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Reassessing Boycott in International Law: From Coercive Practice to Human Rights Discourse

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Abstract

Boycott, historically conceived as a coercive instrument in international law, has evolved into a multifaceted phenomenon at the intersection of economic regulation, state sovereignty, and human rights. This study reassesses the legal status of boycotts by situating them within both the coercive practices traditionally used by states and the emerging human rights discourse shaping contemporary international relations. Employing a descriptive-analytical method, the article explores the conceptual contours of boycott, its distinction from embargo, and its normative evaluation under the United Nations Charter, World Trade Organization rules, and customary international law. Particular attention is given to the principles of proportionality, necessity, and non-discrimination as determinants of legitimacy, as well as to the jurisprudence of international bodies that have addressed boycott-related claims. Through historical and contemporary case studies, the paper demonstrates that while boycotts can serve as lawful non-military coercive measures, their effectiveness and legitimacy ultimately depend on conformity with international agreements, human rights standards, and diplomatic considerations. The findings underscore the need to reconceptualize boycott not only as a coercive practice but also as a

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tool embedded in broader transnational debates on accountability and human rights.

Keywords

Civil boycott, international legitimacy, human rights, international law, non-state actions, transnational accountability.

Introduction

In the contemporary international legal order, civil boycotts have emerged as a growing form of non-governmental and non-military pressure. These actions typically based on the organized refusal to engage in economic, commercial, or cultural interactions with specific actors such as states, corporations, or institutions are orchestrated by non-state entities, including non-governmental organizations (NGOs), consumer groups, and civil society networks. In contrast to formal sanctions enacted through international resolutions or unilateral governmental measures, civil boycotts derive their legitimacy not from institutional authority but from ethical, social, and human rights-based grounds, rooted in popular legitimacy. The non-coercive and voluntary nature of such initiatives ostensibly aligns them with fundamental principles of international law particularly Article 2(4) of the UN Charter, which prohibits the use of force thus endowing them with a degree of customary legitimacy as a response to violations of international norms.

Nevertheless, the absence of a coherent, transparent, and binding legal framework governing the regulation and assessment of civil boycotts raises fundamental questions regarding their legal status within the international legal system. For instance, if these boycotts result in adverse consequences for civilians or conflict with core human rights norms, they may give rise to violations of international obligations by the states or entities initiating or supporting them. This legal tension becomes particularly acute when civil boycotts contradict binding international instruments such as the International Covenant on Civil and Political Rights (ICCPR) or the Universal Declaration of Human Rights.

Against this backdrop, the present study originates from a core legal dilemma: despite extensive historical evidence demonstrating the effective application of civil boycotts—such as consumer-led resistance movements against South Africa’s apartheid regime—the legal status of such measures, in light of *jus cogens* norms, human rights obligations, and the principle of state sovereignty, remains underexplored. Existing literature has predominantly adopted economic or political perspectives on this issue, leaving a gap in systematic legal analysis, particularly in relation to the legitimacy and efficacy of civil boycotts under international law.

From this theoretical lacuna arises the central research question: To what extent can civil boycotts be considered legitimate, valid, and effective within the framework of international law? And what legal and practical factors determine their legitimacy and effectiveness? The working hypothesis underpinning this research is that civil boycotts, when conducted in accordance with principles such as proportionality, necessity, non-discrimination, and respect for human rights, may serve as legitimate and acceptable mechanisms for peacefully addressing disputes and exerting pressure on violators of international norms; otherwise, they risk constituting violations of international legal obligations themselves.

The primary objective of this study is to develop a legal, analytical, and comparative framework for evaluating the legitimacy and effectiveness of civil boycotts in the international legal order. This framework seeks to distinguish civil boycotts from formal economic sanctions or blockades, by examining their conceptual, operational, and normative dimensions, and to identify criteria that differentiate lawful from unlawful actions. The study also aims to analyze historical experiences and jurisprudential practices including decisions of the International Court of Justice (ICJ) and reports by the United Nations Human Rights Council to assess the performance and legal implications of civil boycotts in practice.

From a methodological standpoint, this research employs a qualitative approach grounded in descriptive-analytical methods. Data collection draws on

library-based resources, international legal documents (such as the UN Charter and General Assembly resolutions), judgments of international tribunals (including the ICJ and WTO Dispute Settlement Panels), and historical case studies (such as public boycotts against the apartheid regime). The data analysis adopts a comparative and interdisciplinary perspective, aiming to construct a comprehensive legal picture of the normative position of civil boycotts within the architecture of international law.

1- Literature Review

Civil boycotts particularly those that are organized and rooted in social spontaneity have increasingly become a prominent element in contemporary discourses of international law and global ethics. As the scope of these actions expands across religious, human rights, economic, and political domains, the necessity of reexamining them within structured legal analytical frameworks has grown substantially. Scholarly literature over the past two decades reflects a marked shift in the perception of boycotts: they are no longer viewed merely as political or economic tools, but rather as multidimensional, interdisciplinary acts embedded in broader constructs such as civil responsibility, transnational justice, non-state agency, and ethics-driven participation.

In this context, Sharona Aharoni-Goldenberg and Gerry Leisman (2023), in their article titled *“Boycott” – A Proposed Legal Definition Put to Test* (published in the *Hofstra Labor and Employment Law Journal*), seek to articulate a precise and functional legal definition of boycott that could be applied in judicial proceedings and international policymaking. They define boycott as a conscious, voluntary, and morally committed act undertaken in response to violations of fundamental norms. The novelty of their work lies in approaching boycott not merely as an economic or political instrument, but as a legally relevant act with normative and adjudicative implications. The study further attempts to integrate the concept of civil boycott into the realms of labor and commercial law, thereby bridging the gap between international legal frameworks and domestic legal systems.

In a groundbreaking contribution, Ozat Shamshiyev (2024), in his article “*Consumer Boycotts and Jurisprudential Challenges Related to Identifying Their Legal Cause (‘Illah)*” (*İlahiyat Tetkikleri Dergisi*, vol. 61, pp. 179–193), examines consumer boycotts through the lens of Islamic jurisprudence. Drawing on both classical and contemporary legal texts, the author seeks to determine the underlying legal cause (‘*illah*) that justifies such acts within Sharia-based legal reasoning. By analyzing practical examples of boycotts in Muslim-majority societies, Shamshiyev conceptualizes these actions as legitimate responses to perceived offenses such as the desecration of sacred values, violations of religious dignity, and support for adversaries of the Muslim ummah. He argues that such boycotts are only jurisprudentially valid when they align with the objectives of Islamic law (*maqāṣid al-sharī‘ah*), including the prevention of harm (*daf‘ al-mafṣadah*), restoration of dignity, and protection of collective welfare. The article significantly contributes to the normative discourse on Islamic law and establishes a conceptual bridge between Islamic legal principles and the international normative order.

In a complementary historical-analytical perspective, Jonas M. Geweke (2024), in his article “*The Management of International Boycotts in Historical Perspective: Volkswagen and the Arab League Boycott, 1960–1977*” (*Business History*), explores archival documentation surrounding the German automobile company Volkswagen’s strategic responses to the Arab League’s boycott of Israel. The study reveals how multinational corporations, in pursuit of safeguarding their global interests, often resort to ambivalent policies, institutional opacity, and strategic information control. Geweke demonstrates that, despite the lack of formal legal enforceability, civil boycotts can exert sufficient normative and reputational pressure to drive corporate behavioral change. His work advances contemporary debates on transnational corporate accountability, particularly in the context of non-state social and political pressures.

J. Benton Heath (2024), in his article “*Economic Sanctions as Legal Ordering*” (published as a *Temple University Legal Studies Research Paper*),

analyzes economic sanctions through the lens of legal ordering theory, treating them not merely as instruments of coercion but as mechanisms for shaping emergent legal structures. Heath argues that sanctions—even in the absence of formal resolutions by international institutions—possess the capacity to generate de facto normative and practical obligations which, over time, may crystallize into customary international law. He highlights the significant role of non-state actors in driving normative change within the international legal system and frames sanctions as one of the informal pathways for the articulation and consolidation of emerging legal norms. This perspective challenges traditional state-centric models of lawmaking by recognizing the dynamic, pluralistic processes through which legal meaning and obligation are constructed in the global arena.

J. Depray Muir (1974), in his classic article “*The Boycott in International Law*” (published in *The Journal of International Law and Economics*), sought to analyze the legal nature of boycotts within the framework of the international legal system. He conceptualized the boycott as a form of protest action which, depending on its scope, motivation, and effects, may lie at the boundary between legitimate conduct and unlawful coercion. This article represents one of the earliest scholarly attempts to link civil society’s political freedom with international public order in the legal analysis of boycotts.

2- Civil Boycotts as Instruments of Nonviolent Pressure in International Law and the Challenges of Legitimacy

In contemporary international law, one of the most debated and contentious issues is the legitimacy of unilateral economic measures imposed by states as tools of non-military pressure in international relations. These measures, particularly when applied extraterritorially, raise significant challenges regarding their compatibility with fundamental principles of international law—including respect for state sovereignty, the principle of non-intervention, and the protection of human rights (Schmidt, 2022: 70).

In the absence of authorizations by competent international bodies such as

the United Nations Security Council, the legitimacy of such sanctions largely depends on adherence to core principles such as proportionality, necessity, and temporal limitation (ILC Draft Articles, 2025). Given that the law of sanctions constitutes a relatively nascent and evolving branch of international law, it has not yet reached a stable consensus in many of its theoretical and procedural dimensions. Consequently, the legal assessment of protest-based measures like civil boycotts remains particularly complex.

According to international legal norms, states that have suffered violations of their rights or legitimate interests may, under certain conditions, resort to countermeasures. These measures—commonly referred to as non-military pressure tactics or unarmed countermeasures—are generally categorized into two types: (1) measures that may escalate toward confrontation, and (2) measures confined to non-crisis domains.

Economic sanctions, trade restrictions, diplomatic boycotts, and even civil sanctions are among the most common tools of non-military pressure. Civil sanctions—whether imposed by public institutions, non-governmental organizations, or even states—are increasingly recognized as standard responses to breaches of international obligations.

The role of international institutions, particularly the United Nations Security Council, is crucial in structuring such measures. Pursuant to Articles 41 and 42 of the UN Charter, the Security Council is authorized to initially implement non-military measures, such as economic sanctions, and, if ineffective, escalate to military interventions. These instruments may include asset freezes, export and import bans, or the severance of diplomatic relations (Şafak, 2021: 319). However, Article 2 of the UN Charter explicitly prohibits the use of force and underscores the necessity of resolving disputes peacefully through negotiation, arbitration, mediation, or referral to international tribunals (Acer, 2022).

Accordingly, civil sanctions, as they are known in legal literature, may be deemed legitimate mechanisms of dispute resolution when they remain non-military in nature and are grounded in international legal principles. These protest-based actions are typically designed to mobilize public opinion and

pressure the target state to comply with international norms, and they can be justified within the framework of fundamental principles of international law, including the peaceful settlement of disputes and the prevention of escalation and conflict.

When implemented purposefully and in accordance with legal standards, such measures can contribute meaningfully to the promotion of international peace and security. Based on this understanding, the present study, focusing on civil sanctions as a soft, non-state-driven instrument, seeks to reexamine their legal status and assess the criteria for their legitimacy, effectiveness, and limitations through the lens of international practice and legal instruments.

3- A Conceptual and Analytical Reappraisal of Consumer Boycotts within Legal and Interdisciplinary Studies

Consumer boycotts, or what is often referred to in international discourse as “organized refusal,” represent a form of socio-economic action aimed at expressing dissatisfaction with the behavior of an economic actor, governing institution, or specific state. This is operationalized through the voluntary abstention from purchasing or using certain goods or services. As a civil expression of objection to policies perceived as unethical, discriminatory, or violative of international norms, such boycotts seek to apply indirect yet effective pressure on the targeted party by leveraging the economic power of the community.

Among leading theorists in this field, Monroe Friedman holds a prominent position. In his classical definition, he characterizes consumer boycotts as: “*the conscious and voluntary abstention by a group of consumers from buying specific products with the aim of influencing the policy or economic behavior of the producer, ultimately in pursuit of a particular social or political goal*” (Friedman, 1985: 97). This definition has been further developed in his later works and is widely recognized as the conceptual foundation for this form of economic resistance in public discourse.

From a legal perspective, organized boycotts are not merely isolated or

reactionary acts, but may function as strategic tools for promoting international norms, fostering social responsibility, and demanding political accountability. Especially in contexts where formal political institutions prove ineffective, such forms of civil protest can serve as alternative mechanisms for advancing justice and addressing structural inequalities. This has increasingly drawn the attention of interdisciplinary scholarship—particularly in fields such as international law, political economy, and sociology—toward the transformative potential of boycotts in reshaping global dynamics.

In the literature of international law, boycotts are at times recognized as spontaneous, grassroots responses by the citizens of one country to oppressive or human rights-violating actions taken by another state. In this framework, consumers strategically withhold purchases or use of specific goods in an effort to apply social and economic pressure on the offending government, compelling it to revise its conduct (Topçuoğlu, 2016: 218).

By reviewing various definitions in this field, three fundamental components can be identified in the analysis of consumer boycotts:

1. Organization and collective backing, which is sometimes accompanied by coordination from civil society institutions or even tacit support from governments;
2. The protest and consumption-avoidance nature, manifested through the refusal to purchase or use specific goods or services;
3. Strategic continuity and persistence until the desired objectives are achieved, which can exert sustained pressure on the targeted producer or government.

From a linguistic perspective, the term “**boycott**” is derived from the name of Captain Charles Boycott, a 19th-century Irish landlord who, in 1880, faced social and economic ostracism as a result of oppressive treatment toward local workers. This action, which involved a refusal to cooperate or engage with him, later became an inspiring model for the development of civil resistance tools in other countries (McEvoy & Bryson, 2022: 74).

Boycotts, as a form of organized protest, have historically evolved from a

limited and localized reaction into a structured instrument with global capacity to confront structural injustices, institutionalized discrimination, and violations of fundamental human rights. The historical transformation of this civil tool has elevated it from individual or group action to an internationally impactful method, becoming one of the key nonviolent resistance strategies against various forms of domination and exploitation.

Contrary to the common perception that traces the conceptual origins of boycotts to 19th-century events, historical evidence suggests that early forms of such actions—specifically, deliberate refusals to engage in economic or commercial cooperation—can be identified centuries earlier, particularly within colonial societies. A notable example is the reaction of American colonists in the late 18th century to the imposition of unjust taxes by Britain. The collective refusal to purchase imported British goods in cities like Boston, New York, and Philadelphia was not only a form of economic protest against colonial domination but also helped catalyze independence movements, ultimately leading to the American Revolution.

In the United States, civil boycotts gradually became powerful tools for combating racial discrimination and entrenched social inequalities. Two notable examples include:

The **Harlem bus boycott (1941)**, led by Adam Clayton Powell, organized in response to widespread racial discrimination against African Americans;

And the **Montgomery bus boycott (1956)**, led by Martin Luther King Jr., which became a pivotal moment in the American civil rights movement, significantly contributing to reforms in racial policies and the advancement of minority civil rights (Gelb, 1995: 70).

These historical experiences demonstrate that boycotts, beyond their purely economic dimensions, have often played a vital role in legitimizing protest actions, mobilizing public opinion, and driving legal and political change. Especially in contexts where formal political participation channels or legal grievance mechanisms were ineffective or blocked, civil boycotts emerged as

legitimate and effective mechanisms for demanding change.

Although this instrument operates outside the traditional frameworks of inter-state sanctions or judicial penalties, it has considerable capacity for reinforcing international norms and exerting soft pressure on human rights violators. As such, civil boycotts can be seen as part of a new global accountability regime—one that enables effective action for behavioral reform in states or institutions, without resorting to force.

4- Sanctions in the Framework of International Relations: Conceptual Positioning, Strategic Dimensions, and Comparative Typology

In contemporary international relations, sanctions have assumed a multifaceted role as one of the most important instruments of non-military pressure. Their functions are not limited to the formal domains of foreign policy; rather, they are also observable within the broader contexts of civil engagement, social movements, and public diplomacy. Owing to their flexible nature and adaptability to diverse conditions, sanctions are increasingly utilized by non-state actors, international institutions, and even individual consumers.

4-1- The Link Between Civil Resistance and Official Diplomacy

Historical studies reveal that many of the most effective sanctions at the international level were initially launched by civil society initiatives and subsequently legitimized through the endorsement of governing institutions. This dual-track pattern illustrates that sanctions operate at the intersection of informal activism and structured political intervention, and can serve as mediating tools for achieving broader objectives within the international system (Grauvogel, Licht, von Soest, 2017: 87).

4-2- Theoretical Approaches: Individual vs. Collective

In the analytical literature, two major approaches are identified in explaining the origins of sanctions:

Individual sanctions, which stem from the personal decisions of consumers based on moral or experiential motivations (Baron, 2003).

Collective sanctions, which emerge through structured actions grounded

in organized social networks (Cissé-Akpolat, 2017: 21).

The interplay between these two levels of action reflects the dynamic nature of sanctions and the potential for individual behavior to escalate into collective action—and vice versa.

4-3- Functional Typology of Sanctions: Punitive and Catalytic

According to the analysis by Lasarov, Hoffmann & Orth (2023), sanctions can be functionally categorized into two broad types:

Punitive sanctions, aimed at penalizing and diminishing the capacity of the targeted actor.

Catalytic sanctions, intended to gradually influence and modify the behavior of the target through sustained pressure.

This typology plays a significant role in the strategic assessment of sanctions within foreign policy-making contexts.

4-4- Thematic Typology of Sanctions

According to the studies by Erat (2022), sanctions can be categorized into various types based on their content, motivation, and context of application:

Economic Boycott: The most common form, aimed at impacting the production chain and economic profits of the targeted actor.

Religious Boycott: Rooted in religious value systems, applied in response to blasphemous or anti-faith content.

Minority Boycott: Used by marginalized groups to protest structural discrimination and demand social justice.

Ecological Boycott: Targeted against environmentally destructive activities, often supported by environmental organizations and conscious consumers.

Relational Boycott: A symbolic consumer response to negative personal experiences with certain brands, which may evolve into broader social movements.

Labor Boycott: Launched in protest against violations of fundamental labor rights—such as exploitation or unsafe conditions—with the goal of prompting changes in employer policies.

In accordance with the principles of international law—particularly the prohibition on the use of force, and the principles of proportionality and necessity—sanctions that are non-violent, targeted, and strategically applied can be regarded as legitimate mechanisms for exercising international responsibility. Such sanctions do not contradict legal norms but rather operate in service of justice, accountability, and the promotion of global ethical standards.

5- Conceptual and Operational Distinction Between Boycott and Economic Embargo

In the analysis of non-military coercive tools under international law, the conceptual and functional distinction between *boycott* and *embargo* holds significant importance. Although these terms are sometimes used interchangeably in media discourse and public language, they differ fundamentally in legal nature and operational context.

5-1- Conceptual Background and Semantic Evolution

Historically, the term "embargo" referred to the prohibition of movement of ships and goods in or through a country's ports or territorial waters—typically as a retaliatory or security measure during international conflicts. Over time, with structural developments in the international legal system, the meaning of embargo expanded. Today, it encompasses a range of formal governmental or intergovernmental actions aimed at restricting the export or import of specific goods or services to/from a target country (Kenton, 2022: 24).

In contrast, the boycott is inherently voluntary, informal, and largely morally driven. It is usually initiated by non-state actors—including consumers, social groups, civil society organizations, or even private companies—with the aim of pressuring a specific actor to change a particular behavior or policy. The spontaneous, norm-based, and participatory nature of the boycott clearly differentiates it from binding legal measures such as embargoes (Eren, 2023: 242).

5-2- Distinction in Actors and Mechanisms of Implementation

One of the most fundamental differences between a boycott and an embargo lies

in the identity of the actor that initiates the action:

An embargo is a formal and organized measure implemented by states or authorized international bodies (such as the United Nations Security Council), typically based on security, strategic, or political considerations.

In contrast, a boycott is generally initiated bottom-up, by informal societal actors in response to violations of moral, social, or international norms (Toprak, 2019: 148).

5-3- Distinction in Trade Patterns and Scope of Impact

Boycotts are usually aimed at avoiding the import or consumption of specific goods or services within the consumer society, thereby exerting indirect economic pressure on the exporting entity or country.

Conversely, an embargo typically involves a prohibition on the export of goods from the sanctioning country to the target country, aiming to weaken the target's production capacity, supply systems, or commercial power.

5-4- Analysis of Legitimacy and Legal Targeting

Embargoes possess formal, legal, and at times military mechanisms, and in many cases require approval at high levels of governance (such as congress, parliament, or security councils). In contrast, boycotts, especially those driven by consumers, are based on voluntary action, public consent, and social self-regulation, and lack binding legal frameworks.

From the perspective of international legitimacy, embargoes enacted under Chapter VII of the UN Charter and pursuant to Security Council decisions benefit from legal backing and recognized multilateralism. In such cases, these measures may pursue goals such as preventing violations of peace, responding to aggression, or punishing states that breach international obligations.

However, unilateral embargoes outside the framework of the United Nations—particularly those imposed by Western countries against developing nations—are often criticized as political tools lacking legitimacy, as they tend to serve strategic unilateral interests more than the cause of international justice.

On the other hand, civil or consumer-based boycotts, although lacking formal

legal enforceability, can have significant impact due to their moral foundation, public engagement, and social legitimacy. These types of boycotts are not only considered legitimate responses to violations of international norms, but also exemplify the exercise of transnational moral responsibility by the global civil society (Rowhani, 2023: 7).

6- Historical Examples of Boycotts in International Relations: A Comparative Analysis within the Framework of International Law

Boycotts have historically functioned not only as tools of civil resistance, but also as mechanisms to influence the political behavior of states and corporations. In the modern era—especially after World War II—this instrument has become a key component of both foreign policy and civil activism.

Numerous empirical and theoretical studies, including research by Yu et al. (2020), have demonstrated that boycotts can affect indicators such as brand credibility, consumer demand, and foreign investment. These impacts, particularly when coordinated at the international level, can exert significant pressure on the targeted state.

In the context of tense intergovernmental relations, boycotts are often reactions to ideological, religious, or geopolitical disputes. Under such circumstances, the boycott becomes a means of expressing public dissatisfaction and exerting informal pressure on ruling institutions. The theory of Consumer Animosity is among the most effective conceptual frameworks for explaining these behaviors (Diamantopoulos, 2007: 8).

From the standpoint of international economic law, unilateral sanctions can have serious consequences for the target country's economy—from a decline in foreign investment and disruption of supply chains to employment stagnation and the collapse of developmental capacities. However, the severity of these effects varies depending on the internal structure of the target economy, its dependence on external markets, and the degree of institutional readiness for adaptation.

In addition, boycotts motivated by political or ethical concerns often carry a

symbolic dimension. These types of sanctions aim to influence public opinion and delegitimize specific policies, impacting not only the market sphere but also the realms of public diplomacy and media discourse.

7- The Perspective of International Law and International Institutions on the Legitimacy of Economic Sanctions

Economic sanctions, as a common tool in response to violations of international norms, hold a special position in the international legal order. While the United Nations Security Council, based on Article 41 of the UN Charter (1945), has the authority to adopt non-military measures including economic, diplomatic, and transportation sanctions, the unilateral use of this tool by states has always been a subject of dispute and evaluation of legal legitimacy. Article 41, formed within the framework of *jus cogens* rules, is considered a normative and binding basis for coordinated reactions to threats against international peace and security.

The key point regarding the legitimacy of such actions lies in their compliance with general principles of international law such as the principle of non-intervention, proportionality, and necessity. From a legal perspective, sanctions can only be considered legitimate if they are based on a serious violation of international obligations, aim to restore the violating state's commitment to international obligations, and are designed in a way that their effects are directed only at the violating state, not at civilians or third parties (Bot, 2019: 440–445). Proving such conditions, especially in tense international relations, is difficult and accompanied by numerous political and legal obstacles.

In the analyses of judicial bodies, particularly the International Court of Justice (ICJ), the legitimacy of restrictive economic measures is subject to specific requirements. If sanctions result in violations of international obligations or the principles of the UN Charter, they can be considered illegal actions and entail international responsibility of the imposing state. This issue is especially relevant when the imposed measures lead to discrimination, unnecessary deprivation, or harm to fundamental human rights (ICJ, 2024; Blum, 2016: 178–179).

On the other hand, if nationals of a country, during the enforcement of sanctions, commit acts of violence or damage against individuals or properties belonging to the targeted state, the originating state cannot absolve itself of international responsibility by invoking legitimate political motives. In such circumstances, responsibility is not subject to the principle of “legitimate retaliatory action”, but rather involves an obligation to compensate for the damages caused by individuals or groups under its jurisdiction.

Furthermore, although the International Criminal Court (ICC) does not have direct jurisdiction over economic sanctions based on the Rome Statute, if the consequences of such actions lead to acts constituting crimes against humanity or genocide, the Court may intervene (Akbaş, 2023: 205). In other words, sanctions must not result in systematic harm to civilian populations; otherwise, they may give rise to international criminal responsibility.

What is emphasized in the literature of international law is that restrictive economic measures, if implemented outside multilateral mechanisms and without compliance with binding international principles, will lead to legal instability in the international system. The international community and international organizations agree that the tool of sanctions can only be legitimate, effective, and acceptable if it is employed within legitimate international frameworks, with respect to the principles of fairness, non-discrimination, and temporariness, and with the goal of restoring the violated legal order to its previous state.

Economic sanctions, especially in indirect and voluntary forms, are only considered legitimate from the perspective of international law if they are imposed in response to a clear violation of binding international rules, and are designed within the framework of general principles such as proportionality, precise targeting, and non-infringement of *jus cogens* norms.

8- Analysis of Sanctions within the Framework of Security Exceptions in the Legal System of the World Trade Organization and International Reactions

In the legal system of the World Trade Organization (WTO), economic sanctions

and trade refusals are often evaluated under the concept of "security exceptions" in accordance with Article XXI of the General Agreement on Tariffs and Trade (GATT). This article allows member states, in times of emergency where vital national security interests are threatened, to deviate from the obligations of free trade. However, such actions must remain legally limited, consistent, and justifiable, and cannot be used as a cover for discriminatory policies or abuse of trade authority (Taira, 2024: 151; Gazzini, 2006: 723).

International economic law, in this regard, seeks to balance two fundamental principles: first, the protection of sovereignty and national security of states; and second, the assurance of stability and predictability in the global free trade system. This balance is particularly highlighted in WTO jurisprudence, such as the well-known case of "Russia – Measures Concerning Traffic in Transit." In this case, the dispute settlement panel accepted the legitimacy of invoking Article XXI of the GATT, while also emphasizing that states cannot interpret the security exception in a way that leads to arbitrary violations of international obligations. In other words, a realistic and restrictive assessment of security claims is necessary (Taira, 2024: 162–165).

Recent geopolitical developments, including the military invasion of Ukraine by the Russian Federation in February 2022, have provided a significant practical context for analyzing the interaction between international trade law and public international law. In response to this crisis, the European Union, relying on both domestic and international legal mechanisms, has designed and implemented a comprehensive framework of targeted economic, financial, and technological sanctions (Ülger, 2022: 9–10).

The EU sanctions against Russia can be categorized on three structural levels: first, the alignment with and implementation of UN Security Council-approved sanctions; second, the imposition of stricter complementary measures under the title of "hybrid sanctions"; and third, the enforcement of independent actions based on the EU's Common Foreign and Security Policy (CFSP) initiative (Uygun, 2023: 138). The objectives of these measures go beyond mere economic considerations and include weakening Russia's military capabilities, preventing

access to advanced technologies, and promoting international isolation of Russia in financial and diplomatic arenas.

Among the unprecedented measures taken are: freezing approximately \$893 billion of Russian foreign exchange reserves in Western banks, excluding Russian financial institutions from the SWIFT system, and banning investment in the Crimean Peninsula. In this context, support for the principle of "territorial integrity" and the rejection of the legitimacy of border changes imposed through the use of force are considered fundamental priorities of these sanction regimes (Novianto, 2022: 505)

International convergence in this regard has also been notable. In addition to the European Union, countries such as Japan, South Korea, and Taiwan joined the coalition of states imposing sanctions on Russia—an indication of broad international consensus in defense of peremptory norms (*jus cogens*) of international law and opposition to the disruption of the established global order.

On the legal front, the action of the United Nations General Assembly on March 2, 2022, in adopting a resolution condemning Russia's invasion, served as a crucial component in legitimizing the sanctions imposed by states. The resolution, while non-binding in nature, emphasized the prohibition on the use of force under Article 2(4) of the UN Charter and called on Russia to immediately and unconditionally end its military occupation and its recognition of the self-proclaimed Donetsk and Luhansk republics. Although such resolutions are not legally enforceable, they provide significant legal and political legitimacy for retaliatory actions. The symbolic role of the General Assembly in shaping moral and political consensus in the international community has consistently contributed to the social acceptance of sanctions and has increased pressure on states that violate international law (Ülger, 2022: 9–10).

In response to Russia's military aggression against Ukraine, the Committee of Ministers of the Council of Europe decided on February 25, 2022, to suspend Russia's membership—a decision adopted with the affirmative votes of 42 out of the Council's 47 member states. The Parliamentary Assembly of the Council

of Europe (PACE) also introduced a proposal for Russia's expulsion, citing a "serious violation of the Statute of the Council." Before the finalization of this process, Russia voluntarily announced its withdrawal from the Council through an official letter sent by its Minister of Foreign Affairs to the Council's Secretariat (Akbaş, 2024: 41).

At the same time, the European Union, citing the deteriorating human rights situation in Russia, adopted a set of targeted sanctions. These included travel bans on specific individuals, freezing of financial and economic assets of persons and entities, and prohibitions on providing any financial or economic resources to designated individuals or institutions (Novianto, 2022: 505).

Within the framework of international law, there exists a complex relationship between boycotts and sanctions on the one hand, and the jurisdiction of international judicial bodies on the other. The response of these institutions to the legitimacy of such actions varies depending on the nature of the violation, the parties involved, and the evidence presented. The International Court of Justice (ICJ), the International Criminal Court (ICC), and the European Court of Human Rights (ECtHR) are among the bodies with jurisdiction over breaches of international law.

The International Court of Justice, as the principal judicial organ of the United Nations, is responsible for the legal resolution of disputes between states. In cases where one state imposes sanctions or an economic boycott against another, and such actions conflict with international obligations, the ICJ may be called upon to adjudicate. Its rulings, while primarily binding between the parties, can also indirectly influence the political and legal legitimacy of the sanctions (ICJ, 2024).

The jurisdiction of the International Criminal Court (ICC) under the Rome Statute is limited to four core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression (Akbaş, 2023: 205). Therefore, the ICC does not generally have jurisdiction over economic boycotts or sanctions, unless such measures are directly linked to the listed crimes, which in practice is extremely rare. However, if sanctions are implemented in such a

manner that they result in severe human rights violations or contribute to the commission of international crimes, the issue may be brought under the Court's jurisdiction, provided there is strong evidence and complex legal reasoning.

On the other hand, the European Court of Human Rights (ECtHR) often examines boycotts and sanctions within the framework of individual rights and freedoms, particularly freedom of expression. A notable example of this approach is the judgment in *Baldassi and Others v. France*, delivered on 11 June 2020. In this case, the Court found that the criminal conviction of eleven activists of the BDS campaign—who had called for a boycott of Israeli products—violated Article 10 of the European Convention on Human Rights, which protects freedom of expression (*Application No. 15271/16*). The Court held that boycott campaigns, as long as they remain within legal boundaries and do not incite discrimination or violence, constitute a legitimate form of political expression (Longo, 2021: 490).

The BDS campaign, launched in 2005 by Palestinian civil society organizations, is based on the 2004 advisory opinion of the International Court of Justice (ICJ), which found that the construction of the Israeli security wall in the occupied territories violated international law. The campaign seeks to exert political and economic pressure on the Israeli government to end its occupation, racial discrimination, and violations of Palestinian rights (Erakat, 2013: 95).

From the standpoint of international law, the use of boycotts as a tool to pressure a state that is deemed to be violating international obligations is, in many instances, recognized as legitimate. A historical example is the U.S. sanctions against Japan in the 20th century, which—although legally contentious in the eyes of some jurists—were considered politically justified (Steiner, 1976: 1360). Subsequently, the American Society of International Law suggested that when boycotts are used as a method for resolving international disputes, they may be regarded as legally justifiable.

Thus, in the jurisprudence of the ECtHR, boycotts have been acknowledged not only as political instruments but also as legitimate forms of protest expression, provided they are consistent with principles such as non-

discrimination and non-violence. Furthermore, historical analyses show that boycotts can gain international legitimacy, depending on their political context and legal objectives. In some instances, informal sanctions are framed as forms of civil protest. While certain courts may exhibit deliberate indifference toward such protest actions, in other cases they may deem them subject to punitive measures (Bloom, 2007: 72–119)

Conclusion

Civil sanctions, as one of the most prominent forms of non-state action in the contemporary international order, today play an active role not only in the context of social protests but also as instruments in the shaping of emerging international norms. Their voluntary, non-violent nature, grounded in the ethical agency of citizens and civil society organizations, distinguishes them from classical state-driven measures and places them in a unique position within modern theories of international law.

However, as demonstrated throughout this study, this conceptual distinction alone does not guarantee the legal legitimacy of civil sanctions in the international legal order. Assessing their validity and effectiveness requires a thorough reassessment of such measures within the framework of general principles, *jus cogens* norms, and the foundational structures of the global legal system.

From a theoretical perspective, civil sanctions may be understood through concepts such as collective moral responsibility, transnational justice, and participatory diplomacy. Such a redefinition allows these actions to be seen not merely as protest tools but as part of a broader process of norm diffusion and enhanced accountability among international actors. Nevertheless, given the state-centric nature of traditional international law, the legitimacy of non-state instruments is only acknowledged when they comply with key principles, including non-intervention, non-use of force, necessity and proportionality, and respect for fundamental human rights.

One of the central findings of this research is that the legitimacy of civil

sanctions hinges on their alignment with the core principles of international legal order. If such actions are conducted without discrimination, with legitimate aims, and in response to clear violations of global norms, they may be interpreted as legitimate mechanisms for moral and social pressure and for strengthening international accountability frameworks. In this light, civil sanctions have the potential to catalyze structural transformations in international law, particularly in contexts where official institutions fail to fulfill their traditional roles.

At the same time, the constructive potential of civil sanctions can only be realized if their implementation is guided by careful consideration of their human, political, and economic consequences. If applied indiscriminately, emotionally, or without a targeted approach, they may themselves become sources of human rights violations and legal instability. Therefore, adherence to principles such as transparency of objectives, limited scope, proportionality to the offense, and public accountability mechanisms are indispensable for the legal and ethical justification of such actions.

Conceptually, civil sanctions occupy a liminal space between civil protest and non-state political action; they can simultaneously serve as constructive tools for cultivating global conscience and, if lacking in moral or structural integrity, become instruments for eroding social capital and intercultural diplomacy. Thus, the legal and ethical responsibility of actors in regard to the consequences of such sanctions must be considered under the framework of public international law, especially when these actions—whether directly or indirectly—lead to infringement of fundamental rights or undermine normative cohesion within the international community.

In the long term, a critical requirement in addressing this phenomenon is the development of soft-law frameworks and operational criteria for assessing the legitimacy and effectiveness of civil sanctions. The absence of such criteria not only complicates academic evaluation of these tools but also leads to interpretive conflicts among judicial, diplomatic, and civil institutions. Meanwhile, the evolving nature of international law necessitates the transformation of normative analytical tools in response to new forms of transnational activism.

Accordingly, it may be concluded that while civil sanctions do not constitute part of the classical enforcement mechanisms of international law, they can—if in line with fundamental legal principles—be recognized as legitimate instruments of pressure and accountability. The historical, ethical, and legal imperatives of our time demand that the international community, lawmaking bodies, and international law scholars move toward establishing clear standards regarding the legitimacy, scope, and responsibility associated with civil sanctions. Only then can these instruments retain their dynamism while contributing to the reinforcement of global norms and the advancement of the international legal order.

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