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The Status of the Judicial and Advisory Practice of the International Court of Justice in Determining the Legitimacy of Sanctions

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International sanctions, as one of the most widely used instruments in contemporary international relations, have consistently been the subject of controversy with regard to their legal legitimacy and compatibility with the fundamental rules of international law. In this context, the International Court of Justice (ICJ), as the principal judicial organ of the United Nations, plays a significant role in the clarification and development of international legal rules. Although the Court's judgments are formally binding only upon the parties to the dispute, its judicial practice in effect exerts an influence that extends beyond specific cases and serves as an authoritative interpretative reference in the identification and elucidation of customary international law and general principles of law. This article focuses on the status of the judicial and advisory practice of the International Court of Justice in examining its role in determining the legitimacy of sanctions. The main research question is to what extent, and through which mechanisms, the Court has influenced the legal assessment of sanctions, particularly unilateral sanctions. The findings of the research indicate that although the Court has rarely addressed the legitimacy of sanctions directly, it has, through its emphasis on principles such as the prohibition of the use of force, non-intervention in the internal affairs of states, respect for human rights, and obligations arising from international humanitarian law, provided important frameworks for the legal evaluation of sanctions (International Court of Justice, Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), 1986). Moreover, the Court's advisory opinions on issues such as state responsibility and the legal consequences of acts contrary to international law have indirectly influenced the discourse on the legitimacy of sanctions. In conclusion, the article argues that the judicial and advisory practice of the International Court of Justice, although lacking a direct law-making function, occupies a decisive and increasingly significant position in shaping the legal criteria for assessing sanctions and in constraining unilateral measures adopted by states.

Keywords: *International Court of Justice; international sanctions; judicial practice; advisory opinions; legal legitimacy*

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1. Introduction

The International Court of Justice (the Court), as the principal judicial organ of the United Nations, plays a pivotal and determinative role in the interpretation and application of the rules of international law. Within general legal theory, the function of courts in shaping normative structures has long been emphasized, particularly where statutory texts require authoritative interpretation (Geistfeld, 2014; White, 2003). One of the significant areas in which the Court has been involved concerns the determination of the legitimacy of sanctions within the framework of international law and the maintenance of a balance between the right to impose restrictive measures and the protection of the rights of states and peoples. From a doctrinal perspective, questions of legitimacy and responsibility are closely connected to broader theories of liability and corrective justice (Abraham, 2002; Dagan, 1999). Accordingly, the judicial and advisory practice of the Court, in addition to clarifying legal foundations, performs a strategic function in interpreting the United Nations Charter and in shaping normative criteria governing coercive measures (Geistfeld, 2014).

In numerous instances, the Court has, through its judgments and advisory opinions, contributed to clarifying the conditions governing the legitimacy of coercive measures. A defining characteristic of this practice is its emphasis on compliance with fundamental principles of international law, including respect for state sovereignty, non-intervention in internal affairs, and the protection of fundamental rights. These concerns parallel foundational discussions in public law and human rights scholarship regarding the limits of governmental power (Ansari, 1998; Seyed Fatemi, 2003). In its jurisprudence, the Court has maintained that measures affecting states must be grounded in lawful authority and consistent with international obligations. From a general theory standpoint, legitimacy is inseparable from the requirement that state conduct remain within established legal frameworks (Ghasemzadeh, 2011; Katouzian, 2010). Moreover, proportionality and the protection of civilian interests—concepts widely discussed in both domestic and international liability theory—are essential to assessing the legality of restrictive measures (Dobbs et al., 2016; Safai & Rahimi, 2010).

This position aligns with broader liability doctrines that reject measures producing disproportionate harm to innocent parties. In tort theory, disproportionate or excessive interference with legally protected interests has long been treated as unlawful (Klar, 2011; Prosser & Keeton, 1984). When sanctions cause severe humanitarian consequences, particularly for vulnerable populations, they raise analogous concerns regarding unjustified harm and the limits of lawful coercion. Such concerns echo the normative commitment to human dignity and the protection of fundamental rights within contemporary legal systems (Seyed Fatemi, 2003).

Although advisory opinions are not legally binding, they possess interpretative authority and contribute to norm development. The influence of judicial interpretation in shaping statutory and constitutional meaning has been widely acknowledged in comparative scholarship (Geistfeld, 2014; White, 2003). Advisory reasoning, therefore, functions as a normative guide for states and international institutions, particularly where legal ambiguity exists regarding the permissible scope of coercive measures. In legal theory, such interpretative authority contributes to the gradual crystallization of standards governing state responsibility and permissible conduct (Abraham, 2002; Ghasemzadeh, 2008).

Furthermore, judicial review of state conduct—including economic and political measures—reflects broader principles of accountability embedded in both public and private law. The concept of state liability, extensively examined in administrative and civil law scholarship, underscores that public authorities are not immune from legal scrutiny when their actions cause harm (Abbasi, 2014; Rah-Peyk, 2010). In this regard, the Court's examination of sanctions resonates with doctrines limiting governmental immunity and requiring justification for harmful acts (Wells & Puchalt, 2012). Overall, the role of judicial institutions in assessing the legitimacy of sanctions may be understood as part of a broader movement toward accountability, balancing security interests against the protection of fundamental rights and legal certainty (Badini, 2013; Katouzian, 2007).

Within legal scholarship, the distinction between lawful and unlawful sanctions—particularly between unilateral and multilateral measures—mirrors classical distinctions in responsibility and authority. Measures grounded in collective authorization resemble acts performed pursuant to recognized legal competence, whereas unilateral measures raise concerns similar to unauthorized interference in protected interests (Nazari, 2013; Rah-Peyk, 2011). The principle of non-intervention, long recognized as foundational to the law governing state relations, parallels doctrines in domestic legal systems that prohibit unwarranted intrusion into the rights of others (Ansari, 1998; Ghamami, 1997).

Unilateral coercive measures, especially when imposed without broad international authorization, frequently conflict with principles of sovereign equality and non-interference. In liability theory, coercive interference without lawful justification constitutes a breach of duty and may give rise to responsibility (Dobbs et al., 2016; Prosser & Keeton, 1984). Similarly, in administrative and public law scholarship, the exercise of power beyond legally defined limits undermines legitimacy and invites judicial correction (Emami & Ostovar Sangari, 2009; Tabatabaei Motameni, 2008).

The humanitarian impact of sanctions further raises issues comparable to those addressed in environmental and disaster liability contexts. Legal scholarship concerning environmental hazards and disaster management has emphasized that large-scale harm to populations requires careful balancing between policy objectives and protection of vulnerable groups (Nateghi Elahi, 1999; Smith, 2002). Where coercive measures produce widespread social and economic harm, the question arises whether such measures remain within the bounds of lawful conduct or instead resemble forms of collective harm inconsistent with fundamental legal principles.

The evaluation of sanctions must therefore consider not only formal authorization but also substantive criteria, including proportionality, necessity, and the avoidance of excessive harm. These criteria are well established within civil liability doctrine, where the legitimacy of harmful conduct depends upon justification, foreseeability, and the balancing of interests (Katouzian, 2010; Safai & Rahimi, 2010). Moreover, distributive justice theory highlights the importance of allocating burdens fairly and avoiding unjust concentration of harm on vulnerable populations (Dagan, 1999).

Accordingly, the distinction between unilateral and multilateral sanctions in terms of legal legitimacy depends not merely on institutional authorization but also on their objectives, implementation, and consequences. Measures that disregard humanitarian, economic, and social impacts may be considered inconsistent with evolving standards of responsibility and accountability in international law. This evolution parallels developments in tort and administrative law, where expanding notions of duty and responsibility have reshaped the boundaries of lawful conduct (Dobbs et al., 2016; Priest, 2011).

The principal innovation of this study lies in proposing a coherent and integrated analytical framework for explaining the role of the judicial and advisory practice of the International Court of Justice in determining the legitimacy of international sanctions. Rather than limiting analysis to isolated case studies, the present research systematically links principles derived from judicial reasoning with broader doctrines of responsibility and legitimacy found in both international and comparative legal theory (Abraham, 2002; Ghasemzadeh, 2011).

Another significant contribution of the study is its categorization of sanctions according to the legal foundations reflected in judicial reasoning. Even where the Court has not explicitly addressed “sanctions” as a distinct category, its interpretation of principles such as non-intervention, prohibition of unlawful coercion, and state responsibility indirectly shapes the boundaries of permissible conduct. These principles are deeply rooted in both domestic civil liability theory and public law doctrine (Badini, 2013; Rah-Peyk, 2010). By comparatively analyzing contentious judgments and advisory opinions, the research further demonstrates the norm-setting function of interpretative practice in constraining unilateral measures and clarifying standards of legality. Ultimately, this study aims to contribute to the development of a structured doctrinal approach capable of guiding both legal policymaking by states and judicial reasoning in sanctions-related disputes.

2. A Comparative Analysis of Multilateral and Unilateral Sanctions in Legal Instruments

Sanctions, as a significant instrument of international policy, may be divided into two principal categories: multilateral and unilateral sanctions, each characterized by distinct legal foundations, structural features, and consequences. A comparative analysis of these two types of measures within legal doctrine contributes to a clearer understanding of their legitimacy, binding force, and normative implications. From a theoretical standpoint, the distinction resembles the broader differentiation between acts grounded in recognized legal authority and those undertaken without collective authorization—a distinction central to both public law and civil liability theory (Ghasemzadeh, 2011; Katouzian, 2010).

Multilateral sanctions are generally adopted by competent international bodies and are implemented pursuant to collectively recognized legal frameworks. In doctrinal terms, legitimacy derives from lawful authority and institutional competence, principles extensively examined in administrative and public law scholarship (Ansari, 1998; Tabatabaei Motameni, 2008). When measures are adopted through collective decision-making processes, they benefit from a presumption of legality rooted in the rule of law and institutional authorization. This structural legitimacy parallels domestic systems in which legally empowered bodies may impose binding obligations within defined competences (Emami & Ostovar Sangari, 2009).

By contrast, unilateral sanctions—imposed by a single state or a limited group of states without collective authorization—raise serious legal concerns. In both domestic and international legal theory, actions lacking recognized authority or exceeding jurisdictional limits are subject to criticism and potential invalidation (Abbasi, 2014; Rah-Peyk, 2010). Unlike multilateral measures, unilateral sanctions are typically grounded in the domestic laws and political objectives of the imposing state. As a result, they may conflict with fundamental principles such as non-intervention and sovereign equality, principles deeply embedded in both public law doctrine and theories of state responsibility (Ghamami, 1997; Nazari, 2013).

From the perspective of legal instruments, a central distinction between multilateral and unilateral sanctions concerns their degree of legitimacy and binding force. Measures adopted pursuant to recognized institutional authority create binding obligations for relevant actors, reflecting the hierarchical structure of legal norms (Geistfeld, 2014). In contrast, unilateral measures are generally binding only within the jurisdiction of the imposing state. Third states may decline to recognize or implement such measures, particularly where they consider them inconsistent with international obligations. This differentiation mirrors broader discussions in tort and public law concerning the territorial and jurisdictional limits of legal authority (Dobbs et al., 2016; White, 2003).

Furthermore, multilateral sanctions are often accompanied by monitoring mechanisms and procedural safeguards intended to mitigate collateral harm and ensure compliance with fundamental rights. The incorporation of review procedures reflects well-established principles of accountability and due process in administrative law (Tabatabaei Motameni, 2008). In contrast, unilateral sanctions frequently lack comparable oversight mechanisms. Their indefinite or open-ended application may raise issues of arbitrariness and disproportionate interference, concerns long addressed in liability theory and the philosophy of civil responsibility (Badini, 2013; Prosser & Keeton, 1984).

In terms of broader legal and political consequences, multilateral sanctions tend to generate effects that are perceived as more legitimate due to their collective character and institutional endorsement. Legitimacy, in this sense, is closely linked to shared decision-making and adherence to recognized procedures (Anis & Bashiriyeh, 1992). Unilateral sanctions, by contrast, often intensify tensions and mistrust among states, reflecting the risks associated with fragmented exercises of power outside collectively accepted frameworks. Such fragmentation may undermine stability in international relations, echoing broader concerns in political and legal theory regarding the erosion of cooperative order (Rahigh Aghsan, 2005).

In conclusion, legal doctrine emphasizes adherence to recognized legal authority and procedural safeguards in the imposition of sanctions. Multilateral sanctions, grounded in collective authorization and subject to institutional review, align more closely with principles of legality and proportionality. Unilateral sanctions, lacking such foundations, frequently generate controversy and are often regarded as inconsistent with core principles of sovereignty, accountability, and non-intervention (Katouzian, 2007; Rah-Peyk, 2011).

3. Legal Effects and Consequences of Sanctions in the International System

Sanctions have long functioned as instruments of international policy, yet their implications extend beyond political and economic dimensions to encompass profound legal effects on the international system. A systematic examination of these effects reveals important tensions between coercive measures and foundational legal principles. Within legal theory, the exercise of power must remain subject to normative constraints, a premise central to both public and private law traditions (Abraham, 2002; Ghasemzadeh, 2008).

One of the most significant legal consequences of sanctions is the restriction of state sovereignty and operational autonomy. Sovereignty constitutes a foundational principle of international relations, analogous to the autonomy of legal persons in domestic law (Saffar, 1994). When sanctions impose extensive limitations in economic, financial, diplomatic, or other spheres, they constrain a state's capacity to exercise control over its resources and policies. Such restrictions resemble forms of legally cognizable interference addressed in civil liability doctrine, where unjustified intrusion into protected interests may give rise to responsibility (Dobbs et al., 2016; Katouzian, 2010).

Comprehensive and wide-ranging sanctions, particularly those affecting nearly all sectors of a target state's economy, may substantially diminish operational independence. Comparable issues have been analyzed in the context of environmental and disaster-related harms, where large-scale restrictions or disruptions have significant systemic consequences (Landis, 1999; Smith, 2002). In both contexts, the law seeks to balance regulatory objectives against the protection of fundamental interests.

Sanctions also have serious implications for the fundamental and human rights of affected populations. Limitations on access to essential goods and services raise concerns regarding the protection of basic rights recognized in contemporary legal systems (Seyed Fatemi, 2003). When economic restrictions impair access to health, food, or education, they create tensions between policy objectives and obligations derived from human rights principles. The need to reconcile these competing considerations reflects broader normative debates concerning distributive justice and fairness in the allocation of burdens (Dagan, 1999).

From the standpoint of international responsibility, the imposition of sanctions without lawful authorization may constitute a breach of international obligations. The concept of responsibility—encompassing cessation of the wrongful act, reparation, and restoration—has long been central to civil liability theory (Rah-Peyk, 2009; Safai & Rahimi, 2010). Where coercive measures exceed recognized legal limits, they may generate obligations analogous to those arising from unlawful acts in domestic systems. The requirement of justification and lawful authority is therefore fundamental to maintaining the integrity of the legal order (Ghasemzadeh, 2011).

Sanctions also influence systems of international cooperation. Fragmented or unilateral measures may intensify political tensions and erode trust among states, undermining cooperative frameworks essential to global stability. Legal scholarship has emphasized that durable legal orders depend upon reciprocity, shared norms, and institutional cohesion (Anis & Bashiriyeh, 1992). When sanctions are perceived as self-interested or inconsistent with established legal principles, they may weaken these foundations and contribute to systemic instability (White, 2003).

In sum, sanctions generate complex legal effects that extend beyond their immediate objectives. They affect sovereignty, human rights, state responsibility, and the stability of international cooperation. A careful assessment of these consequences underscores the necessity of grounding sanction regimes in recognized legal authority, proportionality, and accountability, principles deeply rooted in both international and comparative legal doctrine (Badini, 2005; Priest, 2011).

4. Legal Oversight, Preventive Function, and the Balance between Security and Human Rights

Sanctions are frequently presented not merely as coercive instruments but as mechanisms designed to preserve international peace and security. When grounded in recognized legal authority and applied within defined limits, they may serve a preventive and corrective function analogous to regulatory measures in domestic legal systems (Ghasemzadeh, 2011; Katouzian, 2010). In legal theory, coercive measures are considered legitimate alternatives to more drastic forms of intervention only when they comply with the principles of necessity and proportionality—principles deeply embedded in both public law and civil liability doctrine (Dobbs et al., 2016; Safai & Rahimi, 2010).

The essential condition for the legitimacy of sanctions therefore lies in adherence to proportionality, necessity, and temporal and material limitations. Measures that exceed these constraints risk transforming from lawful regulatory tools into unlawful interferences with protected interests. The balancing of security interests against fundamental rights reflects a classical tension recognized in both constitutional and administrative law (Ansari, 1998; Tabatabaei Motameni, 2008). In this respect, sanctions may be viewed as legally acceptable substitutes for the use of force only when carefully circumscribed and continuously reviewed to prevent excessive harm (Priest, 2011).

From the perspective of legal oversight and control, sanctions require transparent and effective mechanisms for the continuous evaluation of their impacts. The necessity of review mechanisms parallels doctrines of administrative supervision and judicial oversight in domestic systems, where accountability functions as a safeguard against abuse of power (Abbasi, 2014; Rah-Peyk, 2010). International monitoring bodies, expert assessments, and judicial institutions contribute to preventing arbitrariness and mitigating unintended humanitarian consequences. The importance of such mechanisms lies in ensuring that sanctions do not disproportionately harm innocent individuals or undermine fundamental rights (Seyed Fatemi, 2003).

Ultimately, within the structure of international law, sanctions are inevitably confronted with the need to strike a balance between security objectives and human rights protections. The preservation of this equilibrium demands precise legal interpretation, cooperative engagement among states, and respect for sovereignty alongside the protection of fundamental rights. This balancing function reflects broader jurisprudential debates concerning the reconciliation of collective security with individual and state autonomy (Badini, 2013; White, 2003). Strengthening judicial and advisory practice, alongside institutional review mechanisms, remains essential to maintaining this balance within the international legal order.

5. Literature Review

The legitimacy of international sanctions—particularly unilateral measures—has emerged as one of the most contested subjects in contemporary public international law. The growing reliance on sanctions as tools of political and economic pressure has prompted scholars to evaluate their compatibility with jus cogens norms, human rights standards, and doctrines of state responsibility. Within this scholarly landscape, the interpretative authority of judicial institutions occupies a central role, reflecting broader theoretical discussions on the evolution of legal norms through adjudication (Abraham, 2002; Geistfeld, 2014).

Foreign scholarship has extensively debated the legality of sanctions within institutional frameworks. A dominant strand of analysis emphasizes that sanctions acquire legitimacy when grounded in recognized legal authority and collective decision-making structures. This perspective parallels administrative law doctrines that condition the validity of coercive measures upon institutional competence and procedural legality (Emami & Ostovar Sangari, 2009; Tabatabaei Motameni, 2008). Conversely, unilateral sanctions are frequently criticized as inconsistent with the principles of non-intervention and sovereign equality—concepts firmly embedded in both international and comparative public law theory (Ghamami, 1997; Nazari, 2013).

Another group of scholars has concentrated on judicial practice as an indirect source for evaluating sanctions. Although courts rarely address sanctions explicitly, their articulation of principles such as non-intervention, proportionality, and responsibility has shaped the normative boundaries of coercive measures. The development of liability principles in both tort and public law provides a conceptual lens for understanding how judicial reasoning constrains excessive or unjustified state conduct (Prosser & Keeton, 1984; Rah-Peyk, 2009). Through interpretative clarification, judicial decisions contribute to norm consolidation and indirectly influence the assessment of sanctions.

Certain critical perspectives argue that judicial caution or silence may generate ambiguity, allowing states to adopt expansive interpretations of legality. This critique resonates with broader debates concerning the limits of judicial activism and the risks of under-enforcement in complex legal regimes (White, 2003). From this viewpoint, the absence of explicit condemnation may inadvertently legitimize controversial practices, highlighting the importance of clear normative articulation.

In Persian-language scholarship, analyses have often focused on the economic and humanitarian consequences of sanctions, emphasizing their tension with fundamental legal principles. Discussions typically draw upon doctrines of sovereignty, non-intervention, and civil liability to critique unilateral measures (Badini, 2005; Rah-Peyk, 2011). However, comprehensive and systematic examinations of judicial and advisory practice as a coherent framework for assessing sanctions remain limited.

Some domestic studies have addressed particular disputes or procedural dimensions of judicial intervention, yet these analyses frequently concentrate on specific cases rather than developing an integrated theoretical framework. As a result, a discernible gap persists regarding the systematic linkage between judicial interpretation and the broader legality of sanctions.

Overall, the existing literature—both foreign and domestic—reveals fragmentation and the absence of a unified analytical model. While substantial doctrinal resources exist concerning state responsibility, proportionality, and sovereignty, these principles have rarely been synthesized into a comprehensive framework for evaluating sanctions. The present study seeks to fill this gap by integrating established doctrines of responsibility, legality, and judicial interpretation into a coherent analytical structure capable of guiding scholarly and policy-oriented assessment (Ghasemzadeh, 2011; Katouzian, 2007).

Table 1

Fundamental Principles of International Law Affecting the Assessment of the Legitimacy of Sanctions in Judicial Practice

Legal Principle	Doctrinal Reference	Impact on the Legitimacy of Sanctions
Non-intervention	Public law doctrine (Ghamami, 1997)	Restricts unilateral sanctions
Prohibition of force/coercion	Tort and public law theory (Prosser & Keeton, 1984)	Negates coercive economic measures
Human rights protection	Human rights scholarship (Seyed Fatemi, 2003)	Obligation to respect minimum standards
Erga omnes / collective obligations	State responsibility doctrine (Rah-Peyk, 2009)	Justification of collective sanctions
State responsibility	Civil liability theory (Safai & Rahimi, 2010)	Limits scope and ensures proportionality

The table illustrates that through the interpretation of foundational legal principles, judicial reasoning has played an indirect yet influential role in shaping the assessment of sanctions. The principle of non-intervention operates as a primary legal constraint, limiting unilateral coercive actions that interfere with sovereign autonomy (Ghamami, 1997). Likewise, the prohibition of unjustified coercion, long recognized in liability theory, provides a conceptual basis for questioning severe economic measures (Prosser & Keeton, 1984).

The protection of fundamental rights further conditions the legality of sanctions, requiring adherence to minimum humanitarian standards (Seyed Fatemi, 2003). Additionally, the development of collective obligations and doctrines of state responsibility supports the legitimacy of multilateral responses to serious breaches while simultaneously constraining disproportionate measures (Rah-Peyk, 2009; Safai & Rahimi, 2010).

Table 2

The Role of Judicial Decisions in Shaping Criteria for the Legitimacy of Sanctions

Judicial Reference (Illustrative)	Extracted Principle	Effect on Sanctions
Jurisprudence on intervention	Non-intervention	Rejection of coercive unilateral sanctions
Jurisprudence on necessity	Proportionality	Limitation of scope and intensity
Jurisprudence on humanitarian protection	Human rights	Obligation to provide humanitarian exemptions

Although judicial decisions have not always directly addressed sanctions as a discrete category, they have significantly shaped the criteria for evaluating coercive measures. The articulation of non-intervention constrains actions aimed at compelling policy change in another state (Ansari, 1998). The development of proportionality as a governing standard requires that even security-driven measures remain necessary and appropriately limited (Dobbs et al., 2016). Furthermore, jurisprudence emphasizing humanitarian considerations underscores that economic measures must not deprive populations of essential goods and services. This reflects an evolution in legal reasoning toward integrating human rights standards into the assessment of state conduct (Seyed Fatemi, 2003). Collectively, these principles form an indirect but coherent framework through which sanctions may be evaluated and constrained within the international legal order.

Table 3

The Impact of the ICJ's Advisory Opinions on the Legitimacy of Multilateral Sanctions

Advisory Opinion (Illustrative)	Key Concept Developed	Legal Implication for Sanctions
Namibia (1971)	Non-recognition of unlawful situations	Establishes obligation of collective restraint and non-assistance
Wall (2004)	Erga omnes obligations	Provides normative basis for coordinated multilateral sanctions

The advisory opinions of the International Court of Justice, although fundamentally distinct from contentious judgments in terms of binding force, have in practice exercised a significant interpretative and normative influence on the development of international law. From a general jurisprudential perspective, advisory reasoning may function as a catalyst for norm clarification even in the absence of direct enforceability, a phenomenon recognized in comparative legal theory (Geistfeld, 2014; White, 2003). Table (3) illustrates how advisory opinions—particularly those elaborating concepts analogous to collective obligations and non-recognition of unlawful situations—may indirectly influence the assessment of the legitimacy of multilateral sanctions.

The early development of collective legal obligations may be understood through the broader lens of state responsibility doctrine. Where serious breaches of international law occur, the legal order may require a coordinated response grounded in shared normative commitments (Rah-Peyk, 2009; Safai & Rahimi, 2010). Within this framework, collective measures—including sanctions—can be conceptualized not merely as political pressure but as responses rooted in legal duty. Such reasoning aligns with theories of corrective justice that justify remedial action in response to wrongful conduct (Dagan, 1999). Accordingly, multilateral sanctions adopted for the purpose of non-recognition or non-assistance regarding unlawful situations may acquire legitimacy through their connection to collective legal obligations.

The strengthening of this approach is further reflected in the development of obligations owed to the international community as a whole. The articulation of such obligations parallels doctrinal developments in public law emphasizing the protection of overarching legal interests beyond bilateral relationships (Ghasemzadeh, 2011). By framing collective responses as grounded in shared normative commitments, advisory reasoning contributes to conceptualizing multilateral sanctions as lawful mechanisms of enforcement rather than unilateral coercion.

The role of advisory opinions in legitimizing multilateral sanctions operates less through explicit authorization and more through the establishment of a structured normative framework. By emphasizing collective responsibility and the duty to refrain from assisting unlawful situations, judicial interpretation links the legitimacy of sanctions to their legal foundation and objective, not merely to their economic breadth or political motivation (Abraham, 2002; Katouzian, 2007). This distinction is of considerable doctrinal importance, as it anchors legitimacy in principle rather than expediency.

Nevertheless, some theoretical reservations may arise. Excessive expansion of collective obligations could blur the boundaries between lawful enforcement and overreach. Concerns about interpretative elasticity echo broader debates regarding judicial restraint and the limits of normative development through adjudication (White, 2003). Yet prevailing doctrinal analysis generally acknowledges that advisory reasoning, particularly when reflecting broad consensus, contributes to constraining unilateral action and reinforcing the legitimacy of collective measures grounded in recognized legal obligations (Badini, 2013).

In sum, advisory opinions—despite lacking direct binding force—have functioned as authoritative interpretative references within the international legal order. By developing concepts analogous to collective obligations and non-recognition, they provide a structured legal framework for assessing the legitimacy of multilateral sanctions and influence both state conduct and scholarly analysis (Rah-Peyk, 2011).

Table 4

The Impact of Advisory Reasoning on the Legitimacy of Multilateral Sanctions

Advisory Reference (Illustrative)	Key Concept	Legal Implication
Advisory practice on unlawful situations	Non-recognition principle	Obligation of collective restraint
Advisory reasoning on collective breaches	Community-based obligations	Legitimacy of coordinated sanctions

The table demonstrates that advisory reasoning contributes to sanction legitimacy primarily by clarifying collective obligations and duties of non-recognition. Through this interpretative function, multilateral sanctions are framed as lawful responses to serious breaches rather than instruments of unilateral coercion.

Table 5

Distinguishing Between Unilateral and Multilateral Sanctions in Light of Judicial Practice

Type of Sanction	Judicial Assessment (Doctrinal Trend)	Legitimacy Status
Unilateral	Critical scrutiny	Legally questionable
Multilateral	Conditional acceptance	Conditionally legitimate

Table (4) highlights the differentiated approach emerging from judicial and advisory reasoning. Although courts have rarely issued categorical rulings on sanctions as such, interpretative development of foundational principles reveals a structured distinction between unilateral and multilateral measures.

Unilateral sanctions face significant legitimacy concerns. The principle of non-intervention—central to public law doctrine—restricts coercive measures aimed at compelling policy change in another state (Ghamami, 1997). Furthermore, proportionality and necessity standards, long embedded in liability theory, impose substantive constraints on coercive conduct (Dobbs et al., 2016). Extensive unilateral sanctions causing widespread harm are difficult to reconcile with these standards, particularly when humanitarian consequences are severe.

By contrast, multilateral sanctions grounded in collective obligations occupy a comparatively stronger legal position. Where measures are linked to shared responsibilities and adopted within recognized frameworks, they reflect the logic of coordinated legal response rather than unilateral interference (Rah-Peyk, 2009). Nevertheless, even multilateral sanctions remain subject to compliance with fundamental principles, including proportionality and respect for basic rights (Seyed Fatemi, 2003).

Scholarly interpretations of this dual approach vary. Some regard it as prudent judicial restraint preserving institutional authority, while others view it as generating interpretative ambiguity. This debate mirrors broader tensions between judicial caution and normative clarity in evolving legal regimes (White, 2003).

Overall, judicial practice establishes an indirect yet clear distinction: unilateral sanctions are generally subject to doubt, whereas multilateral sanctions may be legitimate only when grounded in collective legal obligations and implemented in accordance with fundamental principles of international law.

Table 6

Practical Functions of Judicial and Advisory Practice in Sanctions-Related Contexts

Function	Manifestation in Practice	Outcome
Interpretation of Principles	Contentious adjudication	Limitation and conditioning of sanctions
Norm-Setting	Advisory reasoning	Development of legitimacy criteria
Policy Influence	Reliance by states on articulated standards	Adjustment of sanction design and scope

Table (5) illustrates the practical functions of judicial and advisory reasoning in sanction-related disputes. First, through interpretative clarification of principles such as non-intervention, necessity, and proportionality, courts indirectly shape the permissible scope of coercive economic measures (Ansari, 1998; Safai & Rahimi, 2010).

Second, advisory reasoning performs a norm-setting role. By elaborating collective obligations and duties of non-recognition, it contributes to the progressive articulation of legitimacy criteria for multilateral sanctions (Rah-Peyk, 2011).

Third, judicial reasoning influences policymaking. States increasingly refer to articulated principles of proportionality, humanitarian protection, and responsibility when designing or contesting sanctions. Even absent explicit rulings on sanctions as a discrete category, the interpretative development of core principles shapes state behavior and scholarly discourse (Abraham, 2002).

At the same time, this practical function remains subject to institutional limits. Judicial caution may preserve authority but can also constrain the articulation of comprehensive rules. Nonetheless, the cumulative interpretative and norm-setting functions of judicial and advisory practice have significantly influenced the legal discourse on sanctions, shaping criteria of legitimacy and guiding the evolution of international legal standards (Badini, 2005; Katouzian, 2010).

6. Discussion

The findings of this study indicate that, notwithstanding its deliberate avoidance of explicitly adjudicating the concept of "sanctions legitimacy," the International Court of Justice has played a foundational role in structuring the legal framework through which sanctions are assessed. This role is not legislative but interpretative and normative. It operates through the clarification, consolidation, and gradual development of core principles of international law within both contentious judgments and advisory opinions. From a jurisprudential perspective, such indirect norm formation through adjudication is neither unusual nor marginal; courts frequently shape legal regimes by refining principles rather than promulgating categorical rules (Geistfeld, 2014; White, 2003). The analytical synthesis of Tables (1) through (5) confirms that the Court's interpretative practice has effectively constrained the permissible scope of coercive economic measures undertaken by States.

The findings derived from Table (1) demonstrate that principles such as non-intervention, the prohibition of coercive interference, respect for fundamental rights, collective obligations, and state responsibility function as the principal doctrinal anchors for evaluating sanctions. These principles are deeply embedded in public law and civil liability theory (Ghamami, 1997; Safai & Rahimi, 2010). Their relevance to sanctions reveals that legitimacy cannot be reduced to formal authorization alone. Rather, legality depends simultaneously on competence, purpose, proportionality, and consequence. In doctrinal terms, even an act adopted by a competent authority may be unlawful if it violates substantive constraints or produces disproportionate harm (Dobbs et al., 2016; Katouzian, 2010). This multi-layered approach to legality reinforces the conclusion that sanctions must pursue legitimate objectives consistent with international law and must avoid systemic violations of protected interests, particularly those affecting civilian populations.

The analysis reflected in Table (2) further illustrates that the Court's contentious jurisprudence has crystallized practical criteria—most notably non-intervention, proportionality, and humanitarian limitation—that are directly transferable to the assessment of economic sanctions. Although these judgments did not expressly classify measures as "sanctions," their interpretative reasoning provides a structured evaluative matrix. The principle of non-intervention restricts coercive economic pressure aimed at altering the essential policies of another State (Ansari, 1998). The development of proportionality as a governing standard imposes qualitative and quantitative limits on coercive conduct, requiring that measures remain necessary and balanced in relation to their legitimate objectives (Dobbs et al., 2016). Moreover, humanitarian considerations integrate fundamental rights into the legality analysis, ensuring that economic measures do not produce excessive or unjustifiable harm to civilian populations (Seyed Fatemi, 2003). Collectively, these criteria present significant obstacles to the justification of comprehensive and unilateral sanctions that generate widespread socio-economic harm.

Table (3) underscores the normative significance of the Court's advisory opinions in legitimizing multilateral sanctions. Through the articulation of collective obligations and duties analogous to non-recognition of unlawful situations, advisory reasoning has framed coordinated sanctions as lawful responses to serious breaches rather than as unilateral political instruments. This conceptual shift is of substantial doctrinal importance. It aligns collective sanctions with the logic of state responsibility and corrective justice (Dagan, 1999;

Rah-Peyk, 2009). By linking legitimacy to community-based obligations, advisory reasoning embeds multilateral sanctions within a legal enforcement paradigm, distinguishing them from self-interested coercive acts. This interpretative move strengthens the normative coherence of collective measures and situates them within the broader architecture of international accountability.

The differentiation presented in Table (4) confirms that judicial practice implicitly distinguishes between unilateral and multilateral sanctions. Unilateral sanctions are generally subjected to heightened scrutiny due to their tension with the principle of non-intervention and with the structural logic of sovereign equality (Ghamami, 1997). Their legitimacy remains questionable when they lack collective authorization and when they produce disproportionate humanitarian consequences. By contrast, multilateral sanctions may be considered conditionally legitimate when grounded in shared legal obligations and implemented within recognized frameworks. However, the Court's practice does not grant them blanket approval. Even collective measures remain subject to fundamental constraints derived from proportionality, necessity, and respect for minimum human rights standards (Safai & Rahimi, 2010; Seyed Fatemi, 2003). This dual approach reflects an implicit endorsement of structured multilateralism coupled with substantive limitation.

Table (5) reveals that the practical function of the Court's practice extends beyond dispute resolution. The ICJ's interpretative and advisory outputs influence legal reasoning at both doctrinal and policy levels. States increasingly rely upon articulated principles of proportionality, responsibility, and humanitarian limitation when designing or defending sanctions. This phenomenon exemplifies the broader role of judicial reasoning in shaping normative expectations and guiding conduct even in the absence of formally binding pronouncements (Abraham, 2002). Although the Court's cautious approach has avoided the promulgation of explicit and comprehensive rules governing sanctions, its incremental clarification of principles has nonetheless contributed to strengthening critical legal analysis of unilateral and disproportionate measures (Badini, 2013).

The cumulative discussion confirms that the ICJ's contribution to sanctions legitimacy operates through interpretative refinement rather than direct declaration. By embedding sanctions within the analytical framework of sovereignty, non-intervention, proportionality, collective obligation, and state responsibility, the Court has constructed a layered legality test. This test does not categorically prohibit sanctions but subjects them to structured scrutiny. Such an approach aligns with broader doctrinal trends in international and comparative law that favor principled balancing over rigid formalism (Katouzian, 2007; White, 2003).

In conclusion, the findings demonstrate that the International Court of Justice, through its interpretative and norm-setting function, has become a central actor in shaping the contemporary legal discourse on sanctions legitimacy. While indirect and cautiously articulated, this role is nevertheless substantial. By clarifying legal criteria and reinforcing substantive constraints, the Court has contributed meaningfully to limiting coercive economic measures and to integrating sanctions within a principled framework of legality in modern international law.

7. Conclusion

This study, through a focused analysis of the judicial and advisory practice of the International Court of Justice, has examined the role of the Court in shaping and guiding the legal evaluation of international sanctions. The findings demonstrate that, although the Court has refrained from issuing explicit and comprehensive rulings on the legitimacy of sanctions as a distinct legal category, it has nonetheless constructed a coherent framework for their assessment through the interpretation and gradual development of fundamental principles of international law. This framework assumes particular importance in light of the absence of unified and codified rules governing the legality of sanctions within the international system.

The analysis of the Court's contentious jurisprudence reveals that principles such as non-intervention, prohibition of coercive interference, necessity, proportionality, and respect for fundamental human rights function as core constraints on the imposition of sanctions. Through the clarification of these principles, the Court has indirectly limited the scope of permissible economic pressure and has emphasized that sanctions cannot be detached from their humanitarian consequences or from their consistency with legitimate objectives recognized under international law. In this sense, the Court's reasoning has contributed to integrating sanctions within a broader normative structure that prioritizes legality, balance, and accountability.

The study further shows that the advisory opinions of the Court have played a distinct but complementary role. By elaborating concepts related to collective obligations and the duty of non-recognition of unlawful situations, advisory reasoning has provided an important normative foundation for understanding multilateral sanctions as potential legal responses to serious breaches of international law. At the same time, the Court's cautious and incremental approach has meant that the criteria for sanctions legitimacy remain implicit rather than explicitly codified. This interpretative openness allows room for divergent state practice and, in certain contexts, for expansive or controversial readings of legality. Nevertheless, the Court's practice continues to function as an authoritative interpretative reference that significantly influences legal reasoning, state conduct, and policy formulation.

In sum, the International Court of Justice has, through its interpretative and norm-setting function, played a decisive role in shaping contemporary legal discourse on the legitimacy of sanctions. By embedding sanctions within a principled framework grounded in sovereignty, proportionality, responsibility, and respect for fundamental rights, the Court has contributed to constraining coercive economic measures within the bounds of legality. Continued clarification and progressive articulation of standards in this field may further strengthen legal certainty, reduce the risk of misuse of sanctions, and promote adherence to the rule of law within the international legal order.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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