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**RESEARCH**

**WORK**

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Work has executed: the student of group 1-3а-94. Хасанов Д

The scientific chief: Ñàèäîâ

Ð.Ò êàí. Þðèä. Sciences.

The adviser for foreign language: Cафарова Ê.À.

Ташкент-98

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**Introduction**

A question on the sanctions, which should be applied to агрессору, until recently did not involve(attract) to itself of attention of wide sections and served a subject of study only of small group of the lawyers, experts on application of the sanctions a UN, and separate political figures. The question this seem especially academic, that is torn off from life. But since the end of a 1935 in connection with итало-абиссинским by the conflict, and then by beginning of the second world(global) war and present regional conflicts this question has become most urgent. This problem appears and in внешнеполитической of activity of a Republic of Uzbekistan. The president of a Republic of Uzbekistan И.А. Каримов in the performance(statement) as one of methods of the sanction of the regional conflicts offered messages of embargo on importation of arms and raw material for management of military actions in territory struggling государств1.

The question on the sanctions acquires a urgency in connection with all international conditions involved in new wars for ïåðåäåë of the world.

In these conditions the consolidation of forces of countries interested in preservation of the world, is the important problem. It can be made by strenghtening system of collective safety, which part are the sanctions.

As the sanctions hinder a rule(situation) àãðåññîðà, a Republic of Uzbekistan, being guided by the policy(politics) of the world, has supported system of the sanctions used by the United Nations Organization.

Some lawyers by a name of the sanctions designate usually measures directed to maintenance of observance of the law. The sanctions, as a rule, take the form of punishment for defiance of the law. A problem of the sanctions, partly ïðåâåíòèâíàÿ, as the threat of application of the sanctions in the certain cases should keep the infringer of the law, or àãðåññîðà, from his(its) agressive actions, and partly positive, as the sanctions already after defiance of the law, or the aggressions, are false to help to restore the infringed balance. In the field of the международно-legal attitudes(relations) the question on the sanctions acquires a urgency there, where the speech goes about struggle for preservation of the world. From different promptings come to a problem of the sanctions of the states which have organized a UN, and Republic of Uzbekistan have in sphere of the international attitudes(relations) by the main problem and the purpose struggle for preservation of the world.

In the present research work I put to myself by a problem to analyse system of the sanctions stipulated by the Charter a UN, and to understand its(her) economic efficiency as on the basis of the general(common) analysis of conditions of world(global) facilities(economy), and on the basis of study of experience of application of the sanctions to some àãðåññîðàì.

With this purpose the work will be conducted in two directions which have received the reflection in two chapters of work. Each chapter will consist of three sections. In the first chapter will be ïðîèññëåäîâàíû questions of the международно-legal responsibility, general(common) concept, basis of the responsibility and classification of international offences. In the second chapter all kinds of economic sanctions (export embargo, embargo on import, reparation, restitution, ðåïðåññàëèè, ñóáñòèòóöèè etc.) used to the states to the offenders will be directly considered.

**Глава-I. The международно-legal responsibility**

**1.1. General(common) concept of the международно-legal responsibility**

The международно-legal responsibility is a set of the legal attitudes(relations), which arise in the modern international law in connection with an offence, ñîâåðø ё ííûì by any state or other subject of the international law, or in connection with damage, reasons ё ííûì by the state to other states as a result of lawful activity. In one cases these ïðàâîîòíîøåíèÿ can concern directly only states - offender and suffering state, in other - can mention the rights and interests of all international community. Point of view;!from the point of view of consequences these ïðàâîîòíîøåíèÿ can be expressed for want of offences in restoration of the infringed right, in reimbursement of a material loss, in acceptance of the various sanctions and other measures of collective or individual character to the state which has infringed the international responsibility, and in case of harmful consequences for want of of lawful activity - in the responsibility to make appropriate indemnification.

Ïðàâîîòíîøåíèÿ of the responsibility in the international law result from wrongful actions or inactivity of the state infringing his(its) international responsibility. With ó÷ ё volume that, that the norms of the rights regulating questions of the responsibility, come in actions only for want of infringement of primary (material) norms, some authors name ïðàâîîòíîøåíèÿ of the responsibility as derivative, or вторичными1.

The norms regulating the responsibility of the subjects of the international law, differ from «main», or «primary», norms. The representative(representative) of the Netherlands to a Commission of the international law a UN À.Òàììåñ fairly has noticed, that « the main norms are those, which directly influence actions of the states. Derivative norms are those, which concern to the responsibility of the states, intend for assistance to practical realization in life of an essence of the international law contained in main norms » .2 is very important to not miss from a kind, that an establishment of «primary» norm and contents of the obligation based on it(her), - one party of business, and establishment that, whether that the obligation was infringed, and if yes, what should be consequences of this infringement, - other party. Only last also is sphere of the responsibility as such. The establishment of norms of the international law named «primary» frequently requires(demands) development(manufacture) of the vast and numerous articles, whereas the question on the responsibility is connected to development(manufacture) rather of few norms sometimes carrying general(common) character. However it is necessary to agree with remark contained in one of the reports of a commission of the international law a UN that possible(probable) in this case « ëàêîíè÷íîñòü of the formulation the speech èä ё ò about a simple problem does not mean at all, that. Opposite(on the contrary), in connection with each moment âñòà ё ò set of complex(difficult) questions, each of which should be considered, for all of them influence choice of the proper formulation » 1. The application of norms ìåæäóíàðîäíî - legal responsibility results in occurrence of the new international legal attitude(relation), which derivates, on the one hand, responsibility of the state - offender to stop wrongful actions to restore the infringed right of the suffering state to reimburse of the reasons ё ííûé damage or to undergo to the sanctions, and on the other hand, right of the affected party to require(demand) of the state - offender of fulfilment of these responsibilities and to receive appropriate reimbursement and satisfaction.

The commission of the international law a UN, attending preparation of the project of the articles about the responsibility of the state for offences, has come to a conclusion about necessity to concentrate the efforts to researches of norms, which adjust the responsibility, and to conduct for want of it ÷ ё òêîå differentiation between this problem and problem which consists in an establishment of «primary» norms assigning on the state the obligation, which infringement can cause ответственность.1

The contents of the obligations, çàêðåïë ё ííûõ in «primary» norms, can be considered for want of definition(determination) of the contents and consequences of an offence. «Primary», or main norms of the international law, and «secondary» norms of the ìåæäóíàðîäíî-legal responsibility, it is necessary to consider in their interdependence and âçàèìîîáóñëîâëåííîñòè. Or else, without óÿñíåíèÿ the contents of main norms and rights, following from them, and responsibilities of the subjects of the international law cannot be defined(determined) point consequences of their infringement and to differentiate categories of offences.

The consequences of infringement of the international obligation should be in dependence as from the contents of «primary» norms, to which the given international obligation is based, and from their value for all international community. It concerns first of all infringement of the obligations connected to maintenance of the international world and safety, with the right on self-determination, protection of the rights of the person, protection of an environment, which should be considered as international crimes, that is as the special category of an offence.

In the report of a Commission of the international law about work å ё to the twenty fifth session is spoken, that, when the problems concerning definition(determination) of separate categories of offences will be considered, « then there will be first of all main question on, whether it is necessary now to admit(allow) existence of the distinction based on significance of the infringed obligation for international community, whether and it is necessary, thus, to reveal within the framework of the modern international law a separate category more ñåðü ё çíûõ ìåæäóíàðîäíî-illegal äåÿíèé, which, maybe, can be qualified by international crimes » 1.

Ó÷ ё ò of all changes, thus, acquires major significance for achievement of positive result in êîäèôèêàöèè of norms and principles of the responsibility in the international law. Correct their reflection is one of laws of development of the modern international law. Êîäèôèöèðîâàííûå of norm and the principles of the ìåæäóíàðîäíî-legal responsibility should fill in formed in this area of the international law a blank. In it one of problems êîäèôèêàöèè consists, in my opinion in the field of the ìåæäóíàðîäíî-legal responsibility. In this work regarding necessary to touch questions of a terminology and to define(determine) a place of the ìåæäóíàðîäíî-legal responsibility - in general(common) system of the international law. On the XXV sessions of a Commission of the international law has found expedient for a designation of an offence to use expressions « ìåæäóíàðîäíî-illegal äåÿíèå », instead of expression «äåëèêò» or other similar expressions, which sometimes can accept the special shade point of view;!from the point of view of some systems of the internal right. For example, the expression « ìåæäóíàðîäíî-illegal äåÿíèå » point of view;!from the point of view of French language is, probably, more correct, than the expression « the ìåæäóíàðîäíî-illegal sertificate(act) », by virtue of that reason, that ïðîòèâîïðàâíîñòü frequently is displayed in inactivity, and the latter precisely designate by the term «sertificate»(«act»), which on ñóòè induces on an idea on actions under it and some other reasons the commission has decided and for spanish language to use the accordingly term «hecho internacionalemente illicito», and for English language to keep the term «internationally wrongfull act», as the English term «act» does not cause such associations what this term causes in French and spanish languages.

Former soviet ìåæäóíàðîäíî-legal literature strongly included the term « an international offence ». The replacement by his(its) new term « ìåæäóíàðîäíî-illegal äåÿíèå », on my sight, is not caused by any necessity. All those reasonable reasons, which were resulted for change of the given term on French and spanish languages, for Russian the significances have not, as the term « an international offence » in Russian is supposed both action, and inactivity and we shall use in any case of illegal behaviour. Term « international offence » in Russian will be used for designation of action or inactivity, which can, according to the international law to be appropriated(given) to the subject of the international law and which the infringement of the international obligation have basic significance for all international community represents, the term « an international crime » will be used.

Ä.Б Ëåâèí writes, that development of the international law in present period âåä ё ò to allocation in separate branch of the right of the international responsibility. This branch, in his(its) opinion, should be entered by(with) three main categories of norms and institutes: first, norms and institutes concerning the responsibility of the state for an international offence and determining the basis and the form of this responsibility; secondly, norms concerning the criminal liability of the natural persons for international преступления.1 In the same branch, in my opinion, the responsibility of the state for damage, reasons ё ííûé should enter in connection with lawful activity, which follows from other basis, than international law.

The development of the international law requires(demands) in conditions of deep changes, occurring in the world, of overcoming of considerable difficulties in searches îáùåïðèåìëåìîãî of the agreement on that, as in what area of the international attitudes(relations) it is necessary to consider(count) as the right.

With the purposes of maintenance of the general world and safety a UN is called to promote observance of such attitudes(relations) between the states and peoples, which for want of can be observed respect for the obligations following from the agreements and other sources of the international law.

**1.2. Basis of the ìåæäóíàðîäíî-legal responsibility**

The basis of occurrence of the ìåæäóíàðîäíî-legal responsibility of the subject of the international law is the fulfilment by him(it) of an international offence.

The international offence is an action or inactivity of the subject of the international law infringing norms of the international law and the international obligations, íàíîñÿùèå to other subject either group of the subjects of the international law or all international community as a whole damage of material or non-material character (for example, sertificates(acts) of aggression, illegal restriction of the sovereignty, encroachment on territorial integrity and political independence, infringement of the obligations under the agreements and other.) 1. For want of it the responsibility arises, as a rule, only for want of availability ïðè÷èííîé of communication(connection) between illegal behaviour of the subject and caused damage.

Thus, components of an international offence attracting behind self the ìåæäóíàðîäíî-legal responsibility, are: action or inactivity of the subjects infringing norms of the international law; âìåíÿåìîñòü of an offence of the subject of the international law; causing of damage or âðåäà to other subject or group of the subjects of the international law.

Any references of the state to the national laws and rules in the justification of the behaviour which has resulted(brought) in infringement of norms the international laws and drawing of damage or âðåäà, are inadmissible. The references to ignorance of norms of the international law or on wrong their interpretation and application also are inadmissible. Practically all international offences are made consciously, purposely, is guilty. It is impossible to justify aggression of USA against Ãðåíàäû (October, 1983) and Libya (March, 1986), íàëåòû of aircraft ÞÀÐ on cities Çàìáèè and Çèìáàáâå (May, 1986), destruction by Israeli aircraft of iraq centre of nuclear researches (June, 1981), exhibiting by American mercenaries of mines in waters and ports of Nicaragua and other similar actions by the references to necessity « protection of life » or «interests». Especially, they cannot be issued for the sertificates(acts) of «self-defense» 1.

The illegal actions or inactivity presenting(causing) to occurrence of the ìåæäóíàðîäíî-legal responsibility the subjects of the international law can be made by state bodies (without dependence from their rule(situation) in system of public authorities and management), officials of the state acting on his(its) assignment(order) or from his(its) name, and also special bodies of the states allocated imperous authorities and acting from his(its) name. For example, responsibility for grab by the Israeli military ships of a greek vessel (the summer 1984) should bear government of Israel. The responsibility of the state can come(step) behind acceptance of the law or other normative sertificate(act) contradicting to norms of the international agreement, which participant it is by, or, on the contrary, for íåïðèÿòèå of the law, which it was obliged to accept according to the international obligations and which would prevent ïðîèñøåäøåå illegal event or action.

The responsibility of the state arises because of inactivity of government bodies in cases, when the duly interference of authorities could prevent wrongful actions. USSR in USA for want of connivance of the American official persons is known, for example, numerous cases of violence and even the armed attacks on diplomatic representations. In such cases the state was born by(with) ё ò the responsibility for criminal actions of the persons from among the citizens both foreigners and their organizations both for the foreigners and for actions (and inactivity) bodies, which have not prevented illegal actions, though could and should it make.

The responsibility of the state «Х» can arise and as a result undertaken on it(him) (or from it(him)) territory of illegal actions of the foreign state or his(its) bodies against the third state or group of the states. For want of it if these actions of the foreign state are made with is driven also of consent of the state «Х», it is the accomplice of illegal actions of the foreign state. However, if such actions are made without the knowledge of the state «Х», it bore ё ò the responsibility only in case his(its) bodies have not displayed « necessary vigilance » and these illegal actions of the foreign state did not stop. Is differently solved the problem concerning the states granting the territory for creation of foreign military bases or accommodation of the weapon: their ìåæäóíàðîäíî-legal responsibility for all possible(probable) dangerous consequences comes(steps) by virtue of the most legal fact - sanction to creation of military base or accommodations of the weapon.

The ìåæäóíàðîäíî-legal responsibility of the state can arise and for want of increase of authorities by state bodies or officials of the state, therefore can be has put ё í damage to the foreign state or his(its) natural or legal persons. In particular(personally), the state should compensate damage for want of interference in the high sea in case of failure of an oil tanker under condition of, if the measures undertaken by him(it), will exceed those, which were reasonably necessary for prevention, reduction or removal(elimination) ñåðü ё heat and real danger of pollution of coast нефтью1.

For actions of state bodies, military parts and divisions during war, when as a result of these actions the norms of the Geneva conventions about protection of victims of war of a 1949 and other international conventions, ðåãëàìåíòèðóþùèõ of a means and methods of management of struggle are infringed, the responsibility was born by(with) ё ò the state, which posesses these bodies, military parts and divisions. The state should accept legislative, administrative and other measures by, that the laws and customs of war, çàêðåïë ё ííûå in the acting conventions and agreements, were punctually executed by all state bodies, military connections and military men.

The ìåæäóíàðîäíî-legal responsibility of the subjects of the international law can come(step) not only by virtue of infringement of norms of the international law or obligations by agreement, but also for harmful consequences of lawful activity. She(it) can come(step) for want of drawing of a material loss by a source of increased danger, use or which application is forbidden by the international law (so-called responsibility for risk).

Sources of increased danger are, for example, court with nuclear power installations(aims) (ßÝÓ) and space objects started in space space. Court with ßÝÓ carry out the activity within the framework of freedom of navigation being a main part of freedom of the high sea, and the space objects can be started according to the Agreement for principles of activity of the states on research and use of space space, including the Moon and other heavenly bodies, 1967.

As in first and in the second cases speech èä ё ò about use of sources of increased danger, the states in the contractual order have agreed to recognize compulsion of reimbursement of the material loss which has arisen not in connection with any international offence, and it is exclusively(extreme) by virtue of the fact of causing of such damage (responsibility without fault).

In the Convention about the international responsibility for damage, reasons ё ííûé by space objects of a 1972 is spoken, that the starting state « was born by(with) ё ò the absolute responsibility for payment of indemnification for damage, reasons ё ííûé by his(its) space object on a surface of the Earth or air vessel in a floor ё those » 1.

**1.3. Classification of international offences**

In the international Law all international offences it is possible will divide into three large groups depending on a degree of their danger, scales and consequences:

а) International crimes;

б) Criminal offences of international character;

в) Other international offences (international äåëèêòû).

International crime - especially dangerous international offence encroaching on the vital interests the states and nations, undermining bases of the international law representing threat to the international world and safety.

In the project of the articles about the responsibility of the states prepared by a Commission of the international law a UN, ïîä÷ ё ðêèâàåòñÿ, that ìåæäóíàðîäíî-legal äåÿíèå, arising as a result of infringement by the state of the international obligation, so basic for maintenance of the vital interests of community, that his(its) infringement is considered as a crime before international community as a whole, makes international преступление1. To number of such international crimes concern: aggression, ãåíîöèä, àïàðòåèä, êîëîíèàëèçì, military crimes, crime against humanity etc. As such crimes mention practically âñ ё international community, the states according to the Charter a UN have the right to accept collective measures on their suppression.

The kinds of the armed violence used in international practice of many states are extremely diverse. Proceeding from definition(determination) of aggression from the facts of a history of the international attitudes(relations) after the second world(global) war, we can allocate the following most important kinds:

- agressive war;

-вооруж ё ííóþ intervention;

-âîîðóæ ё ííûå the agressive shares, that is separate âîîðóæ ё ííûå attacks which are not carrying of character wars or intervention;

- the input âîîðóæ ё ííûõ of forces on territory of the foreign state or îñòàâëåíèå them on the given territory contrary to his(its) will and for interference in his(its) internal businesses (here is possible to include preservation on territory of the foreign state contrary to his(its) will of military bases);

- marine blockade in peace time of coast or ports of the foreign state (so-called « peace blockade »);

- support of the armed groups or groups of mercenaries for intrusion on territory of other state with the purpose of interference in his(its) internal businesses.

Agressive war. The most dangerous kind of the forbidden application of the armed force is the agressive war. In the international sertificates(acts) ïîñëåâîåííîãî of period this term meets extremely ðåäêî. In them such terms, as « application of force », «aggression», « the armed attack » are more often used. If the term «war» appears in the Status of League of Nations and in the Paris pact of a 1928, in the Charter a UN this term is present only in item 1 of a Preamble (short of a word in ст.107 concerning the second world(global) war), and in his(its) articles is spoken about application of force (item 4 ст.2), about âîîðóæ ё ííîì an attack (51).

In the sentence of the International military tribunal in Nuremberg agressive actions ãèòëåðîâñêîé of Germany concerning Austria and Czechoslovakia is designated as «grab», concerning Denmark, Norway, Belgium, Netherlands of Luxembourg - as «intrusion», concerning Poland, Yugoslavia and Greece - as «aggression» and in the attitude(relation) ÑÑÐ and USA - « agressive war » 1.

In the Geneva conventions on protection of victims of war alongside with the terms of «war», « condition of war » the term « âîîðóæ ё ííûé the conflict » is widely applied.

In the agreements for the mutual help, çàêëþ÷ ё ííûõ after the second world(global) war, term « the agressive war » does not meet, and the term «aggression» and « âîîðóæ ё ííîå an attack » is applied.

Whether Means âñ ё it, what concept « the agressive war » can be replaced by concepts « application of force », «aggression», « âîîðóæ ё ííîå an attack » and should not be allocated in the responsibility of a separate kind âîîðóæ ё ííîé of aggression? By no means is not present. The agressive war is and continues to remain the kind, most dangerous and attracting the widest international responsibility, âîîðóæ ё ííîé of aggression. In spite of the fact that now from life of company, the danger of agressive wars, both in world(global), and in local frameworks has not disappeared. As to the responsibility for agressive war, that, as is known, before the second world(global) war the agressive war was announced by an international crime, and in the Charter and sentences of the International military tribunal in Nuremberg, in which the principles becoming then principles of the international law are formulated, they are qualified as « crimes against the world ».

The concept of agressive war develops of two components: concept of war and concept àãðåññèâíîñòè or aggression. However neither that, nor other concept has not the conventional definition(determination) in the international law. The majority of the lawyers - международников for want of definition(determination) of concept of war the recognitions by them of a condition of war are guided by by formal criterion of the announcement of war, availability at the struggling parties animus belligerenti. For example, Л. Îïïåíãåéì writes: « the Unilateral violent actions, one state against other without the preliminary announcement of war, can be the reason of occurrence of war, but in themselves are not war, as the opposite party does not answer them by similar hostile actions, or, at least, declaration, that they consider these actions as the sertificates(acts) of war » 1. The australian lawyer - международник Äæ. Ñòðàðê states the same point of view;!from the point of view of åù ё sharply. As he said, « a Nature of war in itself becomes more exact îïðåäåë ё ííîé as the formal status âîîðóæ ё ííûõ of hostile actions, in which the intention of the parties should be a determinative. Thus, the condition of war can be established(installed) between two and more by states ïóò ё ì of the formal announcement of war, even between them active military actions » 1 never took place.

It is a point of view;!from the point of view of of the majority of the lawyers - международников does not correspond(meet) to the validity, as the state quite often begins military actions without any announcement of war and, nevertheless, both âðàæäóþùèå of country appear in a condition of war.

In soviet « the Diplomatic dictionary » yes ё òñÿ the following definition(determination) of war: « War - struggle between the states and classes by means âîîðóæ ё ííîãî of violence representing continuation of that policy(politics), which these states or the classes conducted before war ».

The agressive war it is indispensable çàõâàòíè÷åñêàÿ war, which âåä ё òñÿ àãðåññîðîì to seize a part of territory of the state - victim of aggression or completely to deprive of his(its) independent state existence. The agressive war is accompanied by claims of the state - àãðåññîðà on annexation of a part or whole territory of the state being a victim of aggression. This attribute is inherent just in agressive war, instead of all kinds of aggression. From a formal point of view;!from the point of view of the war as against other âîîðóæ ё ííûõ of the conflicts, as a rule, is connected to break of diplomatic, consular, trade and other normal attitudes(relations) between the struggling states.

Hence, the agressive war is âîîðóæ ё ííàÿ struggle begun by one state against other with the purpose of grab of a part of his(its) territory or deprivation of his(its) independent state existence and accompanying with break of diplomatic, consular, trade and other normal attitudes(relations) between these states.

The agressive war is those irrespective of, has a place the announcement of war whether or not. From it by no means does not follow, that the ìåæäóíàðîäíî-rules of law concerning war have lost force. « For the state beginning war first, the sertificate(act) of the announcement of war does not mean clearing it(him) from the responsibility for ðàçâÿçûâàíèå of aggression » 1. However íà÷àòèå of war without the announcement aggravates this responsibility, as means infringement not only norms about prohibition of agressive war, but also norms concerning management of war.

The largest and typical example of agressive war is the war ãèòëåðîâñêîé of Germany against ÑÑÐ and his(its) allies in the second world(global) war. After the second world(global) war some agressive wars took place which infortunately, have not received such qualification and appropriate condemnation from the party a UN.

Âîîðóæ ё ííàÿ intervention. Other rather dangerous kind of illegal application âîîðóæ ё ííîé of force is frequently meeting in international practice of some states âîîðóæ ё ííàÿ the intervention, that is intrusion âîîðóæ ё ííûõ of forces of one state on territory of other state with the purpose of interference in his(its) internal businesses. Such intrusion frequently is undertaken to interfere in occurring in the foreign state with internal struggle for the benefit of one of the struggling parties, or to force government of the foreign state to undertake îïðåäåë ё ííûå of action on a question which are included in his(its) internal competence. Can be and other purposes âîîðóæ ё ííîé of intervention, but all of them are usually connected by interference in internal businesses èíòåðâåíèðóåìîãî of the state, instead of with àííåêñèðîâàíèåì by all or part of his(its) territory.

Âîîðóæ ё ííàÿ the intervention can accept rather wide scales, not less, than agressive war.

In the soviet literature the opinions expressed, that between agressive war and âîîðóæ ё ííîé by intervention « there is no difference » 1. It is impossible to agree with this opinion. Undoubtedly, as agressive war, and âîîðóæ ё ííàÿ intervention represent rather dangerous âîîðóæ ё ííóþ aggression. But âñ ё they various kinds âîîðóæ ё ííîé of aggression. Distinctions between them is, that while the agressive war is undertaken to seize a part of territory of other state or at all to deprive of his(its) independent state existence, âîîðóæ ё ííàÿ the intervention usually does not put such purposes. She(it) is undertaken to spread in èíòåðâåíèðóåìîì the state óãîäíûé èíòåðâåíòó a political mode and government, or to impose to government èíòåðâåíèðóåìîãî of the state will èíòåðâåíòà in sphere relating the sovereignty èíòåðâåíèðóåìîãî the states.

The agressive war too can put the purposes of change public and political building other struggling party in a favour àãðåññîðà (such purposes, for example, put Israel in war against the Arabian states in 1967г.), but indispensable attribute of agressive war is the aspiration to grab of territory of other struggling party or termination(discontinuance) of his(its) independent existence, between that âîîðóæ ё ííàÿ the intervention puts before itself the purposes connected extremely in internal businesses èíòåðâåíèðóåìîãî of the state. Besides âîîðóæ ё ííàÿ the intervention can occur and without break of the diplomatic, consular and trade attitudes(relations) between the state èíòåðâåíòîì and èíòåðâåíèðóåìûì by the state, while such break comes(steps) always for want of availability of a condition of war, that is and when has a place agressive war.

After the second world(global) war the interdiction âîîðóæ ё ííîé of intervention was ïîäòâåðæä ё í widely and in åù ё to the more categorical form. First of all, it(he) directly follows from a number of the articles of the Charter a UN: as from item 4 ст.2 forbidding threat by force or his(its) application against territorial inviolability or political independence of any state, and ст.39, providing application of the international sanctions in case of threat to the world, infringement of the world and sertificates(acts) of aggression, and from ст.51, admitting application âîîðóæ ё ííîé of force by the separate states only in a case âîîðóæ ё ííîãî of an attack and, hence, not admitting it(him) in other cases.

The principle of non-interference in internal businesses of the state, including the interdiction âîîðóæ ё ííîé of intervention, was formulated in the special article (ст.15) of the Charter of Organization of the American states, in which is spoken: « Any state or group of the states under any by a pretext the rights on direct or indirect interference in internal or external businesses of any other state » have not. The speech èä ё ò both about âîîðóæ ё ííîì interference, and about any other form of interference is further spoken, that. In a 1949 the interdiction by the international law âîîðóæ ё ííîé of intervention was ïîäòâåðæä ё í INTERNATIONAL court a UN in the decision on business about a strait Êîðôó.

At last, the interdiction of the armed intervention was categorically ïîäòâåðæä ё í GENERAL Assembly a UN on å ё XX sessions in the declaration on inadmissibility of interference in internal businesses of the states, about a protection of their independence and sovereignty, according to which « is condemned not only âîîðóæ ё ííîå interference, but also all other forms of interference ». In the Resolution ХХI sessions № 2225 from December 19, 1996 by General Assembly about a course of fulfilment of this declaration the Assembly again has found by the responsibility urgently to offer to all states to abstain from âîîðóæ ё ííîãî of interference, no less than from the various forms of indirect interference.

Âîîðóæ ё ííûå the agressive shares. Alongside with agressive war and âîîðóæ ё ííîé by intervention, these most dangerous kinds âîîðóæ ё ííîé of aggression, it is necessary to stay and on other å ё kinds, sometimes is rather close them contiguous. It, first of all âîîðóæ ё ííûå the agressive shares, that is âîîðóæ ё ííûå of an attack which are not having attributes inherent agressive war or âîîðóæ ё ííîé of intervention, inherent in agressive war âîîðóæ ё ííûõ of forces of one state on territory of other state, attack âîîðóæ ё ííûõ of forces of one state on separate items of territory of other state or on marine and air court outside of his(its) territory. They can carry both individual, and systematic character. Distinctive feature of this kind âîîðóæ ё ííîé of aggression in comparison with agressive war and âîîðóæ ё ííîé by intervention is that such attacks are usually undertaken not for grab of territory of the state or interference in his(its) internal businesses, and for other purposes. More often they are undertaken that ïóò ё ì âîîðóæ ё ííîãî of pressure to force the state to execute that or other his(its) requests àãðåññîðà.

The most significant examples of agressive such sertificates(acts) are the systematic bombardments from air and artillery bombardment from the military ships âîîðóæ ё ííûìè by forces of USA against cities and íàñåë ё ííûõ of items of Democratic Republic Vietnam.

By other not less significant example âîîðóæ ё ííûõ of the agressive shares of large scale was the intrusion âîîðóæ ё ííûõ of forces of USA on territory of neutral Cambodia in May, 1970.

In a number of cases âîîðóæ ё ííûå the agressive shares are undertaken by some states under a pretext âîçìåçäèÿ for the valid or seeming offences, that is under a pretext репрессалий1.

Input âîîðóæ ё ííûõ of forces on territory of the foreign state and preservation them on it(her) for interference in his(its) internal businesses. One of kinds of illegal application âîîðóæ ё ííîé of force close contiguous to âîîðóæ ё ííîé of intervention, is the input âîîðóæ ё ííûõ of forces on territory of the foreign state contrary to his(its) will and for interference in his(its) internal businesses. As the practice of some states, in particular(personally) facts of landing American âîéñê in Lebanon and British âîéñê in Jordan in July, 1958 serving with a subject of consideration III extreme sessions of General Assembly a UN shows, such input âîéñê sometimes masks by the request of dependent government. However and in these cases it(he) is rough infringement of the international law, what the intervention «by agreement» or « at the request » èíòåðâåíèðóåìîãî of the state is, mentioned above, âîîðóæ ё ííàÿ.

To âîîðóæ ё ííîé of intervention the contents âîîðóæ ё ííûõ of forces on territory of other states, contrary to will of this state rather closely adjoins. Quite often states keeping âîîðóæ ё ííûå the forces on territory of other states, ignore requests of governments of these states, and sometimes and resolution of bodies a UN concerning a conclusion âîéñê. So, for example, Great Britain and France entering during the second world(global) war âîéñêà in Syria and Lebanon, continued to keep them and on termination(ending) war (down to April, 1946) contrary to a request of governments of Syria and Lebanon. Great Britain, France and Israel, ïðåäïðèíÿâøèå in a 1956 agressive war against Egypt, continued to keep âîéñêà on territory of Egypt and upon termination of military actions (Great Britain and France till December 22, 1956, Israel - till March 7, 1957.), despite of a number of the resolutions about an immediate conclusion âîéñê, I of Extreme special session of General Assembly a UN and XI General Assemblies a UN.

The experience shows, that presence âîîðóæ ё ííûõ of forces on territory of other states contrary to will last, as we saw, in a number of cases was direct continuation of agressive war (stay Israeli âîéñê in ÎÀÐ, Syria and Jordan) or âîîðóæ ё ííîé of intervention (stay belgium âîéñê in Êîíãî, American âîéñê in Äîìèíèêàíñêîé to Republic), is directed against territorial integrity and political independence of these states. Therefore it, undoubtedly, is illegal application of force infringing by item 4 ст.2 of the Charter a UN.

Marine blockade in peace time. A kind of illegal application âîîðóæ ё ííîé of force is so-called « the peace blockade », that is blockade by naval forces one or several states in peace time. Å ё as difference from blockade made during war, it is accepted to consider(count) that she(it) is accompanied not by confiscation, and only by temporary detention on period of blockade of courts of the third states trying å ё to tear. As the history of the international attitudes(relations) testifies, « the peace blockade » is usually applied large äåðæàâàìè as the instrument âîîðóæ ё ííîãî of pressure on weaker государства1. Some lawyers -международники try to prove « legitimacy of peace blockade » as to a version âîîðóæ ё ííûõ ðåïðåññàëèé, ostensibly admitted international правом2. Actually so-called « the peace blockade » is the sertificate(act) âîîðóæ ё ííîé of aggression - in such quality she(it) and appears in the London conventions of a 1933 - and certainly is forbidden under the Charter a UN both by virtue of item 4 ст.2, and by virtue of ст.39.

In period after the second world(global) war the largest case of application « of peace blockade » was so-called «quarantine» announced by government of USA concerning Cuba in October, 1962.

Support âîîðóæ ё ííûõ of groups and groups on ё ìíèêîâ for intrusion on territory of other state. At last, among kinds of illegal application âîîðóæ ё ííîé of force the support âîîðóæ ё ííûõ of gangs and groups on ё ìíèêîâ for intrusion on territory of other state should be mentioned with the purpose of interference in his(its) internal businesses, in particular(personally) with the purpose of suppression occurring in í ё ì íàöèîíàëüíî-îñâîáîäèòåëüíîãî of movement(traffic). Åù ё in the agreements about íåíàïàäåíèè, çàêëþ÷ ё ííûõ the Soviet Union with other states in 20-th and 30-th years, provided the obligations of each party to not admit and to interfere with organization and activity on the territory âîîðóæ ё ííûõ of groups putting by the purpose struggle on territory of other party against å ё of government, for an overthrow state building, against integrity å ё of territory or appropriating(giving) to themselves a role of government by all or part å ё of territory. In the London conventions on definition(determination) of aggression of a 1933 of the party consider as one of kinds âîîðóæ ё ííîé of aggression support by the state, « rendered âîîðóæ ё ííûì to gangs, which being are formed(educated) on his(its) territory, have intruded on territory of other state, or failure(refusal), despite of requests of the state which has undergone to intrusion to accept on own territory all measures, dependent on him,(it,) for deprivation of named gangs of the help or protection » (item 5 of an item. II). In the project of the code of crimes against the world and safety of mankind accepted the Commission of the international law a UN on å ё of 6-th session in a 1954, as one of such crimes specified « organization by authorities of any state or encouragement by them of organization âîîðóæ ё ííûõ øàåê within the limits of his(its) territory for intrusion territory of other state, or assumption of use by such âîîðóæ ё ííûìè øàéêàìè of his(its) territory as operative base or basic point for intrusion on territory of other state, no less than direct sharing(participation) in such intrusion or support those » 1.

**Глава-II. Economic sanctions as a measure of the responsibility for offences**

**1.1. EXPORT EMBARGO.**

The legal problems of the sanctions, as we saw above, have involved(attracted) from the very beginning of formation(training) a UN most serious attention of its(her) bodies both various international conferences and commissions. The commission of blockade recommended to prepare, and from time to time to revise the list of the goods of military significance, defining(determining) thus ýâåíòóàëüíóþ area of application of economic sanctions.

The economic sanctions can accept the double form: the form of prohibition of export in country - àãðåññîðà of the raw goods have mainly military significance, and form of prohibition of import from this country. The most effective form of economic sanctions is the complete blockade of this country both on import, and on экспорту1. Before that how to disassemble a question on efficiency of application of the sanctions, it is necessary even in brief features to stay on a general(common) problem of significance of economic sanctions.

We shall begin our analysis from a question on embargo on the raw goods have military significance. First of all it is necessary to tell, that concept " military significance " for the raw goods rather rather. If to take only such raw material, which goes directly on manufacturing of a means of war, and in this case, considering extreme development of military industry, the list will be rather wide. It is necessary to consider(count) as such raw material not only products serving directly for manufacturing áîìá, ãðàíàò, bullets, guns and ò.ä:, such goods here concern also which are necessary for production of military planes, military courts for carriage âîéñê, let alone raw material for production of chemical means of war; at last it is necessary to consider(count) as military raw material products necessary for production of regimentals for army. All this shows, that the list of raw material have military significance, is in modern conditions rather wide. The British royal institute on international businesses in interesting work under heading of "Sanction" schedules the following list of the most important goods have military significance:

- coal and the coke - for production of steel, for power facilities(economy) and transport, and is equal indirectly for production of explosive substances and õèêàëèé;

- petroleum - for all types of transport;

- clap(cotton) - for production of explosive substances;

- wool - necessary material for various productions have and military significance;

- rubber - for various productions, mainly for electrical mechanical engineering and transport;

-глицерин - for production áåçäûìíûõ of gunpowders;

- iron ore and pig-iron - for production of arms, military equipment, railway equipment and any sort of construction;

- lead - for production of arms, and also for production of acids necessary for explosive substances;

-медь, coal, tin, êàäìèé - for production of the weapon, military equipment and electroindustry;

-никель - for a different sort of arms;

- aluminium (áîêñèòû) - for construction of planes;

- the tin - is widely used for production of explosive substances;

- platinum - for chemical preparations, in particular(personally) for want of production íèòðàòîâ;

-антимоний, ôîñôàòû, ìàãíèçèò, ìàðãàíöîâûå of ore, ìîëèáäåí, âîëüôðàì, õðîì - for metallurgy;

-асбест - for mechanical engineering, for production of the weapon;

- graphite - for production and ïëàâêè of metals;

-силитра - important element for production of explosive substances;

- sulfur - for production of explosive substances;

-мышьяк, áðîìèí, õëîðèí, phosphorus - for chemical industry and for production poisonous газов1.

It is impossible to recognize the list this comprehensive. From the indicated transfer ÿâñòâóåò, that ýâåíòóàëüíîå the embargo on exportation of raw products imposed by way of economic sanctions, inevitably mentions not only specially military production, but also production of countries working for civilians. It is very difficult to conduct a side between military and civil production. It is well-known, that during the second world(global) war a lot especially of peace productions fast was adapted to production of means of destruction. It is enough to result even simple example of canning factories fast adapted to production of shells. It is well-known, that the tractor factories can be used for production of tanks. The military significance of factories of artificial silk (i.e. product widely used for the so peace purposes, as for example ladies' linen) also widely is known. Attempt to conduct a side between military and civil production and to limit embargo only to raw material necessary for needs(requirements) of war, it is necessary to consider(count) completely hopeless. From here follows, that the economic sanctions on a line of raw embargo can be effective only in the event that the importation of raw material in country - àãðåññîðà completely or very considerably is reduced.

The important significance has and borrowing(occupying) UN a question on change òîâàðîïîòîêîâ. Uneasy to itself to present, ÷òüå) also widely it is known. Attempt to conduct a side between military and civil production and to limit embargo only to raw material necessary for needs(requirements) of war, it is necessary to consider(count) completely hopeless. From here follows, that the economic sanctions on a line of raw embargo can be effective only in the event that the importation of raw material in country - àãðåññîðà completely or very considerably is reduced.

The important significance has and borrowing(occupying) UN a question on change òîâàðîïîòîêîâ. Uneasy to itself to present, ÷òèÿ, and first of all Scandinavian countries considerably have expanded the import from "allied" countries on all not õâàòàâøèì of Germany to the raw goods, and then with large profit for themselves ïåðåïðîäàâàëè these goods of Germany. The rough growth of import of Scandinavian countries per military years was directly caused by importation for resale in Germany. Not casually Scandinavian countries have published the foreign trade statistics only after termination(ending) war. In practice now àãðåññîð, on which are applied sanctions, for example Italy, receives the scarce goods via such countries, as Germany, which is inclined to support àãðåññîðà. For struggle with this phenomenon there is only one method. This method was discussed by committee of coordination on the initiative of a French delegation maintained by a delegation USSR, but it(he) was not accepted owing to resistance rendered to it(him) by a English delegation, which did not want to limit English export and Germany. The method, offered by the French, was reduced to restriction of export of goods, on which is imposed by embargo, in countries which are not accepting sharing(participations) in the sanctions, so-called normal quantities(amounts) of average export during several last " of peace years ". While such decision not принято1.

So, economic sanctions in the form of embargo on exportation of the raw goods will quite effective in the event that they will to be applied to country requiring for importation of the foreign raw goods, all countries of the world or even by members a UN, for want of assistance of USA and if they will be accompanied by restriction of export of goods, on which is imposed by embargo, in countries which are not using of the sanctions.

For want of analysis of significance of economic sanctions and their influence on a national economy of country - àãðåññîðà, and consequently and on its(her) ability to the further development of aggression it is impossible to lose from a kind and general(common) significance of the external market for the states.

It is well-known, that the significance of modern protectionism is, that it(he) facilitates to national monopolies preservation of a more increased price level on a home market and extraction by them thus of superprofits. The advance prices on a home market can be supported only under condition of restriction of sales inside country. The exclusive excess profit is a source of cover of the losses from dumping on the external market. The monopoly prices in turn become the factor of the further narrowing of a home market, reducing demand and lowering a buying power of the broad masses, and without that taking place in conditions growing îáíèùàíèÿ. Colliding with growing narrowing of the market inside country, the monopolies are compelled to throw out the increasing quantity(amount) of products on the external market, where these monopolies collide with fierce resistance of the competitors asserting the items. It is no wonder, that for want of growing process of narrowing of a home market the external market for these countries acquires the increasing significance.

For understanding of dependence of the advanced country from export it is absolutely not enough to define(determine) the so-called export quota of this or that country. For example, though USA have the lowest of all industrial countries of the world the export quota, however this quota is extremely various in application to separate branches of facilities(economy). Íèæåïðèâîäèìûå the data show, that the export quota made in 1989 on such leading branch for ïëàíòàòîðñêèõ of staffs(states), as a clap(cotton), 54,8 % and on such leading branch for the whole facilities(economy) of USA, as automobiles, 14%. Hence, though in general(common) production of USA only 8-10 % fall on export, the importance of export for separate branches of facilities(economy) of USA is incommensurable more than these conditional figures. The data for 1989г. (in %) хлопок-54,8; табак-41,2; writing машины-40,1; медь-30,0; шмальц-33,3; lubricant масла-31,0; òèïîãðàôè÷åñêèå машины-29,2; sewing машины-28,0; agricultural машины-23,3; локомативы-20,8; автомобили-14,0) 1.

Though the general(common) export quota of industrial production of Germany makes 20-25 %, the valid significance of export for german facilities(economy) will be even more. It is enough to tell, that on production of toys, musical tools, on the point mechanics and optics the export quota of Germany makes more than 50 %, on chemistry and electronics - from 30-50 of % etc. Let's recollect, that in 1990-1991гг. From all industrial production of Germany only 20 % was consumed by(with) its(her) agriculture. On a home market any of the modern advanced countries cannot find the market, which could replace the dropping out external market. Therefore it is obvious, that the sanctions used to import from country àãðåññîðà, should result in most serious shocks in a national economy of this country. By losing export, this country will fail to find of sufficient replacement on the home market. It means curtailing production, growth of unemployment, increase of crisis in an agriculture. The importance of these sanctions is increased, certainly, depending on a share(!long) of export in internal production on major branches of facilities(economy) appropriate countries. From this point of view;!from the point of view of the sanctions of a similar sort would to the greatest degree mention such countries, as Great Britain, Germany and Japan, and in the least degree such countries, as USA and France. However, we repeat, there is no such country, which without frustration national could appear, even on time, is perfect without the external market. Is clear, that the efficiency of the sanctions in this respect depends on the marked above conditions of their application by all or majority of countries.

**1.2. EMBARGO ON IMPORT**

The economic sanctions in the form of prohibition of import from country - àãðåññîðà have by the problem deprivation of country, on which are applied sanctions, legal tenders necessary for import. The efficiency of these sanctions depends on the following circumstances: 1) .îò that, in what measure the country - àãðåññîð requires import; 2) .îò that, in what measure she(it) possesses other sources for payment in the form of receipts under the so-called invisible articles of a balance of payments.

The experience of the last years has shown, that the import of country can be subjected to significant reductions.

During the second world(global) war from the nomenclature of import of struggling countries the fancies have disappeared, the import of consumer goods was sharply reduced. All this occurs as a result of downturn of a scale of living, compression of a home consumption of the broad masses. Simultaneously there is some expansion of import of main kinds of raw material necessary for military production and production, connected to the militarian. Import under the articles of военно-raw significance, which production äåôèöèòíî in country especially is increased. This implies, that the countries to the greatest degree dependent on foreign import of the raw goods, in the least degree are capable to reduce import. In this connection we shall stay on the characteristic of import of such country, as Iraq in 1994, when this import is already compressed by conditions ïðåäâîåííîé of a conjuncture (we are founded(established) on the tables contained in statistics of international trade after 1994, issued a UN). Iraq on the basis of the further downturn of a scale of living of the workers has reduced and can even more reduce the import of food products, furs, even of tobacco, but she(it) cannot even more reduce import of ore, ìåäè, mineral oils, wool, silk, clap(cotton) and ëüíà. A minimum the third of present iraq import should be saved for want of sharpest reduction of importation in Iraq. Uneasy to itself to present, that in these conditions the complete termination(discontinuance) of export from Iraq even for want of preservation of foreign trade at a level of one third can serious complicate a rule(situation) of country.

For valuation of the economic importance ýâåíòóàëüíîãî the applications of the sanctions to Iraq need to be taken into account specific organization âíåøíåõîçÿéñòâåííûõ of communications(connections) of this country. Having insignificant gold reserves and requiring large raw and food import, Iraq has constructed the communications(connections) with the majority of countries of the world (except USA) on áåçâàëþòíûõ accounts, on the basis of the clearing agreements. Thus import of Iraq is paid by extremely its(her) export, moreover, the import of Iraq from the given country is paid as a rule, export to the same country. This specific feature âíåøíåõîçÿéñòâåííûõ of communications(connections) of Iraq hinders transferring its(her) import from one country on other. It means, that the prohibition of export from Iraq in the certain group of countries is for facilities(economy) heavy impact, as that prohibition automatically means for Iraq the termination(discontinuance) of import from this group of countries and respective import relief and all supply of iraq import and all supply iraq хозяйства1.

If we shall take Japan, the picture will be approximately same, with that only difference, that necessary import of Japan by virtue of some more greater its(her) dependence on the external market will be $much more(greater) and will make not less than halves of present import. The truth, import of a clap(cotton), which makes a third of all import of Japan, in case of application to Japan of economic sanctions would undergo to strong reduction, as the clap(cotton) this goes in the significant part on production of cotton fabrics for export. The reduction of export would result in import relief under this article. Nevertheless for want of of existing dependence of Japan on the external world we consider(count), that, evaluating necessary import of Japan in 50 % of its(her) normal import, we do not miss true.

In the same rule(situation) there is a majority of countries of the world, except for Great Britain, USA and partly of France, and also several small countries (Holland, Belgium, Switzerland), which, being the creditors of the world, have the active articles of a balance of payments in the form of receipts under the credits, given by them. These active articles can in turn limited to application of the sanctions in the form of temporary suspension of payments on debts of old standing.

Some appreciable investments abroad possess only Great Britain, USA and France. The investments of other states are rather insignificant. It is necessary also to take into account difficulty of mobilization of these capitals in case of necessity, and also aspiration separate êàïèòàëèñòîâ, engaging these investments to evade from transfer to their government.

The efficiency of prohibition of import from country - àãðåññîðà, prohibition depriving this country legal tenders, can have an effect not at once, if countries - àãðåññîðà have significant investments abroad or significant stocks of gold, which she(it) can realize(sell) and to use for payment of the import. Significant gold reserves possess first of all USA and France, and then Great Britain and small countries - Belgium, Holland both Switzerland. Germany and Italy some appreciable stocks of gold have not. The stocks these cannot be filled up with internal production of gold, as this production is distributed on other countries.

It goes without saying, that the efficiency of prohibition of import from country - àãðåññîðà depends on generality(universality) of this measure. If this measure will not be applied by the majority of countries of the world, she(it) will appear much less effective. It is known, that on the members the UN on the average is necessary approximately 88 % of world(global) trade.

The sanctions on the idea should induce àãðåññîðà to stop aggression; they should deprive of his(its) means for continuation of aggression. It is possible only in the event that the raw embargo will deprive country - àãðåññîðà of the most essential means necessary for continuation of war. The country, by which the embargo is applied, should require import raw material have paramount significance. Only in that case of economic sanctions can be effective. It means, that the efficiency of the sanctions is increased in a proportion of growing dependence of this or that country from foreign sources of raw material.

Perfectly understanding it, ýâåíòóàëüíûå àãðåññîðû, first of all Germany, and then Japan and Italy accepted intensive measures for creation of independence of the country from world(global) facilities(economy), for reception inside country of the foodstuffs and raw material necessary for management of war. Despite of these successes, it is possible definitely to tell, that there is no country, which would not depend on foreign raw import.

Determining significance in the world(global) coal market have USA, Great Britain and Germany. Despite of it is have a rather insignificant mineral industry, Poland in view of narrow capacity of a home market is also big exporter óãëÿ. The important place in the coal market is taken by(with) Russia, which export, truth, is insignificant owing to a huge home consumption.

On iron ore the world(global) manufacturers - France, Russia and USA. However production of USA hardly(with an effort) covers a home consumption, and on export nothing acts(arrives).

A determining role on world(global) õëîïêîâîì the market belongs to USA, India, Egypt and Brasil. The large manufacturer is as well China, which consumption is great.

On a wool the large manufacturers - Australia, Argentina, ÞÀÐ, New Zealand and USA. The production of USA completely is consumed by a home market, and this country is import ё rum of a wool.

In the market of aluminium the leading role belongs to USA, Germany, France, Norway, and also Canada.

On antimony the determining role belongs to China.

On àñáåñòó the world(global) manufacturers - Canada, Russia, ÞÀÐ.

On áîêñèòàì the managing role in the market is taken by(with) France, partly USA. The largest manufacturers are also Italy and Yugoslavia.

On õðîìîâîé the ore behind Russia as the large manufacturer is followed by(with) Turkey. An essential role plays also New Êàëåäîíèÿ.

On ìåäè the large manufacturer are by USA, the significant production is present also in Canada and Chile.

On ôîñôàòàì the managing role belongs Ñîåäèí ё ííûì to Staffs(states), France and Germany.

On lead the managing role belongs to Canada, Australia and Mexico. The production in Ñîåäèí ё ííûõ Staffs(states), France and Germany is significant.

On lead the managing role belongs to Canada, Australia and Mexico. The production in Ñîåäèí ё ííûõ Staffs(states) and then in Spain and Germany is significant. However, this product is present in the majority of countries.

The manganese in a fair quantity is present only in Russia and India.

Íèêåëü mainly is present in Canada. The rather significant production is present at France - In New Êàëåäîíèè.

The sulfur is present mainly in Ñîåäèí ё ííûõ Staffs(states) and Italy.

Ïèðèòû are distributed between sets of countries of the world.

Âîëüôðàì is present mainly in China and India.

Zinc - at a fair quantity of countries, including at Germany.

Êàäìèé - in USA, Mexico, Canada, Australia and in France.

Mercury - in USA, Italy and Spain.

Platinum - in Russia, and also in Colombia, Canada, ЮАР1.

From íèæåñëåäóþùåãî of transfer it is visible, as the dependence on the foreign market of separate countries on îïðåäåë ё ííûì to the goods is great.

Great Britain on a clap(cotton), antimony, àñáåñòó, áîêñèòàì, õðîìîâîé to ore, ìàãíåçèòó, manganese, mercury, ìîëèáäåíó, íèêåëþ, platinum, rubber, sulfur - complete dependence on the foreign market; on graphite, lead, petroleum, tin, âîëüôðàìó, wool, zinc - almost complete dependence.

France on õðîìó, clap(cotton), ìàãíåçèòó, íèêåëþ, rubber, tin, âîëüôðàìó - complete dependence; on ìåäè, graphite, lead, manganese, petroleum, sulfur, wool, zinc - almost complete dependence; on antimony and óãëþ - significant dependence.

Germany on áîêñèòàì, õðîìó, clap(cotton), mercury, platinum, rubber, tin, âîëüôðàìó, wool - significant dependence.

Italy on õðîìó, íèêåëþ, platinum, rubber, tin and âîëüôðàìó - complete dependence; on óãëþ, ìåäè, clap(cotton), iron, lead, manganese, petroleum, wool, zinc - almost complete dependence.

Japan on áîêñèòàì, clap(cotton), íèêåëþ, rubber, wool - complete dependence; on antimony, iron, lead, ìàãíåçèòó, mercury, petroleum, platinum, tin, âîëüôðàìó, zinc - almost complete dependence.

Poland on àíòèìîíèþ, áîêñèòàì, õðîìó, ìåäè, clap(cotton), graphite, ìàãíåçèòó, manganese, mercury, íèêåëþ, platinum, rubber, tin, âîëüôðàìó - complete dependence; on iron and wool - significant dependence.

Ñîåäèí ё ííûå Staffs(states) on antimony, íèêåëþ, rubber, tin - complete dependence; on õðîìó and manganese - significant dependence.

Of their analysis âûøåïðèâåä ё ííûõ of the data follows, that main countries have in the hands the control of major raw branches, is Great Britain, USA, Франция1.

The analysis supports all ïðèâåä ё ííûõ of the data the assumption, put forward by us,, that any country is not completely independent from world(global) facilities(economy). USA possess main sources of raw material, however and this country depends on foreign importation under such decisive articles of military import, as íèêåëü, rubber and tin. Is characteristic, what exactly these raw branches almost completely are supervised by the main contender of USA - England. On the other hand, England having in the world rather greater independence, âñ ё represents compact íàðîäíî - economic whole. Âñ ё it can result that in large war with the powerful contender, engaging strong fleet, British empire as the unity can turn to fiction. Between that Great Britain depends on world(global) facilities(economy) almost on all major raw branches, since a clap(cotton) and finishing rubber and petroleum.

Thus, despite of all àâòàðêè÷åñêèå óñòðåìëåíèÿ of countries preparing to new world(global) áîéíå, it was not possible by him(it) till now it will be not possible hereinafter îñòè÷ü of stable independence of world(global) facilities(economy). The limits àâòàðêè÷åñêèì óñòðåìëåíèÿì are fixed largely ðèðîäíûì by distribution of natural riches. The successes of a science have managed to a certain extent ìÿã÷èòü this natural division of labour. So, already there is a synthetic petroleum, rubber and apparently synthetic clap(cotton). However seller's price of these productions a synthetic clap(cotton). However seller's price of these productions in the world åù ё does not allow completely to replace natural kinds of raw material synthetic. Furthermore(in addition to) and the modern science åù ё has not reached complete replacement of all kinds of raw material artificial or substitutes. As far as it is known, åù ё the replacements for example such colour metals, as tin and íèêåëü have not found to themselves.

Taking into account these circumstances, ýâåíòóàëüíûå àãðåññîðû go not only on a line of expansion of internal production of scarce kinds of raw material and experimental ïîñòàíîâêè÷åñêèé a clap(cotton). However seller's price of these productions in the world åù ё does not allow completely to replace natural kinds ñû

Ðüÿ synthetic. Furthermore(in addition to) and the modern science åù ё has not reached complete replacement all

Х kinds of raw material artificial or substitutes. As far as it is known, åù ё the replacements for example such colour metals, as tin and íèêåëü have not found to themselves.

Taking into account these circumstances, ýâåíòóàëüíûå àãðåññîðû go not only on a line of expansion of internal production of scarce kinds of raw material and experimental ïîñòàíîâêáùåíèé. Opposite(on the contrary), such countries, as Italy, Japan and Germany, in view of availability in these countries of the powerful productive device for want of of poverty by natural raw resources would be essentially constrained in the actions by application of embargo on main kinds of raw material.

For want of application of embargo on raw products it is necessary to take into account, first, generality(universality) of a used measure and, secondly, availability in country of stocks of raw material. The members a UN, as ÿâñòâóåò from the analysis of the mentioned above data, supervise from major kinds of raw material only tin, íèêåëü and rubber. But already without USA and Egypt it is impossible with complete efficiency to apply economic sanctions on a clap(cotton); without USA it is impossible to use sanctions on petroleum, ìåäü and sulfur; without Germany and partly USA (though here production óãëÿ in main is consumed inside country) it is impossible to apply embargo on a corner; without USA and Germany it is impossible to apply embargo on iron, steel, zinc and lead; without USA and Italy it is impossible to apply embargo on mercury.

Thus, the main role of USA and significant role of Germany in the market of the major raw goods is ñåðü ё çíûì an obstacle for effective application of economic sanctions a UN.

The question on stocks of raw material has essential significance: if for example on petroleum it is difficult because of necessity to have extremely îáú ё ìíûå of storehouse to create stocks more, than on some months, already on ores iron and manganous, on colour metals etc. it is possible to prepare stocks on some years. It weakens significance of economic sanctions, which in this case can only complicate long and " large war " for country - àãðåññîðà, but cannot prevent military actions àãðåññîðà in the first time.

Summarizing all told, the rather effective means in a case is possible to come to a conclusion, that economic sanctions in the form of prohibition of import from country - àãðåññîðà -:

1). If the structure of import of the given country is those, that the significant share(!long) it(him) is taken by(with) raw products, which importation almost can not be ñîêðàù ё í;

2). If the structure of the payment ё æíîãî of balance of this country is those, that she(it) does not possess instead of dropping out export of the significant payment ё æíûìè means under the invisible articles;

3). If this country does not possess significant stocks of gold and precious metals and does not extract at itself;

4). If she(it) does not possess abroad easily sold investments;

5). If in import of this country the significant sharing(participation) is accepted by(with) countries which are applying sanctions.

Ïðèâåä ё ííûé the analysis is higher proceeds from that rule(situation), that all members a UN participate in the sanctions.

2.3. Additional kinds of economic sanctions

The sanctions are compulsory measures used to the state - infringer. They can be applied by international organizations (universal and regional), group of the states or separate of государствами1.

The sanctions for an encroachment on the international world and safety are stipulated in an item 39, 41 and 42 Charters a UN.

The sanctions as the form of compulsion are applied only in case of fulfilment of a heavy international crime. It is impossible to consider(count) application of the sanctions in other cases lawful, for, in essence, the sanctions are reaction to deliberate fulfilment of illegal actions or deliberate causing âðåäà. For the second world(global) war to the states - àãðåññîðàì were applied the political and economic form of the sanctions. So, after unconditional êàïèòóëÿöèè ãèòëåðîâñêîé of Germany according to the Declaration from June 5, 1945 allied äåðæàâû have undertaken functions of a supreme authority, have carried out its(her) disarmament and äåìèëèòàðèçàöèþ, liquidated and have forbidden íàöèñòñêèå of organization. In Germany was established(installed) îêêóïàöèîííûé a mode.

The economic sanctions are applied in case of infringement by the state of the international obligations connected to causing of a material loss or for the sertificates(acts) of aggression. She(it) can be expressed in the form of an export embargo, embargo on import, complete embargo, and also reparations, restitutions, ðåïðåññàëèé and ñóáñòèòóöèé.

The reparations - represent reimbursement of a material loss in money terms, goods, services. Volume and kind of reparations, as a rule, are applied on the basis of the international agreements. The sum of reparations. Usually, is significant less than volume of damage caused by war. For example. Under the decision of a Crimean conference of a 1945 of a reparation from Germany have made only 20 ìëðä. Dollars. The agreement on the termination(discontinuance) of war and restoration of the world in Vietnam from January 27, 1973 obliged USA only to introduce " the contribution in çàâëå÷åíèå of wounds of war and ïîñëåâîåííîå construction of Democratic Republic Vietnam and all Indochina " 1.

Restitution - this return in a nature of property wrongfully withdrawed and exported by the struggling state from territory of the opponent. For example, according to the Peace agreement between allied äåðæàâàìè and Italy from February 10, 1947 Italy has undertaken to return " in possible the shortest term the property exported from territory any Incorporated Nations " 2.

Object of a restitution can be also returning of the wrongfully seized or wrongfully delayed property in peace time, that is outside of communication(connection) with military actions.

A version of a restitution is ñóáñòèòóöèÿ. She(it) represents replacement of the wrongfully destroyed or damaged property, buildings, art values, personal property etc.

Ðåïðåññàëèè (unaided) are lawful compulsory actions of one state against other state. Ðåïðåññàëèè are applied by one state in reply to wrongful actions of other state with the purpose of restoration of the infringed right. They should be proportionate to the caused damage and that compulsion. Which is necessary for reception of satisfaction.

Ðåïðåññàëèè can be expressed in a complete or partial break of the economic attitudes(relations), railway, marine, air, mail, telegraphic, radio or other messages, and also in break of the diplomatic, trade and economic attitudes(relations), embargo on importation of the goods and raw material from territory of the state - infringer etc.

Ðåïðåññàëèè should be terminated on receipt of satisfaction. The modern international law forbids armed ðåïðåññàëèè as a means of the resolution of disputes and разногласий1.

In the international law to reimbursement is subject the valid material loss (direct and indirect). The missed profit is not usually reimbursed.

It is exclusively(extreme) on the basis of the agreements there is such version of the economic responsibility, as absolute. Or objective, responsibility. The speech in this case goes about the responsibility arising without dependence from fault ïðè÷èíèòåëÿ of damage, that is for damage caused during lawful activity.

It is necessary to the affected party to provick only direct ïðè÷èííóþ communication(connection) between action (inactivity) and ущербом1.

There is a concept of contractual restriction of the absolute liability on the sum which is being a subject to reimbursement. In the agreement the limiting maximum sum of indemnification which is being a subject to payment to the affected party almost always is underlined. For example, the maximum sum of reimbursement is stipulated under the Convention on reimbursement âðåäà, caused by a foreign air vessel to the third persons on a surface, 1952 " as a result of fall of an air vessel " 2.

In these cases the affected party cannot apply for reception of the sum exceeding an established(installed) limit, even if the actual damage exceeds this sum. At the same time the maximum limit is paid not automatically: if the sum of the proved damage is lower than this maximum, the affected party can apply for reception only her(it).

The contractual restriction of the responsibility on the sum represents some kind of protectionism in relation to use of engineering being a source of increased danger, but necessary in interests of the people (aircraft, atomic engineering etc.). In this case there is a distribution of burden of the losses arising as a result of damage, between the dissatisfied party and ýêñïëóàòàíòîì of a source of damage.

The contractual establishment of the absolute responsibility guarantees reimbursement of damage suffering even in the event that ïðè÷èíèòåëü of damage refers that all his(its) actions were not infringement of the right.

**The conclusion.**

The problems of application of the international sanctions are specific, are rather complex(difficult) and ìíîãîãðàííû. The progressive development and êîäèôèêàöèÿ of norms and principles of the responsibility in the international law requires(demands) the analysis and coordination of many questions, each of which should be considered and ó÷ò ё í so that correctly and full to reflect changes in this area of the international law, which have taken place in the last time.

The correct reflection of these changes is law of development of the modern international law. The necessity of special research of problems êîäèôèêàöèè both progressive development of norms and principles of ìåæäóíàðîäíî-deterrents of law is dictated by the increased role of the international law as a legal basis of the international attitudes(relations), increase of his(its) efficiency in business of consolidation of the world and safety, in the decision of major problems of a civilization.

At the present stage existence of the independent sovereign states the international attitudes(relations) are displayed as ìåæäóíàðîäíî-legal, basing on the legally fixed principles and norms of behaviour of the states. The functions of the international law consist in normative fastening of the rights about the responsibilities of the states arising during their dialogue. The international law should be considered in quality íàäñòðîå÷íîé of a category not above one international economic attitudes(relations), and above the international attitudes(relations) in a broad sense, covering all set of the attitudes(relations) between the states and peoples. Scientifically reasonable use of the ìåæäóíàðîäíî-rules of law and principles enables not only actively to influence the international attitudes(relations), but also largely to direct their course.

Into a problem of the international law enters not only establishment of the rules of behaviour of the states in this or that area of their international activity, but also development(manufacture) of norms and principles guaranteeing observance of these rules. One of major and tested ìåæäóíàðîäíî of legal tools in this business is the principle of the international responsibility of the states and other subjects of the international law for infringement of their international obligations, and also for harmful consequences for want of of lawful activity in separate spheres of interstate cooperation.

The development of the international law represents integrally interconnected process of an establishment and modernization both rules of behaviour of the states, and norms and principles ensuring their observance, including application of international economic sanctions. However now of this unity is not observed. In development of norms and principles of the international sanctions in the international law the blank was formed. Norms and principles of the ìåæäóíàðîäíî-legal responsibility of the states not êîäèôèöèðîâàíû, though such necessity has ripened already for a long time. To fill in this blank an essential problem of the modern international law. It is possible without exaggeration to tell, that êîäèôèêàöèÿ and the progressive development of norms and principles of application of the sanctions can serve as the important condition hereinafter progressive development of the international law as a whole.

To the states is not indifferent, in what direction, by what criteria and in what volume will êîäèôèöèðîâàíû and was progressively be advanced norm and principles of application of the international sanctions. On the correct decision of these questions depends, what influence these norms and the principles will render on ñóäüáû of the world, on the decision of problems of interstate cooperation, on the further progress of mankind.

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