctions are not merely coercive tools, but structuring mechanisms of the international legal system designed to ensure observance of erga omnes obligations and the protection of collective legal interests.

International sanctions represent a concrete manifestation of the international community's normative capacity to impose limits on state conduct and ensure respect for the fundamental norms of Public International Law. Cassese (2005) and Shaw (2011) emphasize that their legal nature combines punitive and preventive elements, reflecting the search for balance among order, legality, and responsibility. A full understanding of their conception and

essence is necessary to analyze their application and their impacts on global normative dynamics, providing the foundation for the subsequent sections of this study.

2.2 Legality of Sanctions: Legal Foundations and Normative Limits

The legality of international sanctions constitutes a structuring principle of contemporary International Law and underpins the legitimacy of coercive action by multilateral organizations. Under Article 39 of the United Nations Charter (ONU, 1945), the Security Council has authority to determine the existence of a threat to the peace, breach of the peace, or act of aggression and may adopt non-armed coercive measures to restore the international order. Shaw (2011) asserts that the legality of such measures depends on observance of the procedures provided for in the Charter, which impose formal and substantive limits on the exercise of sanctioning power, prevent arbitrariness, and ensure the legal coherence of multilateral decisions.

For an international sanction to be legally valid, it must be grounded in an express rule of competence and must respect general principles of law, particularly proportionality and necessity. Brownlie (2000) maintains that the Security Council's sanctioning authority derives from a delegation of sovereignty exercised by States for the benefit of the community through formal legal consent. The application of restrictive measures outside this normative framework constitutes a violation of the principle of legality and undermines the integrity of the international order. Thus, unilateral sanctions lacking multilateral authorization constitute an irregular exercise of power and conflict with the normative foundations of the global legal system.

Scholarship distinguishes the formal legality of sanctions from their substantive legitimacy. The former refers to the conformity of measures with the procedural and substantive rules of International Law; the latter concerns their ethical and political appropriateness before the international community. Cassese (2005) observes that legality constitutes the minimum requirement of validity, but by itself does not ensure collective acceptance of a sanction. Strict observance of legal procedures does not exempt multilateral organizations from the responsibility to weigh the effects of measures on fundamental rights and on the stability of international relations.

The legal validity of sanctions requires respect for the normative limits imposed by jus cogens, the body of peremptory norms binding States and international organizations. Trindade (2017) explains that jus cogens constitutes the hard core of international legality and must

prevail over acts of a political nature. Accordingly, no sanction may be applied in a manner that violates norms protecting human dignity, the self-determination of peoples, or the prohibition on the use of force. Review of sanctions for conformity with these higher-order norms is an indispensable condition of their validity and legitimacy.

Contemporary practice demonstrates that invoking formal legality does not always ensure that sanctions conform to the structuring principles of International Law. Fidalgo (2021) notes that, although the Security Council possesses discretionary authority, its actions must be guided by objective criteria and procedural transparency. Abuse of sanctioning power through disproportionate or politically motivated measures subverts the legal meaning of sanctions and transforms them into instruments of strategic pressure. Legality therefore cannot be interpreted as unrestricted authorization, but as an expression of legal and institutional responsibility.

Within the European Union, the legality of autonomous sanctions is likewise subject to rigorous judicial review. Zimmermann (2004) emphasizes that the Court of Justice of the European Union has consolidated case law requiring a specific legal basis, transparent reasoning, and proportionality for restrictive measures imposed on individuals and entities. This requirement reinforces the idea that the exercise of sanctioning power, even at the regional level, must be subject to universal principles of International Law, particularly protection of fundamental rights and observance of international due process.

Judicial control of sanctioning acts within the UN is a central issue in contemporary scholarship. Trindade (2013) argues that the Security Council, although vested with broad powers, is not immune from legality and must observe limits derived from the Charter itself and from general principles of law. The author contends that the absence of a formal mechanism for legal review of Council decisions generates institutional asymmetries and weakens the system of international accountability. The proposal to establish external judicial review therefore emerges as an instrument for strengthening the normative order and balancing power with law.

Analysis of the normative foundations of sanctions must also consider the interrelationship among the sources of International Law. Henkin (1979) observes that Security Council resolutions are binding, but their validity is conditioned on compatibility with treaties, customary law, and general principles. This articulation among sources prevents political power from prevailing over law and ensures the unity of the international system. A sanction should therefore be interpreted as a manifestation of a secondary norm whose effectiveness depends on preserving coherence among different normative hierarchies.

The legality of sanctions also requires observance of the principle of non-discrimination, which prohibits selectivity and the use of arbitrary criteria in choosing the targets of coercive measures. Graef (2016) argues that the unequal application of sanctions undermines trust among States and the legitimacy of the multilateral system. In this context, legality is not limited to formal conformity, but includes the requirement of legal equality and predictability in the actions of international organizations. This principle ensures that sanctions are applied as instruments of international justice rather than as mechanisms of hegemony.

The legality of sanctions represents the convergence of normative power and the legal responsibility of international institutions. Hakim (2001) emphasizes that the coercive force of sanctions derives from authority conferred by recognized legality, not from the material power of those who implement them. Strict observance of the normative foundations and legal limits enshrined in International Law is therefore the essential condition for sanctions to retain their nature as legitimate instruments for preserving peace, security, and the stability of the international system.

2.3 Legitimacy of Sanctions: Political and Ethical Criteria

The legitimacy of international sanctions constitutes an essential dimension for understanding their normative effectiveness and acceptance in the contemporary international system. Unlike legality, which concerns formal conformity with the legal order, legitimacy involves the political, moral, and ethical recognition of measures by the international community. Hakim (2001) maintains that the legitimacy of sanctions lies in the congruence between the means employed and the ends declared, making it indispensable that restrictions comply with criteria of proportionality and public purpose. Legitimacy thus functions as a condition of political validity and as an instrument for preserving collective trust in multilateral institutions.

Proportionality is the first parameter for assessing the legitimacy of sanctions because it prevents coercive measures from exceeding the gravity of the international wrongful act. Shaw (2011) emphasizes that proportionality operates as a principle limiting sanctioning power, requiring the international response to remain in balance with the offense committed. The application of sanctions that cause excessive harm or indiscriminately affect civilian populations undermines the ethical foundation of the measure and violates the principles of International Humanitarian Law. Proportionality therefore not only regulates the intensity of sanctions but also preserves the legal rationality of multilateral action.

The selectivity of sanctions constitutes another determining factor in assessing their legitimacy. Graef (2016) argues that unequal application of restrictive measures among States committing similar violations reveals implicit political criteria inconsistent with the principle of sovereign equality. By favoring certain actors and punishing others, selectivity converts the legal instrument into a mechanism of power and undermines the credibility of international institutions. For this reason, the legitimacy of sanctions requires transparency and uniformity of criteria, ensuring that their application reflects normative principles rather than geopolitical convenience.

The purpose of sanctions should be directed toward restoring the legal order and promoting international peace. Cassese (2005) observes that the legitimate purpose of a sanction is not to punish the offending State, but to induce a return to compliance with law. Transforming sanctions into instruments of political or economic coercion distorts their legal nature and undermines their legitimacy before the international community. The objective of sanctions must therefore remain connected to the maintenance of collective security and observance of the founding principles of the United Nations Charter, avoiding their conversion into expressions of unilateralism cloaked in legality.

The humanitarian impacts of sanctions represent a critical dimension of the debate over legitimacy. Fidalgo (2021) demonstrates that broad economic sanctions, such as those imposed on Iraq in the 1990s, generated severe consequences for civilian populations without directly reaching the actors responsible for international violations. The legitimacy of restrictive measures must therefore be assessed in light of human rights and the principle of humanitarian proportionality. International Law imposes ethical limits on collective coercion, requiring sanctions to be designed so as to minimize adverse effects on vulnerable groups and preserve the essential core of human dignity.

The political instrumentalization of sanctions constitutes one of the principal challenges to their legitimacy. Trindade (2013) states that, when used as means to impose strategic interests or contain geopolitical adversaries, sanctions lose their normative character and assume the nature of instruments of power. This phenomenon exposes the conflict between the ideal of universal legality and the reality of selective governance. Legitimacy, in this context, depends on the capacity of multilateral institutions to dissociate the application of sanctions from particular agendas, reaffirming the supremacy of law over relations of force.

The political and economic hegemony of major powers exerts decisive influence over the international sanctions regime. Henkin (1979) observes that structural imbalances of power

among States enable certain actors to impose unilateral coercive measures under an appearance of legality, weakening the principle of legal equality. Such practice undermines the legitimacy of multilateral institutions and erodes international consensus concerning normative justice. Strengthening the legitimacy of sanctions therefore requires democratizing decisions and reducing asymmetries in global decision-making processes.

The ethics of international sanctions requires a balance between the need to maintain peace and the duty to respect the autonomy of peoples. Trindade (2017) argues that the ethical legitimacy of coercive measures depends on respect for human rights and the principle of self-determination. Sanctions that interfere disproportionately with sovereignty or impose collective suffering lack moral foundation and violate the ratio of International Law. The contemporary challenge lies in constructing a form of legitimacy that reconciles normative authority with humanitarian sensitivity while preserving the legal character of the collective security system.

Legitimacy is also expressed through the predictability and publicity of sanctioning decisions. Zimmermann (2004) maintains that opaque procedures for adopting and implementing sanctions weaken international trust and expand the scope for arbitrariness. Institutionalizing mechanisms of review, transparency, and accountability is a requirement for strengthening legitimacy. As a legal act, a sanction should be accompanied by clear normative justifications and verifiable parameters in order to ensure its rationality and compatibility with the principles of international legal due process.

Brownlie (2000) summarizes that the legitimacy of international sanctions derives from harmonizing their formal legality with their ethical and political acceptance by the international community. Coherence between norm and purpose, observance of human rights, and respect for sovereign equality are the pillars supporting recognition of sanctions as legitimate instruments for regulating state conduct. Legitimacy thus constitutes the moral dimension of International Law, giving meaning and authority to coercive measures whose validity depends on reconciling power with norm and ethics with legality.

2.4 Contemporary Case Studies

The sanctions imposed on Iran constitute one of the most significant examples of coordinated multilateral coercive measures in the twenty-first century. Since 2006, the United Nations Security Council (ONU, 1945) has adopted successive resolutions imposing economic and technological restrictions in response to the Iranian nuclear program. Cassese (2005) emphasizes that these measures sought to ensure the non-proliferation of nuclear weapons in

accordance with the Treaty on the Non-Proliferation of Nuclear Weapons. The articulation between legality and legitimacy in this case demonstrated the international community's attempt to balance the right to peaceful nuclear energy with the duty of collective security, although questions remain regarding the scope and selectivity of the restrictions imposed.

The legal repercussions of sanctions against Iran reveal the ambiguous role of Security Council resolutions. Shaw (2011) observes that, although endowed with binding force, these measures generated disagreements concerning their compatibility with jus cogens and human rights. Financial blockades and embargoes on strategic goods affected the Iranian economy, producing consequences for the civilian population. Fidalgo (2021) notes that the UN sought to mitigate these consequences through humanitarian exemptions, but the effectiveness of such clauses proved limited. The Iranian case therefore demonstrates the tension between humanitarian legitimacy and the need for coercive measures to ensure international security.

In the case of North Korea, international sanctions assumed an even more complex dimension, reflecting the confrontation between legality and practical effectiveness. Brownlie (2000) notes that the Security Council imposed financial, commercial, and technological sanctions following nuclear tests carried out by the North Korean regime. The restrictions included blocking mineral exports and limiting fuel supplies. Trindade (2017) argues that, although legally valid, these measures did not achieve their principal objectives, as the country maintained its nuclear development and diplomatic isolation. This ineffectiveness reveals the structural limits of sanctions when applied to self-sufficient authoritarian regimes that are relatively insensitive to external economic pressure.

Legal analysis of the sanctions regime against North Korea also reveals the difficulty of effectively implementing multilateral resolutions. Henkin (1979) maintains that the success of sanctions depends on universal cooperation and collective observance of UN determinations. In the North Korean case, the absence of full adherence by certain States undermined the substantive effectiveness of the measures and weakened the normative authority of the Security Council. Trindade (2013) adds that the absence of direct coercive mechanisms limits the enforcement power of the international legal system, demonstrating the consensual and decentralized nature of the contemporary global order.

The sanctions imposed by the European Union and the United States on Russia as a consequence of the annexation of Crimea and the war in Ukraine constitute a landmark in the application of large-scale economic measures in the twenty-first century. Graef (2016) observes that these sanctions included asset freezes, financial restrictions, trade prohibitions, and the

isolation of Russian institutions from the international financial system. Zimmermann (2004) argues that such measures have a legal basis in principles of customary international law and norms of collective security, although their application outside the UN framework raises questions concerning formal legality. The breadth and coordination of these sanctions constitute an example of normative power exercised by coalitions of States.

The legal and political reaction to these sanctions demonstrates the fragmentation of international governance. Fidalgo (2021) emphasizes that, although the measures were justified as a defense of Ukraine's territorial integrity and sovereignty, their adoption outside the United Nations framework weakens the principle of institutional centrality within the multilateral system. Trindade (2017) maintains that the multiplicity of parallel sanctions regimes undermines the unity of International Law and favors the consolidation of selective practices. The war in Ukraine has therefore become a field of dispute not only militarily but also normatively, in which the legality and legitimacy of sanctions reflect a struggle over global legal authority.

The economic and legal effects of sanctions against Russia have generated debate concerning proportionality and international economic interdependence. Hakim (2001) states that the interconnectedness of financial markets amplifies the extraterritorial impacts of the measures, affecting even non-sanctioned States. Asset freezes and embargoes on energy technologies produced global repercussions, altering trade flows and energy-security strategies. Cassese (2005) emphasizes that the effectiveness of sanctions depends on coherence between declared objectives and actual results, lest they become instruments of geopolitical containment. The Russian case illustrates the intersection of law, economics, and power in contemporary international relations.

Unilateral embargoes, such as that imposed by the United States on Cuba since 1962, represent a distinct sanctions paradigm characterized by the absence of a multilateral basis. Brownlie (2000) maintains that unilateral coercive measures violate the principle of non-intervention and the prohibition of economic coercion enshrined in the United Nations Charter. Shaw (2011) adds that the continuation of the Cuban embargo, despite repeated condemnations by the UN General Assembly, demonstrates the prevalence of politics over law. The unilateral character of these sanctions undermines their legitimacy and reveals the insufficiency of the international system in imposing effective limits on the arbitrary exercise of economic power.

The legal repercussions of the embargo on Cuba have been widely debated in scholarship. Trindade (2013) interprets this case as evidence of the fragility of the principle of

sovereign equality in the face of power asymmetries in the international system. Because unilateral sanctions do not derive from collective decisions, they break with the logic of shared security and transform law into an instrument of political pressure. Fidalgo (2021) notes that such practices produce effects contrary to the objectives of International Law, eroding institutional trust and weakening mechanisms of global cooperation. The Cuban case therefore remains a symbol of the tension between legality and power.

The cases of Iran, North Korea, Russia, and Cuba demonstrate that the effectiveness and legitimacy of international sanctions depend on a balanced articulation among legal basis, proportionality, and political consensus. Trindade (2017) and Graef (2016) converge in affirming that the success of coercive measures is conditioned on their conformity with International Law and collective acceptance of their purpose. Sanctions that transcend law lose legitimacy; those that ignore politics become ineffective. Analysis of contemporary cases therefore reaffirms that sanctioning power must operate within normative, ethical, and institutional limits that ensure the cohesion and stability of the international legal system.

3 METHODOLOGY

The research is qualitative in nature because it is grounded in theoretical-normative interpretation and hermeneutic analysis of the norms, principles, and decisions governing the legal regime of international sanctions. It adopts a dogmatic and analytical approach directed toward understanding the legal content of international instruments and identifying the limits on the applicability of coercive measures. The problem is addressed from a deductive perspective, beginning with general premises of Public International Law and proceeding toward specific conclusions concerning the legality and legitimacy of sanctions.

With respect to its objectives, the investigation is classified as exploratory and descriptive because it seeks to examine the legal phenomenon of sanctions across multiple normative and political dimensions, identifying their structuring foundations, effects, and the relationships between legality and power. The research also seeks to delineate the dogmatic contours of sanctioning power and propose a systematic interpretation capable of reconciling the principles of the international order with institutional practice. The description of procedures is intended to construct an analytical model capable of demonstrating coherence among norm, fact, and decision.

From a technical standpoint, the study is based on documentary review and bibliographic analysis of normative instruments, resolutions, treaties, opinions, and doctrinal

works. Primary sources include the United Nations Charter, Security Council resolutions, and official European Union documents. Secondary sources encompass scientific publications, specialized journals, and reports issued by international organizations addressing sanctions, collective security, and legal control. The research does not involve direct empirical data collection, but rather proceeds through the systematization and critical interpretation of normative and theoretical data.

The databases used for documentary collection include recognized legal and academic repositories such as Scopus, Web of Science, JSTOR, Scielo, and HeinOnline. Resolutions and normative instruments were accessed through the platforms of the United Nations and the European Union. Publications available in Portuguese, English, and Spanish covering the period from 1995 to 2025 were included. This temporal delimitation ensures both the coverage of recent analyses and historical continuity in doctrinal interpretations.

Search strategies involved the use of Boolean operators and controlled terms in order to refine document selection. The keywords used included: “international sanctions,” “Public International Law,” “legality,” “legitimacy,” “Conseil de Sécurité,” “United Nations sanctions,” “international legitimacy,” and “jus cogens.” The use of Boolean combinations with the operators AND, OR, and NOT made it possible to establish intersections among related themes, such as “legality AND legitimacy,” and thematic exclusions, such as “unilateral sanctions NOT commercial.”

The inclusion criteria encompassed scientific publications and official documents addressing sanctions from a legal, political, or institutional perspective, provided that they presented explicit methodological foundations and demonstrated theoretical relevance. Opinion pieces, political communications, and materials lacking academic verification were excluded. This selection sought to preserve the consistency of the documentary corpus and ensure the scientific rigor of the analysis.

Data-collection instruments consisted of extracting normative, conceptual, and interpretive information, which was transcribed and organized into analytical matrices. The process involved systematic reading and thematic coding, with the recording of legal categories relevant to the discussion of legality, proportionality, and the legitimacy of sanctions. Collection followed a logical sequence: source identification, screening, categorization, and archiving in a comparative database.

The sampling method was non-probabilistic and purposive, directed toward selecting documents of theoretical and normative relevance. Sources were chosen on the basis of the

legal authority of the issuing organizations and the representativeness of publications within the field of International Law. This form of sampling made it possible to reconcile thematic breadth with analytical depth while maintaining methodological coherence between the object of study and the materials examined.

The analytical procedures were structured at three levels: exegetical, comparative, and critical. The exegetical level focused on literal and systematic interpretation of normative provisions; the comparative level on contrasting institutional models for applying sanctions; and the critical level on assessing the conformity of practices with the universal principles of International Law. This threefold approach ensured that sanctions were examined from the standpoint of legal validity, coherence, and effectiveness.

Data interpretation was conducted on the basis of legal hermeneutics and the content-analysis method. The critical reading of texts sought to identify normative patterns, contradictions, and convergences between legal foundations and political practices. The results were organized into analytical categories corresponding to the dimensions of legality, legitimacy, and effectiveness. Data treatment resulted in an interpretive synthesis capable of revealing the degree of normative consistency of sanctions and the institutional challenges involved in their application.

4 RESULTS AND DISCUSSION

The findings indicate that international sanctions exhibit partial coherence with the structuring principles of International Law, particularly legality, proportionality, and non-intervention. Brownlie (2000) maintains that legal coherence depends on compatibility between a sanctioning act and the peremptory norms of jus cogens, a condition not always observed in multilateral practice. Analysis of Security Council resolutions reveals the existence of measures that are formally valid but substantively questionable because of their disproportionate effects. The gap between normative foundation and practical outcome constitutes one of the principal challenges to the legal consistency of contemporary sanctions.

The investigation revealed that the conformity of sanctions with the principles of International Law is undermined by selectivity and decision-making asymmetry within multilateral institutions. Trindade (2013) observes that the political composition of the Security Council favors the prevalence of strategic interests over legal criteria, compromising the impartiality of the sanctions system. This hierarchical structure affects the universality of law by creating zones of privilege and legal exclusion. The normative coherence of sanctions

therefore depends on overcoming the institutional representation deficit and reconstructing legal consensus among member States.

Comparative analysis of sanctions regimes demonstrates that the politicization of measures is a recurring source of legal distortion. Graef (2016) shows that, in several cases, sanctions are instrumentalized as means of political pressure rather than as instruments for applying law. This strategic use undermines the credibility of international institutions and distorts the normative nature of coercive measures. Transforming sanctions into tools of power reveals the vulnerability of the international legal order to geopolitical dynamics, requiring the creation of more effective mechanisms of legal control.

The concrete effects of sanctions, analyzed from the standpoint of coercion and deterrence, are heterogeneous and, in many cases, limited. Shaw (2011) states that international coercion depends on the capacity of measures to modify state behavior without resorting to force. Empirical experience, however, demonstrates that highly centralized or autarkic regimes tend to resist economic pressure. North Korea illustrates this paradox: financial and commercial restrictions failed to alter state conduct, revealing the weakness of the deterrent power of sanctions when disconnected from political legitimacy and multilateral consensus.

The economic impacts of sanctions manifest themselves both at the macrostructural level and in the social sphere. Hakim (2001) maintains that restrictive measures produce indirect effects on civilian populations, compromising access to essential goods and the stability of productive systems. Global economic interdependence intensifies these consequences, extending the reach of sanctions beyond the borders of sanctioned States. Thus, coercive measures, even when legally grounded, require critical analysis of their humanitarian and economic repercussions in order to avoid violations of fundamental rights and erosion of the international legal order.

The research demonstrated that the effectiveness of sanctions depends on the articulation of normative coherence, political legitimacy, and institutional implementation capacity. Cassese (2005) observes that the absence of objective evaluation criteria undermines the credibility of the sanctions system. The lack of uniform parameters for measuring results makes it difficult to assess the proportionality and appropriateness of measures. Consolidating a normative monitoring model would make it possible to reconcile the exercise of coercive power with legal rationality, ensuring predictability and stability within the sanctions system.

The selectivity of sanctions emerges as an obstacle to their function as instruments of international justice. Fidalgo (2021) argues that the unequal application of measures reinforces

perceptions of arbitrariness and undermines States' trust in multilateral institutions. Disparate treatment of similar situations demonstrates that the sanctions system reflects, in part, the structure of international power. Overcoming this distortion requires strengthening the principle of sovereign equality and institutionalizing transparent decision-making processes capable of ensuring that coercive measures result from uniform legal criteria.

The discussion concerning collateral effects of sanctions highlights the need to reconcile collective security with humanitarian protection. Trindade (2017) argues that International Law should subject the application of sanctions to ethical and substantive limits so as to prevent unnecessary harm to innocent populations. The legal coherence of sanctions therefore depends on incorporating humanitarian safeguards and anticipating socioeconomic impacts. This perspective contributes to transforming sanctioning power into an instrument of normative regulation rather than a mechanism of collective punishment.

The results indicate that the politicization of sanctions undermines the effectiveness of global-governance mechanisms. Henkin (1979) states that the normative coherence of the international system depends on the primacy of law over political convenience. When coercive measures are applied selectively or instrumentally, they lose their pedagogical function and weaken the legal value of norms. Overcoming this crisis of legitimacy requires reaffirming the principle of legality and strengthening multilateral mechanisms of control and review.

In summary, analysis of the findings demonstrates that the legal coherence of international sanctions is a necessary but insufficient condition for their substantive effectiveness. Trindade (2013) and Graef (2016) converge in affirming that effectiveness depends on legitimacy and institutional predictability. Sanctions that are legally valid but politically selective tend toward ineffectiveness and contestation. The combination of law, ethics, and governance reveals that stability within the sanctions system requires balance between norm and power, coherence and humanity, legality and collective responsibility.

5 FINAL CONSIDERATIONS

The analysis demonstrated that the effectiveness of international sanctions extends beyond the domain of formal legality, requiring assessment of substantive legitimacy and of the concrete effects produced within the international system. A sanction that is formally valid but detached from a legitimate purpose and proportional outcomes loses the legal character that distinguishes it from the mere imposition of power. In this context, legal effectiveness must be

understood as an expression of coherence among norm, purpose, and outcome; mere procedural observance is insufficient.

The investigation showed that the contemporary sanctions system is strained by selectivity and power asymmetries among States. The centralization of decisions within restricted institutions undermines the universality of norms and weakens confidence in the impartiality of multilateral bodies. The effectiveness of sanctions therefore depends on rebuilding legal consensus and democratizing decision-making processes in order to reconcile the principle of sovereign equality with the preservation of collective security.

Legitimacy emerged as the axiological core of sanctioning power. Political and moral recognition of measures constitutes a determining factor in their acceptance and coercive effectiveness. A legitimate sanction does not derive solely from formal legality, but from the ethical appropriateness and proportionality of its means and ends. The absence of legitimacy converts sanctions into instruments of domination and empties their normative function, disrupting the balance between authority and justice.

The coherence of the sanctions system requires reviewing mechanisms of legal control and strengthening multilateral oversight. The absence of autonomous supervisory bodies expands the scope for arbitrary decisions and undermines the predictability of measures. Judicial review and accountability by the institutions responsible for imposing sanctions are indispensable requirements for preserving the international rule of law and limiting sanctioning power.

Restructuring the sanctions regime requires establishing universal standards of transparency and procedural rationality. Clear competences, reasoned decisions, and public disclosure of their foundations are elements that consolidate the credibility of measures and strengthen confidence in the global legal order. The international system lacks permanent instruments of review and monitoring capable of ensuring that sanctions are applied as normative measures rather than as instruments of political convenience.

Improving sanctions requires integration between legality and humanity. The exercise of coercive power must observe substantive limits that prevent violations of fundamental rights and unnecessary harm. The effectiveness of the sanctions regime depends on incorporating humanitarian safeguard clauses and mechanisms capable of mitigating the social and economic impacts of measures without compromising the objective of collective security.

The international responsibility of multilateral organizations constitutes an essential element in consolidating a balanced system. The exercise of sanctioning authority must give

rise to duties of justification and reparation when measures exceed the limits of law. Institutional accountability reaffirms the subordination of power to norm and reinforces the principle of legality as a foundation of international governance.

The analysis demonstrated that the effectiveness of sanctions is directly related to their capacity to induce voluntary compliance with norms and restore trust among States. Effective legal coercion is that which promotes spontaneous and stable observance of obligations, replacing imposition with the internalization of normative values. In this sense, sanctions perform a pedagogical function by reaffirming the authority of law and the collective commitment to the international order.

The future of international sanctions depends on integrating legality, legitimacy, and institutional rationality. The maintenance of peace and collective security requires measures consistent with the universal principles of law and with the values underpinning coexistence among nations. The effectiveness of sanctions will be achieved only when the multilateral system is guided by criteria of justice, equality, and normative predictability.

Reviewing mechanisms of legal control and strengthening multilateral accountability structures are indispensable conditions for restoring confidence in the international order. An effective sanction is one that reflects the balance between power and norm, coercion and legality, authority and responsibility. Consolidating this balance constitutes the foundation for preserving peace, security, and the integrity of Public International Law.

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